

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.168/2023/EZ

Dilip Nath

Applicant(s)

Versus

Principal Chief Conservation of
Forest (PCCF), Assam & Ors.

Respondent(s)

Date of hearing: 02.05.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Ms. Malabika Roy Dey, Advocate for State

ORDER

1. We have gone through the affidavit of the Joint Secretary, Govt. of Assam, Environment and Forest Department dated 08.04.2024 wherein it is stated that inside the Charduar Reserve Forest and Sonai Rupai Wildlife Sanctuary there are schools functioning and indulging in non-forest activities inside the Reserve Forest area in violation of the Forest (Conservation) Act, 1980. It is stated that action has been taken by the Dhekiajuli Range Officer by lodging FIR against the Managing Committee of the Schools inside the Charduar Reserve Forest for violation of the provisions of the Forest (Conservation) Act, 1980.
2. In paragraph-11 of this affidavit, it is stated that Irrigation Department is constructing a sluice gate at Siloni River in violation of the Forest (Conservation) Act, 1980 within Charduar Reserve Forest and letter has been issued to the Executive Engineer, Udalguri Mazbat Irrigation Division, Udalguri regarding illegal construction work being carried out within Charduar Reserve

Forest without permission of the Competent Authority in violation of the Forest (Conservation) Act, 1980.

3. In paragraph-12, it is stated that a tea garden has been setup by one Jay Ram Rabha within Charduar Reserve Forest without any permission from the Competent Authority in violation of the Forest (Conservation) Act, 1980 and, thereafter, on 10.10.2017 and 27.06.2018, the Range Officer, Charduar Range was instructed to dismantle the existing and ongoing infrastructure works inside the Balipara Reserve Forest.
4. Whether it has been dismantled and forest restored has not been stated for reasons best known to the Joint Secretary, who has been filed this affidavit.
5. It is stated that an FIR has been lodged against the contractor one Sri Lalit Kr. Agarwal for violation of the Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980 by constructing 5 km long road within Sonai Rupai Wildlife Sanctuary.
6. Has the road been removed and forest restored has not been stated.
7. In paragraph-14, it is stated that polling stations under 71 Dhekiajuli, 74 Rangapara and 75 Sootea Legislative Assembly were setup within the Sonai Rupai Wildlife Sanctuary.
8. In paragraph-15, it is stated that ring wells were installed by the Public Health Engineering Department within the Sonai Rupai Wildlife Sanctuary.
9. Whether these illegal encroachments have been removed has not been stated.
10. We, therefore, direct the Chief Secretary, Govt. of Assam, to file his personal affidavit within four weeks fixing responsibility with regard to the unauthorized constructions/encroachments made

within the Charduar Reserve Forest and Sonai Rupai Wildlife Sanctuary. The Chief Secretary shall also identify the officer/officers who permitted such extensive constructions within the Reserve Forest in gross violation of the Forest (Conservation) Act, 1980.

11. The affidavit must also explain the inaction of the Principal Chief Conservator of Forest under whose very nose such illegal activities were allowed to go on since 2017.
12. We find the Ministry of Environment, Forests and Climate Change, New Delhi has not been impleaded in the array of respondents in the present proceedings. We direct Ministry of Environment, Forests and Climate Change, New Delhi, be impleaded in the array of Respondents as Respondent No.6.
13. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), is directed to accept notice on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change, New Delhi and file counter-affidavit within four weeks stating what action has been taken against the officers who has authorized constructions within the Sonai Rupai Wildlife Sanctuary and Charduar Reserve Forest as emerging from the counter-affidavit of the Joint Secretary, Govt. of Assam and what action has been taken for removing the encroachments and illegal structures and constructions.
14. The office of the Tribunal shall serve e-copy/soft copy of the Original Application along with all its annexures as well as the affidavits on record upon Ms. Amrita Pandey, Counsel for the Respondent within 48 hours.

15. **List on 03.07.2024.**

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B. Amit Sthalekar, JM

May 02, 2024,
Original Application No.168/2023/EZ
MN

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Dr. Arun Kumar Verma, EM