

Item No.04

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)**

Original Application No.54/2025(CZ)

Sobran Yadav

Applicant(s)

Vs.

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: 23.03.2026

**CORAM: HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR CHATURVEDI, EXPERT MEMBER**

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

For Respondent(s): Mr. Prashant M. Harne, Adv. for State of M.P.
Mr. Shaurya PS Parihar, Adv. with
Mr. Siddharth S. Chauhan, Adv. for State of C.G.
Ms. Meenakshi Patidar, Adv. for R-4 with
Chief Municipal Officer, Tikamgarh

ORDER

1. Action Taken Report dated 11.03.2026 filed by the Respondent No.04- Municipal Council, Tikamgarh, Action Taken Report also dated 11.03.2026 filed by the Respondent No.36-State of Chhattisgarh, Action Taken Report dated 12.03.2026 filed by the State of Madhya Pradesh, and the Action Taken Report dated 11.03.2026 filed by the Madhya Pradesh State Wetland Authority, are taken on record.
2. Major issues raised in the present Original Application by the Applicant are the discharge of untreated water, dumping of solid waste into the wetland, illegal encroachments and unauthorized agriculture in the six wetlands of Tikamgarh. After verification by the Joint Committee constituted by the Tribunal, the allegations raised by the Applicant

have been found to be correct and it has been observed by the Tribunal that in all the six wetlands i.e., Mahendra Sagar, Brandavan Talab (Jheer Ki Bagiyta), Gwal Sagar, Hanuman Sagar, Maharaj Sagar and Shell Sagar, serious violations of Wetland (Conservation & Management) Rules, 2017, have taken place.

3. After receipt of the Joint Committee Report, the Tribunal vide order dated 11.08.2025 observed as follows:-

“2. Issue raised in this application is protection of water body namely Mahendra Sagar Talab admeasuring approximately 102.738 hectares in the district of Tikamgarh, which is also one of the major sources of potable water for the residents of the city of Tikamgarh. The extent of the water body is not being preserved by the Respondent Authorities and, off lately, it has been observed that not only is a concrete park is being constructed within the water-bound area of the said Talab, but various other encroachments are also prevalent. The Municipal Council, Tikamgarh took permission for beautification work near Mahendra Sagar Talab with certain conditions set by the Water Resources Department. However, the work violated those conditions by encroaching into the area in question, leading to a stop-work notice from the Department The water body falls within the domain of the Water Resources Department, and the Petitioner has obtained a letter dated 06.12.2024, wherein Respondent No.3, i.e., Executive Department, Engineer, Water Resources Tikamgarh, directed Respondent No.2, i.e., Chief Municipal Officer, Municipal Council, Tikamgarh, to stop the illegal construction work being carried out in and around Mahendra Sagar Talab.

3. It is further contended that there are illegal constructions and encroachments over the water body and a construction of park will reduce the Mahendra Sagar's Talab storage capacity and caused damage during monsoon flooding. The Tehsildar, vide its recent order dated 27.12.2024 has identified various encroachments around Mahendra Sagar Talab, perusal of the report reveal the fact that action be taken against all the encroachers who have been found to be in illegal possession of government land in Khasra No. 22 (Mahendra Sagar Talab). Mahendra Sagar Talab has been demarcated in accordance with the Wetland Rules, 2017 by the

Revenue Department and accordingly in terms of Rule 4 of the Wetland Rules, no construction of permanent nature can be allowed within 50 meters from the periphery of Mahendra Sagar Talab. Currently the situation is vulnerable at the area in question and there are a lot of encroachments, some of which have been identified and the encroachers have been impleaded as Respondents in the matter, but there are a lot many other encroachments which have not been identified and proper adjudication in this regard is warranted.

4. The observation of the report of the Joint Committee are enumerated as below :-

a) "The key points and issues on the basis of received information's and visual observation are as follows:

S. No	Wetlands/Talab	Aera (Ha) as per Revenue Record	Major Issues/threats
1.	Mahendra Sagar	102.738	Untreated water, solid waste, encroachment, agriculture runoff
2.	Brandavan Talab (Jheer ki Bagiya)	22.550	Encroachment, untreated water, Agriculture runoff
3.	Gwal Sagar	39.019	Encroachment, untreated water, Agriculture runoff
4.	Hanuman Sagar	35.787	Encroachment, Untreated water
5.	Maharaj Sagar	22.515	Encroachment, Untreated water
6.	Shell Sagar	6.767	Encroachment, untreated water, solid waste, highly polluted.

b) The committee found that there is no wastewater treatment system in Tikamgarh city; therefore, untreated wastewater is being discharged directly into the water bodies of the city.

c) The committee observed that, as per the revenue records, most of the water bodies in the city do not have boundary demarcation (pillars/markers) in place.

d) The committee found that there is no waste water treatment system in the Tikamgarh city, therefore the untreated waste water have been meet directly in the water bodies of the city.

e) The incomplete beautification and other related works were found to be located within the boundary of Mahendra Sagar Lake and the constructions are of permanent nature.

f) Applicability of Wetlands Rules, 2017

i. Government of India, MoEF&CC has notified Wetlands (Conservation and Management) Rules, 2017, under the provisions of the Environment (Protection) Act, 1986.

ii. In compliance of Hon'ble Supreme Court order dated October 4, 2017, (WP No. 230/2001), the Ministry of Environment, Forest & Climate Change, Government of India, issued an Office Memorandum on March 8, 2022 mentioned that the 2, 01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017.

iii. Restrictions of activities in wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 are as follows:

The following activities shall be prohibited within the wetlands, namely

a. Conversion for non-wetland uses including encroachment of any kind;

b. Setting up of any industry and expansion of existing industries;

c. Manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) 2016. Rules,

d. Solid waste dumping;

e. Discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements.

f. Any construction of permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

g. Poaching.

- iv. *National Wetland Decadal Change Atlas, 2021 published by Space Applications Centre- ISRO Ahmadabad, a total of 2,31,195 wetlands (at 1:50000 scales and area>2.25 ha) have been mapped in the Country.*
- v. *As per ISRO (2021) list a total 13565 wetlands have been mapped at 1:50,000 scale in the state of Madhya Pradesh.*
- vi. *Mahendra Sagar Lake and other wetlands/water bodies are also included in the list of wetlands of Tikamgarh district. As per the district wetland list, a total of 262 wetlands in Tikamgarh district have an area of more than 2.25 hectares.*
- vii. *Therefore, Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 shall be applicable to the six water bodies mentioned in the petition. In addition to these, Rule 4 is also applicable to all other wetlands or water bodies included in the district wetland list of Tikamgarh District.*
- viii. *In compliance of Hon'ble Supreme Court order dated 11 December 2024 (WP No. 304/2018, Anand Arya Vs Union of India & others along-with WP 230/2001 and WP No. 302/2020), the Ministry of Environment, Forest& Climate Change, Government of India, issued an Office Memorandum dated 20th December 2024.*
- ix. *Hon'ble Supreme Court has been directed that "Each of the State/UT Wetland Authorities shall complete ground Truthing as well as the demarcation of Wetland boundaries of each of the Wetland which have been identified for their State by Space Application Center Atlas (SAC Atlas), 2021 as expeditiously as possible, but definitely within period of three months from 11.12.2024.*
- x. *In compliance of the Hon'ble Supreme Court directions, the Environment Department & Revenue departments have jointly issued Collectors for a letter to all the District Revenue Wetlands. Similarly, Environment Department and Forest department have also jointly issued a letter to all the District Forest Officers (DFOs) including Tikamgarh District to complete Ground Truthing as well as the Demarcation each of the wetland which have been listed in the ISRO Atlas, 2021.*
- xi. *As per the available records on the dedicated Dashboard for Ground Truthing and Demarcation of wetlands, 100% of the work (277 wetlands) has been completed by the Revenue Officer and Forest Officer of the district Tikamgarh.*

Committee recommendation

- i. All the water bodies of the district especially which those have been mentioned in the petition should be physical demarcated the wetland boundary through pillars/Manares and also demarcates the 50 meter no construction buffer zone from the wetland boundary by district administration.*
- ii. List out the existing encroachments and illegal construction and remove them from within the wetland boundary and it 50 meters no construction zone.*
- iii. Since no Sewage Treatment Plant (STP) exists in the Tikamgarh City. Immediate action should be taken to intercept and divert existing sewage drains to prevent direct discharge into water bodies.*
- iv. Solid waste dumping is strictly prohibited in and around the wetlands/water bodies.*
- v. A necessary action must be taken to enhance the retaining capacity of the water bodies by appropriate district administration.*
- vi. An integrated management plan should be developed for the conservation and protection of these six lakes in Tikamgarh city. In particular, Shell Sagar Lake requires immediate preventive measures; otherwise, it is at risk of completely disappearing in the coming years.*
- vii. District Administration Tikamgarh & Municipal Council Tikamgarh (M.P.) shall ensure the compliance of Rule 4 of Wetlands (Conservation and Management) Rules, 2017."*

5. The perusal of report reveals that untreated wastewater is being discharged directly into the water bodies and there is no demarcation by pillars or markers and there are regular and continuous encroachments over the water bodies. Accordingly, we direct the Collector, Tekamgarh as follows:-

- i. Collector, Tikamgarh is directed to constitute a committee consisting of one Senior Revenue Officer, one representative from the Wetland Authority, one representative from the Water Works and Irrigation, and one representative from the State Pollution Control Board to identify, demarcate and protect by means of wire and pillars/munnars with no construction zone/*

buffer zone from the wetland boundary and exercise must be done within a period of 30 days.

ii. The existing encroachments and illegal constructions must be removed and to ensure that there should not be any construction within the wetland boundary plus (+) 50 meters of the no construction zone.

iii. The total area as recorded in the revenue records must be identified and protected at wetland.

iv. The Collector and the Municipal Council is directed to ensure that untreated water/sewage water must not be discharged into the water bodies and necessary action must be taken for remedial measures.

v. Solid waste dumping is strictly prohibited in and around the wetland water bodies.

vi. The retaining capacity of the water bodies must be improved.

vii. Rule 4 of the Wetland (Conservation and Management) Rules, 2017 must be strictly complied with especially in light of the order of the Hon'ble Supreme Court of India, passed in WP No. 304/2018 titled Anand Arya Vs Union of India & Ors. along with WP No. 230/2001 and WP No. 302 of 2020.

VIII. Newly construction raised must be immediately removed on the cost of the project proponent and action taken report be filed within four weeks.”

4. During the hearing of the case on 22.09.2025, this Tribunal reiterated and directions were issued to protect and conserve the wetland as per the guidelines of the Hon'ble Supreme Court, which were further communicated by the MoEF&CC vide letter dated 20.12.2024 to take necessary action as regards the directions issued.
5. On 08.12.2025, the learned Counsel for the State of Madhya Pradesh submitted an action taken report dated 21.09.2025 in compliance of the order passed by this Tribunal earlier.
6. Again, during the hearing of this case on 03.02.2026, the Tribunal in para 7 observed as follows:-

“7. We reiterate our previous order and direct the authorities concerned to protect the water bodies, identify and demarcate and protect the area by means of wire, pillars/munnars and to ensure that there should not be any encroachment within wetland and encroachment, if any, must be removed within a time frame following due process of law. It is also to be ensured that there should not be any discharge of untreated water into the water bodies and in case any violation is found, the State PCB is directed to take necessary action in accordance with law, in addition to prosecution and realization of Environmental/damage as per parameters laid down by the rules. Further action taken report be filed within two weeks by State Wetland Authority, Collector Tikamgarh, CMO Tikamgarh.”

7. After going through the action taken reports and the replies filed by the Water Resource Department and the Chief Municipal Officer, Tikamgarh, it has come to the knowledge of the Tribunal that inspite of the repeated directions, the concerned authorities have not disclosed yet, the status of demarcation and erection of munnars around these six wetlands, total number of encroachments recorded within the submergence area as also within the restricted buffer zone, number of encroachments removed in last six months and action plan to remove all the encroachments from these six wetlands mentioned above.
8. The Joint Committee Report has also reflected serious issue of discharge of untreated water in all the wetlands as also dumping of solid waste in Mahendra Sagar and Shell Sagar. This Tribunal is still unaware of the fact that whether any action has been taken by the authorities concerned as regards the stopping of the solid waste dumping as also the removal of the same from these six wetlands for restitution of its ecology.
9. As per the report submitted by the State of Madhya Pradesh dated 21.09.2025, out of these six wetlands, Gwal Sagar, Hanuman Sagar and Mahendra Sagar are under the authority of Water Resource

Department, Brandavan Talab and Shell Sagar are under the authority of the Municipal Council, Tikamgarh, and Maharaj Sagar is under the authority of Janpad Panchayat, Tikamgarh.

10. As per the compliance report submitted by the Water Resource Department, State of Madhya Pradesh, dated 02.02.2026, the Collector, Tikamgarh, has constituted a Committee vide letter dated 19.08.2025 in compliance of the order of the Tribunal but there is no mention of any action taken by this Committee for removal of encroachments and for stoppage of discharge of untreated water and conservation of these wetlands.
11. In view of above, the Tribunal reaches to the conclusion that no sincere efforts being made by the Collector-Tikamgarh, Water Resource Department and the Chief Municipal Officer in this regard till now to comply with the directions of this Tribunal in implementation of the Wetland Rules, 2017, as regards the protection and conservation of six wetlands.
12. During the hearing, learned Counsel for the Chief Municipal Officer, Tikamgarh, informed that certain efforts have been made for diversion of the untreated water which was getting discharged into the Mahendra Sagar lake, but was unable to give the full details of the action taken in this regard, even the Chief Municipal Officer who attended the proceedings through Video Conferencing was unable to provide the details to the Tribunal as regards the action taken with respect to the directions issued by the Tribunal in this matter for stoppage of discharge of untreated water into wetlands.
13. The Tribunal shows its displeasure as regards the non-compliance of the various directions issued earlier for protection and conservation of wetlands. It is the prime duty of authorities concerned to ensure

conservation and protection of these wetlands from encroachments, illegal dumping of the waste and unauthorized discharge of untreated water. This Tribunal has observed that all the authorities have failed in their duties to conserve and protect the wetlands under their control, as per the Wetland Rules, 2017; and directions issued by the State Wetlands Authority Madhya Pradesh for conservation and preservation.

14. Collector-Tikamgarh, being the head of the District Wetland Committee, who is duty bound to implement the Wetland Rules, 2017 in letter and spirit, is directed to ensure the demarcation of all six wetlands on site along with erection of munnars, identification of the total encroachments and eviction of these illegal encroachments as per the due procedure of law. We further direct the Collector, Tikamgarh, to submit the compliance report one week before the next date of hearing and to attend the court proceedings through Video Conferencing for proper briefing as regards progress made in this matter. The Collector is further directed to ensure that a Special Task Force is to be constituted for monitoring and effective protection of these wetlands in Tikamgarh to prevent further encroachments and illegal dumping of waste in the wetlands.
15. The Chief Municipal Officer, Tikamgarh, is directed to provide the details of total number of drains discharging untreated water, extent of sewage load in each drain and total quantity of untreated water discharge for all the wetlands separately. The Chief Municipal Officer is also directed to provide the details of the action plan for treatment of sewage through installation of STP with time frame and to immediately take effective measures as regards the diversion of untreated water to protect the wetlands till the construction of STP is completed.

16. The Principal Secretary, Urban Development Department, Government of Madhya Pradesh, is directed to provide sufficient fund to undertake these activities in Tikamgarh on priority basis and monitor the progress of the same.
17. It is surprising and shocking that the State PCB, being the Nodal Agency for the implementation of the various environmental laws, has not submitted its action taken and compliance report till date inspite of the fact that serious violations have been observed by the Joint Committee. The Member Secretary, State PCB is also directed to file his personal affidavit in this regard one week before the next date of hearing.
18. It is heartening to note that State Wetland Authority Chhattisgarh has initiated the process of demarcation of wetland boundaries by erection of boundary pillars. Necessary progress made in this regard may be intimated before the next date of hearing.
19. Compliance report submitted by the State Wetland Authority, Rajasthan, dated 13.11.2025 is vague and unsatisfactory, therefore, the State Wetland Authority, Rajasthan, is directed to immediately start the process of demarcation of all the wetlands in the State and erect the boundary pillars around the wetlands and take effective measures to protect and conserve its ecology. Let the compliance report be filed before the next date of hearing.
20. The Madhya Pradesh State Wetland Authority has submitted action taken report dated 11.03.2026 wherein it has been disclosed that demarcation along with ground truthing of wetlands in the State of Madhya Pradesh is currently going on. As per the report, it is likely to be completed in due course of time. It is equally important that after demarcation, erection of munnars and boundary pillars is also

completed within a time frame for effective protection of the wetlands in the State of Madhya Pradesh. It is, therefore, directed to take necessary steps to expedite this important work in due course of time and submit the progress report before the next date of hearing.

21. Considering the serious environmental issues involved as regards encroachment, discharge of untreated water and illegal dumping of solid waste in wetlands located in Municipal area/City/Urban Local Body, the State Wetland Authority of the States of Madhya Pradesh, Rajasthan and Chhattisgarh are directed to complete the demarcation and erection of boundary pillars/munnars around the wetlands located within these areas on priority basis and the progress report may be submitted before the next date of hearing.
22. List the matter on **11th May, 2026**.

Justice Pushpa Sathyanarayana, JM

Sudhir Kumar Chaturvedi, EM

23rd March, 2026,
Original Application No.54/2025(CZ)
AK