

ITEM NO.42

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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Date : 30-09-2022 This petition was called on for hearing today.

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UPON hearing the counsel the Court made the following
O R D E R

SATELLITE MAPPING TO DETECT ENCROACHMENTS OF LANDS

The matter has been placed before us as per our directions because the aspect of Satellite mapping and Geo fencing is extremely important considering that the unauthorized construction is a perennial problem. It is necessary that the modern technologies for Satellite mapping of lands and buildings to detect encroachments and unauthorized/illegal constructions and Geo fencing of lands/premises for prompt monitoring and control takes place.

On analysis of the matter, we find that in order to detect encroachment of land, a preliminary requirement was conducting satellite mapping of lands and Digitization of Cadastral Maps which apparently has already been completed in the Union Territory of Delhi under Digital India Lands Records Modernization Programme (DILRMP).

The next requirement is to obtain High Resolution Satellite Imagery of the area from Indian Remote Sensing Agency (IRSA) or other external sources such as Google. The alternative apparently

is that the aerial photographs by engaging services of drone fitted with high precision cameras as the aerial photography through high resolution drones are purported to be superior to that which are readily available through Satellite Imagery pictures.

The next step would be a Geo fencing of the Digitalized Cadastral Maps and High Resolution Satellite Imagery (of all aerial photography) by fixing reference points along the boundary of the areas selected for Mapping. Such reference points are fixed by using Electronic Total Station (ETS) and Differential Global Positioning System Equipment (DGPS) and the number of such points shall vary, depending on the area to be mapped and the topography.

Once the aforesaid two exercises are completed, the Geo reference maps are superimposed on each other to obtain changes/variations of ground realities from the Land Revenue records. Proper alignment of the Geo referenced Digitalized Cadastral Maps and Satellite Imagery/aerial photography after allowing for permissible variations between the two, shall provide the necessary details regarding encroachments.

UNAUTHORIZED/ILLEGAL CONSTRUCTION

The area development plans of the area are to be mapped which are made available by the Delhi

Development Authority (DDA). Geo reference of the area selected for mapping to detect unauthorized/illegal constructions is to take place in terms of what we have expounded aforesaid and services of drone fitted with high precision cameras to take 3D pictures of the entire area for the selected survey. These aerial photography obtained from the Drone shall be superimposed on the Geo reference area development plans to detect unauthorized usage of lands for construction within the permissible zone. The aerial photography obtained from the drone needs to be verified with individually with the approved building plans by the DDA.

ILLEGAL OCCUPATION OF LANDS/PREMISES

Geo fencing is widely used for various purposes including surveillance/monitoring of selected areas/premises requiring constant vigil and care and it would possibly be ideally used in the cases of water bodies, forests, mining areas etc. which require regular monitoring to prevent various illegalities such as encroachments, illegal mining etc. Geo fencing of premises/lands is possible only after coordinates of the selected areas/premises are available through Geo reference.

We understand that there is a Government of India funded scheme for Presentation on Digital India Land Records Modernization Programme dated 11.01.2016. It appears that there has been very little use effectively by the States and the UTs, for obvious reasons. By adopting the technologies and the schemes of the Government of India the scope of human intervention is decreased and consequently the monetary intervention.

We are of the view that the aforesaid must be implemented at the earliest and a status report in respect of the aforesaid filed before us by the concerned authorities within four weeks from today.

List on 14.11.2022.

At this stage, learned Amicus points out that in terms of our order dated 13.09.2022, space had to be arranged for the Judicial Committee of Judges appointed by us within two weeks and that nothing has happened till date. Learned ASG to ensure that the needful is done by the concerned within a week on the pain of contempt.

The Amicus is permitted to place the consolidated list of applications sought to be transferred to the Judicial Committee appointed in pursuance to further work done by them.

Learned Amicus points out that in terms of the directions by this Court dated 26.07.2022/13.09.2022,

the expenses for the Judicial Committee are to be borne out of the amounts deposited with the Monitoring Committee. Learned counsel submits that out of the total amount of over Rs.10 crore, deposited with the Committee, about Rs.8 crore plus has been transferred to this Court. The suggestion thus, is that since the Monitoring Committee had its own expenses also, the amounts be paid to the Judicial Committee out of the funds of this Court.

We direct that the Judicial Committee both for in-pocket and out of the pocket expenses may raise memos and the Registry is directed to remit payments in pursuance thereof.

In order to avoid back and forth on the issue of fixing of the fee of the Judicial Committee, we consider appropriate to fix fee ourselves.

We fix the fee at Rs.2.5 lakh each per sitting for the Judicial Committee for the time being.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)