

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 14/2014/EZ
With
M.A. 1167/2016/EZ
M.A. 1209/2016/EZ

RAM LAKHAN SINGH
VS
STATE OF JHARKHAND & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : None.
Respondent No. 1 to 3 : Mr. Binod Kumar Gupta, Advocate
Mr. Abhishek Kumar, DFO, Dumka
Mr. Vinay Kangt Misra, DFO,
Kolhan Forest Divn, Chaibasa, Singhbhum
Mr. Satish Chandra Ram, DFO, Sarada Forest
Chaibasa
Mr. Shaba Alam Ansari, DFO, Jamshedpur Forest
Division, Jamshedpur.
Mr. Pramod Kumar Agrawal, Asstt. Conservator
Of Forest Hazaribagh East Forest Divn.
Mr. Sunil Kumar, Asstt. Conservator
Of Forest, Hazaribag West Forest Divn.
Mr. Ajoy Kumar, Range Forest Officer,
Chaibasa Forest Divn., Chaibasa.
Mr. Umakant Ram, Asstt. Conservator of
Forest, Bokaro Forest Divn.
Mr. Ashok Kumar, Range Forest Officer,
Chas Forest Range, Bokaro Forest Divn.
Mr. N.K. Patel, R.F.O. Wildlife Range, Giridih
Mr. Sheo Kumar Prasad, D.F.O. Porahat Forest Divn.
Respondent No. 4 : Mr. Somnath Ghosal, Advocate(R/4)

Date & Remarks	Orders of the Tribunal
Item No. 09 11 th January, 2017.	By order dated 10.11.2016 we had directed the Respondent No.3, i.e., the Principal Chief Conservator of Forests of Jharkhand to ensure that the materials

collected as a result of the demolition of Dharamsala be lifted and disposed off at a designated place within a period of two weeks. Accordingly we fixed the matter on 25.11.2016.

On 25.11.2016 adjournment was sought for by Mr. Binod Kumar Gupta, Id. Govt. Counsel on the ground that a Senior Counsel was yet to be engaged as directed by us. It was also informed by him that the order dated 10.11.2016 was being complied with.

We find that the approach of the State Respondents is disappointing to state at the least. In our order dated 19.12.2016, we had expressed our views that it would be ideal to have a Senior Counsel engaged by the State Respondents in the matter to assist us in arriving at an efficacious adjudication of the matter.

Today Mr. Gupta, Id. Govt. Counsel by placing a letter dated 09.01.2017 of the Principal Law Secretary and Legal Remembrancer addressed to the Advocate General of the State, submits that he has been instructed to engage a suitable Senior Counsel for conducting the case on behalf of the State.

It is observed that the State of Jharkhand is, as usual, most recalcitrant and procrastinating. The manner in which the cases of the State are being dealt

with does not reflect well on the efficiency of State machinery. When an order is passed by a Court of law it is expected of the State to comply with such order promptly since those are passed in public interest or in the interest of public order.

In view of the submissions of Mr. Gupta we grant him final opportunity to take appropriate steps in the matter. Let the letter dated 09.01.2017 be kept on record.

Mr. Gupta also submits that the order dated 10.11.2016 passed in M.A. 1209/2016/EZ could not be complied with within the stipulated period due to the topography of the area and the distance required to be covered on foot from the demolition site to the area designated for disposal on head loads.

Mr. N.K. Patel, R.F.O., Wildlife Range, Giridih, is present before us. On being asked, he informs that the work shall be completed without fail by the end of March, 2017. Although we find that there is a clear violation of our order dated 10.11.2016, in the interest of justice, we shall not issue any detrimental order subject to the condition that the entire work shall be completed within 31st March, 2017 and not a day later than that. A compliance report to this effect shall be filed on or before 3rd April, 2017.

It is informed by Mr. Gupta on instructions that large areas of forest land have been encroached upon in the Districts within their respective jurisdictions and actions have been initiated for eviction of the encroachers and cases filed against them.

Let a detailed affidavit be filed on the areas encroached thus far, steps taken against the encroachers and the present status of the actions taken on or before the next date.

There are also serious issues pertaining to the District of Dumka where it has been reported that various government structures and establishments have been set up in the protected forest. Mr. Gupta shall furnish us details of the action taken in that regard. Let this be also indicated in the report that shall be filed in pursuance of our directions.

List on 16.02.2017.

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Justice S.P.Wangdi, JM
11-1-2017

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Prof. (Dr.) P. C. Mishra, EM
11-1-2017

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