

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 326/2014 (CZ)

Shailendra Jain vs. M/s Devi Ahilya New Cloth Market Company and 3 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate
Respondent No. : Shri Veer Kumar, Advocate
State of MP & Shri Sachin K.Verma, Advocate
Municipal Corp. Indore:**

Date and Remarks	Order of the Tribunal
Order No. 21 1st July, 2016	<p>We have heard the Learned Counsel for the parties. In the petition that has been filed the principal submission on the part of the Applicant is with regard to the violation of the green belt as indicated in the master plan for ecological and environmental purposes by the Respondent No. 1 while developing their areas.</p> <p>Shri Ayush Dev Bajpai, Learned Counsel drew our attention to the order passed by the State Govt. dtd. 27.08.2012 Annexure P-3 on page no. 37 of the paper book at sl. No. 23 the objection filed by the Respondent No. 1 for land use alteration in respect of Khasra Nos. 117, 118/2, 121/2, 124/1/2 & 125/2 at village Tejpur Gadbadi in Indore and at item no. 24 in respect of Khasra nos. 119, 120/2, 121, 124/1/2 & 125/2 from green belt to commercial / recreational have been rejected.</p> <p>In short the objection of the Learned Counsel is that the entire Khasra Nos which have been mentioned indicate as per the Respondent No. 1 himself are part of the green belt for which land use alteration was sought by the Respondent No. 1 by way of these objections which were rejected by the competent authority of the State Government. Per contra Learned Counsel</p>

for the Respondent No. 1 submitted that only part of these Khasras was included in the green belt as per the master plan needs to be located for the purposes of the maintaining green belt and No Construction Zone along with those parts of these Khasras which are outside the green belt in the master plan prepared in the year 1991.

Learned Counsel for the State also supports the stand of the Respondent No. 1 in this behalf.

We have considered the submission of the Learned Counsel for the Applicant. We are also of the view that the areas of the respective Khasras mentioned in para 23 & 24 of the order of the State Govt. Annexure P-3 dtd. 27.08.2012 are the cause for this entire confusion as areas falling outside the green belt demarcated in the master plan for utilities like road etc. which have been bifurcated or the areas of Khasra Nos. for which land use conversion have been sought should have been indicated . Be that as it may, we are of the view that based upon the master plan and the review sheet indicating the respective Khasra Nos. of the Respondent No. 1 need to be demarcated on the ground.

For the aforesaid purpose, we direct the Collector, Indore and the Director, T&CP to depute officers from their respective departments to constitute a joint team to carry our survey and demarcation of the aforesaid Khasra Nos. of the land belonging to the Respondent No.1 and indicate on the ground the areas of all the Khasra Nos. provided for the green belt, the construction of the road as well as the development as per the permission granted to the Respondent No. 1 on their approved plan.

Once the indication is made on the ground, the Collector would take a decision after inspection of the area to ensure that

the green belt has not been compromised in any manner by the Respondent No. 1. The entire exercise be completed within a period of 2 months and report be submitted before this Tribunal. In case any construction are found in the green belt they shall be liable to be removed.

For submission of the aforesaid report in terms of the aforesaid directions, let the matter be listed on **19th September, 2016.**

.....,JM
(DALIP SINGH)

.....,EM
(Dr. S.S.GARBYAL)

