

Item No.1

**EFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Original Application No.25/2025(CZ)
(I.A.No.33/2025)**

Rajendra Tiwari

Applicant (s)

Vs.

Union of India & Ors.

Respondent(s)

Date of Hearing: 06.03.2025

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant (s):

Mr. Vaibhav Pancholy, Adv.
Ms. Akanksha Pancholy, Adv.

For Respondent(s):

ORDER

1. The issue raised in this application is the encroachment on the forest land.
2. The Contention of the applicant are that the land situated in Khasra No.252 of Village Bassi Sitarampura is reserved forest land of Vankhand Amer-54 and recorded in the name of forest department and Private Respondents have encroached upon vacant portion of reserved forest land of Khasra No.252 of Village Bassi Sitarampura and at present they are raising construction upon reserved forest land without any authority of law and as such same is derogatory to Section 2 of Forest Conservation Act, 1980 and guidelines of Hon'ble Apex Court in Case of T.N. Godavarman dated 12/12/1996. The Photocopy of Judgment

dated 12/12/1996. Respondents have not obtained the prior Consent to Establish and Consent to Operate under the provisions of Water Act, 1974 and Air Act, 1981 and it is under clouds as to from where respondents are procuring the water for the ongoing construction and the source of water for the construction already raised is also under suspicion and in absence of consents under the provisions of Water Act, 1974 and Air Act, 1981 the construction is being raised.

3. A substantial issue of environmental has been raised. Issue notice to the respondents. Returnable within four weeks.
4. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
5. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
6. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:
 - (i) One Representative from the Addl. Chief Secretary, Forest and Wildlife, Govt. of Rajasthan (Rajasthan)
 - (ii) One Representative from the Principal Chief Conservator of Rajasthan, Govt. of Rajasthan (Rajasthan.)
 - (iii) One Representative from the Rajasthan State Pollution Control Board, (Rajasthan)
7. The Committee is directed to visit the site and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

8. Applicant is directed to supply the required documents and copy of the application to the committee and the respondents within a week and after compliance of service, the Applicant has to submit an affidavit that notices and copy of the application have been served upon the committee and respondents.
9. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
10. An application has been moved i.e. I.A. No. 33/2025 with the allegation that private respondents are raising illegal construction on the reserve forest land of Vankhand Amer-54 without any authority in violation and in contravention of Section 2 of Forest Conservation Act, 1980. DFO concerned is directed to visit the site, inspect it, take the measurements and in case if it is found in the forest area the construction must be stopped immediately. In the meantime, respondents are directed to file the reply and objections.

List it on **1st May, 2025.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

6th March 2025
O. A No. 25/2025(CZ)
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