

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

Original Application No. 29/2018 (CZ)

Bahuddesiya Sahri Evam Applicant (s)
Gramin Vikas Sansthan

Versus

State of Madhya Pradesh & Ors. Respondent(s)

Date of hearing: 23.07.2021

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

For Applicant(s): Mr. Dharamvir Sharma, Adv.

For Respondent(s): Mr. Sachin K.Verma,Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. By filing the present application, it is stated that the city of Chhindwara in Madhya Pradesh on account of illegal encroachments of perennial nala facing threat to the human life in the rainy season. The Nala starts from Dharam Tekri crossing the main city and meeting to the River Boadri by covering around 8 Kms. in the Chhindwara City. The nala passes through Mate Colony, Medical College (TB Sanatorium), Mandhata Colony, State Bank Colony, Mohan Nagar, Gulabra in the city of Chhindwara. The present Original Application is against both sides of encroachment on the natural drainage pattern, Nala by the residents of the city and illegal conversion /diversion / sale / lease out of the green area of the said nala by respondent no. -3, Municipal Council, Chhindwara (MP).
2. The matter was taken up on 07.07.2020, and a Joint Committee consisting of (i) Collector Chhindwara, (ii) Commissioner, Nagarpalika Nigam, Chhindwara; and (iii) State Pollution Control Board were directed to submit

Factual and Action Taken Report. The committee visited the spot, surveyed it, demarcated it and submitted the report as follows :

- i. In compliance to the orders of Hon'ble NGT the team carried out an initial visit of the area along the nalla as mentioned in the orders on 21st July, 2020. The area was revisited on 06th August, 2022 with the representative of applicant Shri Badri Sanodia. Followed by a visit on 07th November, 2020 by the Commissioner, Chindwara, SDM, Chindwara and Officer from M.P Pollution Control Board.
- ii. The nala initiates from Dharam Tekri as a natural stream carrying rainy-water and it passes through habitations of Chindwara town. The nalla is perennial as it has low to moderate flow throughout the year depending on the amount of rains received.
- iii. Major inhabited areas along the nala include- Mate Colony, Medical Colelge, Mandate Colony, SBI Colony, Mohan Nagar, Gulabra, Sanchar Colony, Vivekanand Nagar, Civil Lines etc.
- iv. Out of above mentioned residential colonies Mohan Nagar and Gulabra are the very old settlements. Houses in the localities have been constructed by the owners in absence of any approved layouts or building plans. Rest of the settlements have come up after 1984 and the layouts have been approved by the Town & Planning department in accordance to the prevailing guidelines.
- v. The nalla under subject originate from Dharam Tekri as a rainy nalla and flows across the Chindwara city draining the waters from the catchments which include several residential and commercial areas of the city. The nalla joins Bodri nalla near Vivekanand Colony. Approximate length of the nalla from its origin up to the end is 5.5 Km.
- vi. The current width of nalla was measured manually by the team at 100 meters intervals. The width of nalla before development of this area was calculated using data furnished

by the Revenue Department. The present width of nalla measured by the team and the original width as calculated from available land records were compared.

- vii. The comparative width and the average area of nalla at various intervals are presented in the table.
- viii. In old settlements (Mohan Nagar and Gulabra) the nalla was observed to be comparatively narrow because of dense construction in these settlements.

The length, present width, current area and area as per land record and the difference in area has been given in the following chart.

Table -1

| Land Mark | Length in m (Avg.) | Present width in m (Avg.) | Width as per Land Record in m (Avg.) | Current area in m ² (Avg.) | Area as per land record in m ² (Avg.) | Difference in area m ² (Avg.) | Status of the land on both side of the nallah where width reduction was observed |
|--|--------------------|---------------------------|--------------------------------------|---------------------------------------|--|--|--|
| 1 | 2 | 3 | 4 | 5 [(2) X (3)] | 6 [(2) X (4)] | 7 [(6) - (5)] | |
| Near of Model Road | 0-100 | 18.65 | 20 | 1865 | 2000 | 135 | Open land |
| Near of Model Road | 101-200 | 10.60 | 14 | 1060 | 1400 | 340 | Open land |
| Along the boundary wall Bhagwan Shrichand School | 201-300 | 8.20 | 6 | 820 | 600 | -220 | - |
| Along the boundary wall Bhagwan Shrichand School | 301-400 | 6.00 | 6 | 600 | 600 | 0 | - |
| Near Bhagwan Shrichand School | 401-500 | 2.00 | 8 | 200 | 800 | 600 | Open land |
| Near Railway culvert | 501-600 | 2.50 | 6 | 250 | 600 | 350 | Open land |
| Shivnagar Colony | 601-700 | 3.80 | 6 | 380 | 600 | 220 | Open land |
| Shivnagar Colony | 701-800 | 4.05 | 6 | 405 | 600 | 195 | Open land |
| Shivnagar Colony | 801-900 | 3.95 | 7 | 395 | 700 | 305 | Open land |

| | | | | | | | |
|---|-----------|-------|-------|-------|-------|------|-----------|
| Mate Colony | 901-1000 | 4.10 | 6 | 410 | 600 | 190 | Open land |
| Mate Colony | 1001-1100 | 3.80 | 7 | 380 | 700 | 320 | Open land |
| Culvert Near Medical College | 1101-1200 | 6.50 | 14 | 650 | 1400 | 750 | Open land |
| Near Medical College | 1201-1300 | 7.00 | 6 | 700 | 600 | -100 | -- |
| Mandhata Colony | 1301-1400 | 9.50 | 7 | 950 | 700 | -250 | -- |
| Mandhata Colony | 1401-1500 | 9.00 | 8 | 900 | 800 | -100 | -- |
| Mandhata Colony | 1501-1600 | 7.50 | 5 | 750 | 500 | -250 | -- |
| Mohan Nagar | 1601-1700 | 7.50 | 8 | 750 | 800 | 50 | -- |
| Mohan Nagar | 1701-1800 | 7.30 | 7 | 730 | 700 | -30 | -- |
| Mohan Nagar | 1801-1900 | 6.80 | 6.5 | 680 | 650 | -30 | -- |
| Mohan Nagar | 1901-2000 | 6.50 | 8 | 650 | 800 | 150 | Open land |
| Mohan Nagar | 2001-2100 | 7.30 | 7 | 730 | 700 | -30 | -- |
| Behind Mohan Nagar | 2101-2200 | 7.10 | 7 | 710 | 700 | -10 | -- |
| Behind Mohan Nagar | 2201-2300 | 7.25 | 7.5 | 725 | 750 | 25 | Open land |
| Near Parasia Road, Culvert | 2301-2400 | 8.10 | 10 | 810 | 1000 | 190 | Open land |
| Gulabara | 2401-2500 | 7.90 | 12 | 790 | 1200 | 410 | Open land |
| Gulabara | 2501-2600 | 7.7 | 10 | 770 | 1000 | 230 | Open land |
| Gulabara | 2601-2700 | 7.55 | 12 | 755 | 1200 | 445 | Open land |
| Gulabara | 2701-2800 | 7.10 | 8 | 710 | 800 | 90 | Open land |
| Gulabara | 2801-2900 | 6.80 | 10 | 680 | 1000 | 320 | Open land |
| Gulabara | 2901-3000 | 6.50 | 14 | 650 | 1400 | 750 | Open land |
| Near Civil Lines | 3001-3200 | 6.20 | 10 | 620 | 1000 | 380 | Open land |
| Near Civil Lines | 3201-3300 | 6.60 | 10 | 660 | 1000 | 340 | Open land |
| Near Civil Lines | 3301-3400 | 6.95 | 12 | 695 | 1200 | 505 | Open land |
| From Civil Line Culvert upto end of Nalla | 3401-5165 | 11.93 | 12.95 | 21045 | 22850 | 1805 | |

Conclusion:

1. It was observed that during the course of various developmental activities in the region leveling and channelization of nalla was carried out so as to maintain free flow of the nalla and for uniform constructions of roads,

culverts and other features the width of the nalla was optimized.

2. No construction was observed encroaching / obstructing the nalla.
 3. Presently the flow of the nalla from its origin was not found to be obstructed at any point.
 4. Presently, no illegal structures were found to be constructed in the nalla and in the revenue land on both sides of the nalla.
3. A perusal of the report reveals that the Committee has surveyed and demarcated the area, as per the land record and current area with difference in area. Secondly, they have also measured the width and length, in the light of the above report, we are of the view to accept the report and direct the Authorities concerned to protect the public land and ensure that there should be no encroachment or there should not be any hindrance in free flow or discharge of natural water. Accordingly, we **dispose of** this Original Application finally with the following directions:
1. The report submitted by the Commissioner, Nagarpalika Nigam, Chhindwara, Collector Chhindwara and State Pollution Control Board is accepted.
 2. Commissioner, Nagarpalika Nigam, Chhindwara is directed to protect the public land both as area found in land record as well as the present status and to ensure that there shall not be any encroachment on this land and there should not be any hindrance in the free flow of the drain.
 3. The area as found in the land record and open land shall be protected by way of wiring or any other method which are deemed just and proper by the Nagarpalika Nigam, Chhindwara.

4. In the area so protected there shall be plantation with the help of Forest Department or by the Nagarpalika Nigam, Chhindwara.
5. We appreciate the efforts by the Collector, Chhindwara, and Commissioner Nagarpalika Nigam, Chhindwara and direct them to ensure the protection of the public land.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

23th July 2021
OA No.29/2018(CZ)
PU