

Item No.05

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

**Original Application No. 51/2021 (CZ)**

Hemendra Kumar

Applicant (s)

Versus

State of Madhya Pradesh & Ors

Respondent(s)

Date of hearing: 16.12.2021

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

For Applicant(s):

Mr. Prabhat Kumar Yadav, Adv.

For Respondent(s):

Mr. Sachin K.Verma, Adv

Mr. Rohit Sharma, Adv

Ms. Parul Bhadoria, Adv

**ORDER**

1. Issue raised in this application is illegal encroachment on the forest land located at Gram Bori Van Beat number 1706, more than 150 to 200 Acres of area and further leading a chance of encroachment by others, construction of homes and cutting the trees in order to convert forest land for personal purposes, and that consistence deforestation for the conversion of forest land into the agriculture land would lead to the environment degradation and irreparable loss to the environment, having adverse effect to the wildlife also.
2. The matter was taken up on 26th July, 2021 and the Committee consisting (i) Collector, Balaghat, M.P, (ii) Divisional Forest Officer (DFO),

Balaghat, M.P. and (iii) A Representative from Madhya Pradesh Pollution Control Board was constituted with the directions to submit the Factual and Action Taken Report.

3. The Committee inspected the site and submitted the report which is as follows:

In compliance of the Hon'ble NGT order a committee of following officers visited the site located at village- Bori Beat No. 1706 Tehsil-Birsa Dist-Balaghat on 10th September, 2021:

- i. Dr. Girish Kumar Mishra IAS, Collector Distt. Balaghat
- ii. Shri Alok Kumar Jain, Regional Officer M.P, Pollution Control Board Jabalpur
- iii. Shri Abhinava Pallava IFS, Divisional Forest Officer North Balaghat Division M.P
- iv. Shri MohammadMaaz IFS, SDO (F) Baihar Forest Balaghat

**Field Observations:**

- The Land is Located at Compartment No. 1706, Beat Dhopghat Range Birsa/Damoh (T) of North Balaghat Division (T) Dist. Balaghat
- Total Area Of Compt. 1706 is 365 Hectare.
- Out of 365 Hectare 185 Hectare land is covered by plantation done by the forest department and other is natural forest.
- During the site visit about 15 to 20 hectare forest land is found affected by encroachment, there is 04 kachcha house is made and they are doing agriculture works.
- The list of Encroachers No. 04, 06, 16 & 17 (in compartment no. 1706 in range birsa damoh)

**Earlier Action Taken by Authorities:**

- Forest offences registered and actions taken against encroachment in compartment no. 1706 is enclosed with annexure III.
- On 05.12.2020 a team consisting of personnels from forest department, revenue department and police department evicted 17 encroachers and freed 23.075 hectare of forest land from encroachment.
- Encroachers No. 04, 06, 16 & 17 (in compartment no. 1706 in range Birsa Damoh) from annexure IV were given eviction notice under section 80 A of Indian forest act 1927, by the Divisional Forest Officer North Balaghat (T.) division.

Legal action of removing the encroachment could not be carried out because of threats made by encroachers about harming themselves and unavailability of police force which caused an eruption of dispute causing a law and order situation.

- On 23.07.2021 Bamboo plantation work was started in compartment no. 1706 under Mahatma Gandhi National Rural Employment Guarantee Scheme by forest department. On the plantation site Dheerajlal Sahu S/o Dukhwa Sahu Village Bori with his wife & son, Belansingh S/o Jhunausingh Village Singhanpuri with his wife, Jalamsingh S/o Jhunausingh Village Singhanpuri with his wife, tried beating up the staff of forest department with sticks and tried to obstruct them in the discharge of their public functions. A written report of this incident was also submitted in the police chowky saleteki.
- On 24.08.2021 a team of forest department with the help of revenue department and police department removed encroachment from about 7-8 hectares of forest land of compartment no. 1706 and completed the bamboo plantation work in 20 hectares area under MGNREGS.

S No	Name of offender	Area freed from encroachment (approx)
1	Rambhaj S/o Tirath Gandharv Village Dorli	0.750 Hac.
2	Anuj S/o Premlal Teli, Village Bori	0.750 Hac.
3	Pitam S/o Kanhaiya Teli Village Bori	0.500 Hac.
4	Jalam S/o Jhunau Village Singhanpuri	2.500 Hac.
5	Gendsing S/o Barsan Gond Village Singhanpuri	0.500 Hac.
6	Hirmotin bai W/o Dheeraj Sahu Village Bori	3.500 Hac.
7	Sukhu S/o Vishnu Gond Village Bori	0.500 Hac.

### **Recommendations:**

In the above mentioned forest land there is definite chances of eruption of law and order Situation while carrying out encroachment removal operations. That is why a joint operation of district administration, police department and forest department in needed. Thus, this issue should be proposed to the task force so that the legal proceedings of eviction of encroachers can be done with proper planning involving district administration, police department and

forest department with proper number of female frontline staff.

Encroachers which mostly include villagers belonging to ST/SC threaten the government officials about harming themselves; falsely accusing the officials of breaking the provisions of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act 1989 and complaining with other false accusations. Thus govt. officials should be given immunity for lawfully discharging their public functions.

4. We have heard learned counsels for the parties and perused the records. The Committee consisting Collector, Balaghat, M.P has submitted the report that there are threatening to the Government official and in light of the above facts competent authority may be directed to constitute a Committee for taking action against the violators of law and to ensure the rule of law and to remove the illegal encroachment from the forest land.
5. Learned counsel Sh. Rohit Sharma has argued that the Joint Committee has submitted the report with Annexure 3 wherein from Serial No. 1 to 13, some matters with regard to the encroachment on the land in question is pending before the Court and at Serial No. 14, 15,16 and 17, proceedings were carried out, have been mentioned. He has submitted that the matters which are pending before the court should be subject to the decision of the court. Annexure 4 reveals the area which has been freed from the encroachment. He has further argued that the matter of settlement/resettlement/rehabilitation is subject of State Policy, the State may consider the above facts and take appropriate decision according to law.
6. Accordingly, we direct Secretary (Home), Government of Madhya Pradesh to constitute a Committee of competent officer to enforce the rule of law and to cooperate in removal of encroachment in District Balaghat, M.P, within 03 months from the date of receipt of this order.

7. The Secretary (Home) will personally monitor the enforcement of rule of law in accordance with the report submitted by the District, Balaghat, M.P and do the needful at his own level also.

The **Original Application No. 51 of 2021 is finally disposed of.**

**Sheo Kumar Singh, JM**

**Arun Kumar Verma, EM**

16<sup>TH</sup> December, 2021  
O.A. No. 51/2021 (CZ)  
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