

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 61/2024
(IA No.124/2024)

News Item titled "Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion" appearing in the Northeast Now News dated 25.12.2023

Date of hearing: 14.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Parul Gupta, Adv. in I.A No. 124/2024

Respondent: Mr. Thakur Sumit, Adv. for MoEF & CC (Through VC)

Mr. Azim. H. Laskar, Mr. Bikas Kar Gupta & Mr. Padmadhar Nayak,
Adv. for the State of Assam

ORDER

1. In this original application registered *suo-moto*, issue is about legality of diversion of 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley and allegation is that it is being constructed by passing the mandatory procedures under the Forest (Conservation) Act, 1980 for the purpose of construction of the 2nd Assam Command Battalion Unit headquarter inside the Inner Line of Reserved Forest in Hailakandi district.

2. Plea of State of Assam is that construction activity is the non-forest activity.

3. Tribunal in the previous proceedings had recorded the stand of the MoEF&CC that communication was sent to the concerned authorities of the State of Assam on 16.01.2024 seeking the requisite information but the same was not supplied whereas Learned Advocate General appearing for State of Assam had taken the stand that information asked was sent earlier but again the authorities will take steps to send the relevant

information to MoEF&CC, in this regard additional affidavit has been filed.

4. Learned Counsel appearing for MoEF&CC submits that requisite information has been received by the MoEF&CC from the State and MoEF&CC will be filing the affidavit before the Tribunal within two weeks making the stand of MoEF&CC clear.

5. I.A. No. 124/2024 has been filed by one of the resident of the area seeking implementation on the ground that respondents specially State Authorities are illegally raising the construction on the forest land.

6. Counsel for the applicant is directed to supply a copy of the IA to Counsel for the State of Assam.

7. Issue arises if the construction can be permitted during the pendency of this original application.

8. Learned Counsel for the State of Assam has not been able to disclose if the construction activity is going on whereas Counsel for the applicant in IA 124/2024 has referred to the photographs enclosed therewith to show that large scale concrete permanent construction is going on. We make it clear that if any illegal construction is raised by State Authorities on the forest land during the pendency of this original application then they will be doing so at their own risk and cost.

9. List on 23.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 14, 2024
Original Application No. 61/2024
(IA No.124/2024)
JG.