

**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** : In person
Respondent No. 1 to 3 : **Mr. Binod Kumar Gupta, Advocate**
Ms. Aishwarya Rajyashree, Advocate
Respondent No. 4 : **Mr. Somnath Ghosal, Advocate**

Date & Remarks	Orders of the Tribunal
<p>Item No. 11 11th April, 2017.</p>	<p>By order dated 11.1.2017, we had been informed by Mr. Binod Kr. Gupta, Ld. Govt. Counsel under instructions that vast areas of forest land had been encroached upon in the districts in the State within their respective jurisdictions and that actions had been initiated against the encroachers for eviction and cases also filed against them.</p> <p>In view of this submission, we had directed the State of Jharkhand respondents to file an affidavit giving details of the areas encroached upon thus far, steps taken against the encroachers and the present</p>

status of the actions taken on or before the next date.

We had also indicated that there were serious issues pertaining to the Dumka district where it had been reported that various Govt. structures and establishments had been set up in the protected forest. Direction had been issued upon Mr. Gupta to furnish details of the actions taken in that regard also.

On 16.2.2017, an affidavit was filed by Mr. Gupta informing us that it was in compliance of our order dated 11.1.2017. The affidavit had been accepted with the faith that the information was correct. But upon perusal of the affidavit, we find that it is woefully short of information which we had directed the State to furnish. The affidavit does not contain any information at all except to state that the deponent i.e., the Range Officer, Hizla East Range, Dumka Forest Division, Dumka, Jharkhand, had been duly authorised to deal with the OA and that “ all the supportive documents are official letters as annexured in connection of above mentioned case, are attached in this application are true and correct.”

We are deeply disappointed with the approach of the State respondents. This is not the first time that the State of Jharkhand is found to be casual in their response to the directions and orders passed by us. Needless to state that we had expressed our

displeasure on several earlier occasions with regard to the recalcitrant approach of the State of Jharkhand. However, we do not find any change in their attitude. It is made clear that this shall be the final occasion when the negligence on the part of the State of Jharkhand shall be overlooked.

In the interest of justice, we grant the State of Jharkhand one more opportunity to file a detailed affidavit in accordance with the direction passed on 11.1.2017 as prayed for by Mr. Gupta. The affidavit shall be filed without fail before the next date.

The supplementary affidavit filed by the applicant on 27.3.2017 is ordered to be taken on record. Since copies have been received by the respondents, they are at liberty to deal with the statements and allegations contained therein.

Let it be filed before the next date.

List on 11.5.2017.

M.A. 1167/2016/EZ & M.A. 1209/2016/EZ :

A status report has been filed by the respondent No. 4, Shri Digambar Jain Sammedachal Vikas Committee today, which is ordered to be taken on record.

It has been alleged that the order dated 11.1.2017

passed by us directing removal of all the debris arising out of demolition of the Dharmashala, has not been complied with in its letter and spirit. It is stated that instead of removing them away from the place of demolition falling within the precincts of the temple, the forest authorities have dumped the debris beside the place of demolition.

In our considered opinion, prima facie, this is in violation of not only our order but also of the undertaking given by Mr. N.K.Patel, RFO, Wildlife Range, Giridih on 11.1.2017 that the entire work shall be completed within 31st March, 2017. However, before proceeding to take up any coercive measures, we direct the respondent forest authorities to file an affidavit dealing with the allegations contained in the status report filed today, before the next date.

To 11.5.2017.

Justice S.P.Wangdi, JM
11-4-2017

Prof. (Dr.) P. C. Mishra, EM
11-4-2017

