

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

**Miscellaneous Application No. 89/2013**

and

**Original Application No. 56 of 2013**

in

**Tribunal at its own motion Vs. State of MP & Ors**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Respondent No. 1, 2 & 3 : Shri Sachin K. Verma, Advocate  
Shri Ayush Dev Bajpai, Advocate  
Shri G.S. Dhurvey, OIC  
Respondent No. 4 : Mohd. Alauddin, Advocate**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item no. 10 8<sup>th</sup> October, 2013</b>	<p><b><u>Misc. Appl. 89/2013</u></b></p> <p>Miscellaneous Application No. 89/2013 has been filed by the Learned Counsel, Shri Ajay Gupta, <i>Amicus Curae</i> with the prayer that the Conservator of Forest, Capital Project Administration, Bhopal be impleaded as party, in view of the fact that contradictory submission has been made by the respondents in their reply regarding the actual number of trees which are there over the land in dispute. The respondent no. 1 and 3 have submitted that only 152 trees are standing on the land in dispute whereas under Annexure R - 2/8 and R - 2/9 4390 trees of different size and varieties are said to be located in the area. The position therefore requires to be clarified by the Conservator of Forest, Capital Project Administration who has jurisdiction over the area more particularly since some of the photographs which have been filed by the respondents also indicates that there are sufficient number of trees existing and which would also fall within the definition as of 'Vriksh (Tree)' defined under Section 2 of the M.P. Vrikshonka Parirakshan (Nagariya Kshetra) Adhiniyam 2001 to which attention drawn by the</p>

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56/2013**

**8<sup>th</sup> October,  
2013**

Learned Counsel Shri Sachin K. Verma appearing for the State of MP.

In the above facts and circumstances, Misc. Application No. 89/2013 is allowed. Let notices be issued to Conservator of Forests, Capital Project Administration, Bhopal who shall be impleaded as respondent no. 5. Notice be issued for his appearance before the Tribunal on 21.10.2013.

So far as the other directions are concerned, since the copy of the application has been furnished today to Shri Sachin K. Verma, Learned Counsel for respondent no.1, 2 & 3, he may submit his reply to the specific points raised by Shri Ajay Gupta in the aforesaid application. Shri Sachin K. Verma, Learned Counsel is also directed to inform the Tribunal, after the consultation with the Department of Town and Country Planning and the local authorities regarding alternative sites that may be available for the purpose of construction of MLA Rest House in and around Bhopal.

Mohd. Allauddin, Learned Counsel for Municipal Corporation, Bhopal has submitted the reply. The reply be taken on record. He has submitted that copy of the reply has been furnished to Shri Ajay Gupta. In the reply it is contended that no permission has been sought from the Municipal Authority with regard to any development or construction or cutting of trees in the land in dispute.

Stand over to **21.10.2013**.

.....,JM  
(DALIP SINGH)

.....,EM  
(P.S.RAO)