

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 22/2013
B.L. Mishra Vs. Collector, Chhatarpur

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

PRESENT : Applicant Shri Amit Tiwari, Advocate
Respondent: Dr. Masood Akhtar, Collector, Chhatarpur
Shri Sachin K. Verma, Advocate
Shri Ayush Dev Bajpai, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 2 25th September, 2013	<p>In pursuance of our previous order dated 18.09.2013, the District Collector, Chhatarpur is present.</p> <p>Shri Sachin K. Verma, Learned Counsel appearing for respondent has submitted an affidavit of the Collector, Chhatarpur alongwith the reply.</p> <p>We have heard the Learned Counsels for the parties. It has been brought out before us that after the receipt of the report of the Committee headed by the S.D.O., Chhatarpur in June, 2011, notices to the persons named in the report for taking action in accordance with law, have been issued by the Collector and presently the aforesaid cases are pending adjudication, disposal and decision before the Addl. Collector, Chhatarpur and five cases are said to be pending before the Tehsildar Nazul, Chhatarpur. It was stated before us that in aforesaid cases the date already fixed is for today but owing to the listing of case today before the Tribunal, the concerned file has been brought for perusal of the Tribunal and hence it was submitted by the Collector that the case will be taken up tomorrow and the parties are accordingly being informed.</p> <p>We find from the proceedings that the Collector, before whom the matter came up, was prima facie of the view that certain portions which have been encroached upon and over which parties claim title, were given the title after conversion of the classification of land which was originally under the water body and the Collector has indicated that</p>

**Appl. No.
22/2013**

**25th September,
2013**

such conversion of the classification of the land has been made without due sanction from the competent authority. Since the matter is pending adjudication after show-cause notices have been served and the reply having been received by the Addl. Collector / Tehsildar, we do not intend to make any observation regarding the aforesaid observation of the Collector in the present proceedings. The authority concerned having received the reply to the show-cause notices shall proceed with the hearing of the matter in so far as the cases related to encroachment into the water body and take all possible steps to decide the same in accordance with law by proceedings on a day to day basis, as assured by the Collector before us and all steps will be taken to decide the same on or before 03.10.2013 and take action in accordance with law.

Prima facie we find from the record that in the report of the Committee headed by S.D.O. as well as the reply submitted by the respondents today, there appears to be some variations in the survey numbers regarding the encroachment into the water body i.e. Kishor Sagar Lake, Chhattarpur. Shri Sachin K. Verma, Learned Counsel shall file a supplementary reply explaining the position as it appears in the report of the S.D.O. and the reply submitted today. Shri Verma shall also submit an affidavit before the Tribunal indicating the result and progress of the cases which are pending before the Collector / Tehsildar or any other forum.

Let the matter be posted to 03.10.2013

.....JM
(DALIP SINGH)

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