

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc.Application No. 31/2014

Misc.Application No. 33/2014

Misc.Application No. 34/2014

Misc.Application No. 35/2014

Misc.Application No. 36/2014

In

Original Application No. 20/2013

Shyam Narayan Chouksey Vs. Municipal Corporation, Bhopal &Ors.

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

PRESENT : Applicant : Shri Shyam Narayan Chouksey
Respondent No.1 : Shri Asad Ullah Khan, Advocate
Respondent No. 2&3: Shri Sachin K.Verma, Advocate
with Shri Ayush Dev Bajpai, Advocate
Respondent No.4 &5: Shri V.H.Vaswani, Advocate
Intervener : Shri Mohd. Rafiq Khan
Intervener : Shri Om Shankar Shrivastav, Advocate
Intervener : Shri Nishant Goel, Advocate for
Shri Ajay Gupta, Advocate
Intervener Shri S.K.Dubey, Advocate

Date and Remarks	Order of the Tribunal
Item No. 1 20 th January, 2014	<p><u>M.A.No. 34/2014</u></p> <p>We have heard the Learned Counsel Shri Ankit Saxena on behalf of the Applicant Shri Hamid Ullah Khan. The Learned Counsel for the Applicant Shri Ankit Saxena prayed that he may be permitted to withdraw this Application as he does not wish to press the same. Therefore, the Misc. Application No. 34/2014 filed on behalf of Shri Hamid Ullah Khan S/o Late Shri Nasrullah Khan is accordingly dismissed as not pressed.</p> <p><u>M.A.No. 35/2014</u></p> <p>Misc. Application No. 35/2014 is filed by Shri Ravindra Singh Chouhan and Shri Vijendra Singh Chouhan, interveners in the Original Application No. 20/2013. The Learned Counsel submits that he will raise the objection in the separate individual applications to be filed. Therefore, the Misc. Application No. 35/2014 may be permitted to be withdrawn. The Misc. Application No. 35/2014 is accordingly dismissed</p>

**O.A. No.
20/2013**

**20th January,
2014**

as withdrawn with liberty to raise the objection by individual application separately is granted.

M.A.No. 33/2014 & 36/2014

Misc. Application No. 33/2014 & Misc. Application No. 36/2014 have been filed on behalf of five applicants i.e. Shri Ravindra Singh Chouhan, Shri Abdul Rasheed Khan, Shri Hamid Ullah Khan, Ms. Seema Shahab and Shri Arif Ansari seeking prayer for being allowed to intervene and also dismiss the Original Application No. 20/2013. The Learned Counsel for the Applicant is directed to file individual separate applications along with full set of documents to rely upon. The Misc. Application No. 33/2014 & Misc. Application No. 36/2014 is accordingly disposed of as withdrawn with liberty to the applicants to file individual Applications with legible supporting documents.

M.A.No. 31/2014

The Respondent No. 1, Bhopal Municipal Corporation (BMC) has submitted compliance report as well as Misc. Application No. 31/2014 for taking on record the maps filed alongwith the said Miscellaneous Application as well as the revenue record and the copy of the survey traced for Khasra No. 160 depicting the area of the Siddique Hassan Talab and adjoining survey numbers.

The Learned Counsel for the intervener submitted that the documents submitted by the BMC are not correct to the extent that earlier in the litigation dealt before the Civil Court, in the documents which were relied upon on behalf of the Plaintiffs at Exhibit (P-7), a map was filed by the Plaintiffs and it is their case that the area shown therein pertains to the then Khasra Nos. 3287,3286,3285,3284,3277 & 3274 which were deemed to have been altered after conducting new survey and renumbered as Khasra No. 158.

So far as the aforesaid contention is concerned the BMC shall obtain the Revenue / Settlement Commissioner documents pertaining to

the settlement / 'Bandobast' operation regarding re-numbering of old Khasra Nos. 3287,3286,3285,3284,3277 & 3274 as new Khasra No. 158 or whether these have been wrongly included in Khasra No. 160. In case that is so the BMC shall restrict their job of removing the encroachments only in to Khasra No. 160 excuding the old Khasra Nos. 3287,3286,3285,3284,3277 & 3274.

We may also clarify that while carrying out the aforesaid task to determine the extent of area in Khasra no. 160 and / or Khasra No. 158 the BMC is not prevented from proceeding in the matter for removal of the encroachments in terms of the documents submitted by them for the remaining part of the Khasra No. 160.

The Respondent No. 1, BMC has also submitted an affidavit filed by the Chief City Planner of Bhopal Municipal Corporation, Bhopal stating that the Siddique Hasan Talab has also been included under the EPCO Project and feasibility report for keeping the same free from pollution and improving the quality of the water and taking remedial steps for the same is under active consideration and for the aforesaid purpose it has been included in the list of the lakes for which a DPR is being prepared and consultant has already been appointed for this purpose and Siddique Hassan Talab, Motia Talab, Munshi Hassan Khan Talab have also been included in the project being under taken by EPCO. The said affidavit is directed to be taken on record alongwith the supporting documents.

The matter be listed on **26.02.2014**.

.....JM
(DALIP SINGH)

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