

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

Original Application No.137/2023/EZ

Bhumi Adhigrahan Visthapan  
Avam Punarwas Kissam Samiti

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 15.02.2024

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for R-1-3,8-10,(in Virtual Mode)  
Mr. Ashok Prasad, Advocate for R-5,  
Mr. Surendra Kumar, Advocate for R-6,

**ORDER**

1. Ms. Paushali Banerjee, learned Counsel is present for the Applicant.
2. Affidavit dated 13.02.2024 has been filed on behalf of the Collector-cum-Deputy Commissioner, Garhwa; the same is taken on record.
3. In para 13 of the affidavit filed by Collector-cum-Deputy Commissioner, Garhwa, it is stated that only draft publication of Eco-Sensitive Zone of Kaimur Wildlife Sanctuary is available which has been published in 1979. The final publication of the same has not yet been made.
4. We are surprised that an officer of the rank of Collector-cum-Deputy Commissioner is making a statement on affidavit which is absolutely false and negated by the documents on record.
5. The document at page no.171 of the paper book is the Notification dated 13<sup>th</sup> December, 2015, issued by the Ministry of Environment, Forests and Climate Change, notifying the Eco-Sensitive Zone of

the Kaimur Wildlife Sanctuary and this Notification itself mentions that the Kaimur Wildlife Sanctuary was notified by the MoEF&CC vide Notification No. S.O.1160 dated 20.07.1979 under the provisions of the Wildlife (Protection) Act, 1972.

6. The ignorance of the Collector-cum-Deputy Commissioner, Garhwa, is shocking. We, therefore, direct the Collector-cum-Deputy Commissioner, Garhwa, to submit his explanation for deliberately filing a false affidavit before the Tribunal.
7. Mr. Ashok Prasad, learned Counsel appearing for Respondent No.5, SEIAA, Jharkhand, prays for and is granted further two weeks time for filing counter-affidavit.
8. Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) for State Respondents, Government of Jharkhand, also prays for and is granted further two weeks for filing affidavit of the Respondent No.10, Divisional Forest Officer, Garhwa (North) Division.
9. **List on 10.04.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

February 15, 2024,  
Original Application No.137/2023/EZ  
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