

Item No. 02

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

Original Application No. 163/2023(CZ)

Sheikh Nizamuddin

Applicant(s)

Vs.

State of M.P. & Ors.

Respondent(s)

Date of Hearing: **14.11.2024**

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

For Applicant (s): None.

For Respondent(s): Mr. Mehul Bhardwaj, Adv.
Mr. Pranjal Pandey, Adv.
(for Ms. Parul Bhadoria, Adv.)

ORDER

1. Issue raised in this application is violation of Forest (Conservation) Act, 1980 and encroachment on the forest land in compartment no. 678 of forest of Raghogarh Tehshil and District Guna (M.P.). It is alleged that some persons have by way of encroaching the land converted it for personal use in violation of environmental rules.
2. The matter was taken up by this Tribunal on 07.11.2023 and a committee consisting District Collector Guna, DFO Forest, District Guna, and one representative from the State Pollution Control Board was constituted with direction to submit the factual and action taken report.
3. The Joint Committee visited the site and submitted the report with following points :-
 - i. In Forest Range - P678 there are cutting of more than 64 trees from 01.01.2021 to 30.11.2023
 - ii. There are encroachment of 26.487 hectare of land illegally without any authority and are being used for cultivation.

- iii. There are encroachment of more than 7.457 hectare of forest land against which matter has been reported to the appropriate authority for removal of encroachment but nothing has been done.
- iv. There are another encroachment on 19.030 hectares of land by 23 persons.
- v. There are certain constructions and the matter has been reported to the Chief Executive Officer, District Panchayat, Raghogarh for taking necessary action. There are issue of patta by the District authorities in violation of Section 4 of the Indian Forest Act. The matter has been reported to the Collector for taking necessary action.
- vi. A land in Khasra No. 24/15 which is approximately 2.091 hectares, has been a matter of transfer transaction in violation of forest rules against which the matter has been reported to the Collector for taking action.
- vii. There are various encroachments on the forest land and no action has been taken by the District authorities. The Forest Department has repeatedly reported the matter to the District Administrations.

4. The matter was taken up by this Tribunal on 19.01.2024 and this Tribunal observed as follows :-

- i. *“The Annexures attached with the report reveal that repeated notices have been issued to the persons who have encroached the forest land and Chief Executive Officer, District Panchayat, Raghogarh has also been communicated but no action has been taken by the authorities concerned for removal of the encroachments. No right and title may be accrued in favour of any person after the notification in the forest area except the decision taken by the Settlement Officer of Forest as mentioned above, if*

there is any controversy with regard to the right, title and interest the matter may be placed and decided by the Settlement Officer of Forest, according to the rules.

ii. Annexure -11 of the report says that there are encroachments of 57.402 hectares of land and in another matter vide letter dated 18.10.2023 the Forest Officer, Forest Region Guna has communicated to the Collector Guna for removal of encroachment of more than 49.750 hectares of land. The report as attached reveals that there are huge area and continuously it is being encroached and no actions are being taken by the authorities concerned.

iii. The matter is a very serious one and involves more than 100 hectares of the land of forest which is a subject of encroachment illegally without any authority in violation of forest rules. The Department of Forest and PCB are directed that the copy of the report with annexure be provided to the member of the committee for ready reference and for taking action according to the rules. Further action taken report be filed within two months, positively. A copy of the order be communicated to Chief Secretary, M.P. for necessary action and direction.”

5. The action taken report submitted by the State of Madhya Pradesh disclosed that an additional 2.000 ha. was identified through revenue plot, which is erroneously a revenue lease issued by the Revenue Department in violation of Section 4 (1) of the Indian Forest Act, 1927 and letter has been addressed to the Tehsildar for taking proper necessary actions.
6. It is further reported that vide letter dated 18.10.2023, the Divisional Forest Officer, Guna wrote a letter to Collector, Guna regarding the cancellation of the aforementioned erroneous leases. In other 30 revenue leases, which has been distributed by the Revenue Department were identified for cancellation and letter has been addressed by the Divisional Forest Officer to the authorities concerned for its cancellation according to rules.

7. The report submitted by the Office of the Forest Officer, Raghogarh, Guna discloses that the land of the state/forest has been sold by the various persons and it is a clear violation of the sovereignty of the State, Sale of the State Land and in this way creating loss to the state land and state exchequer. Repeated letters have been addressed to the Collector, Guna and the Tehsildar, Raghogarh, Guna but no action has been taken by the Collector, Guna and Tehsildar, Raghogarh, Guna.
8. We direct that the letters addressed by the Forest Officer of the Forest Department to the Collector, Guna and the Tehsildar, Raghogarh, Guna must be strictly taken and disposed of according to rules and the Collector, Guna and the Tehsildar, Raghogarh, Guna are directed to remove all encroachments from the forest land and hand over the peaceful possession to the Forest Department according to rules and land must be demarcated, identified and protected by a viable means. In-case of non-compliance the Collector, Guna and Tehsildar, Raghogarh, Guna must submit a personal affidavit before the date of listing with the reasons for non-compliance of the orders and to attend the Tribunal's proceeding through video conference on next date, so that, the matter may be amicably resolved and the state land must be protected according to rules.

List it on **04th December, 2024.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

14th November 2024
O.A. No. 163/2023(CZ)
PN