

Item No.01

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.252/2023

Bhera Lal Goyal & Ors.

...Applicant

Versus

Ministry of Environment,  
Forest and Climate Change & Ors.

...Respondents

Date of hearing: 19.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Rahul Khurana, through VC and Mr. Hasil Jain,  
Advocates alongwith applicant in person.

Respondent: Mr. Purushottam Sharma Tripathi,, Mr. Amit  
Triparthi, Mr. Amit Gaur, Mr. Abhishek Tripathi,  
Advocates for respondent no. 1.  
Ms. Prachi Mishra and Mr. Dipesh, Advocates for  
respondent nos. 4 and 6.  
None for respondents no. 2, 3, 5 and 7.

**Application under Sections 14 and 15 of the National Green Tribunal  
Act, 2010.**

**ORDER**

1. The applicants have filed the present application under Sections 14 and 15 of the National Green Tribunal Act, 2010 inter-alia seeking issuance of directions to respondents no. 1 to 7 to ensure that no constructions are carried out in Khasra No. 4603, Village Sadri, tehsil Desuri, District Pali, Rajasthan situated within Eco Sensitive Zone (ESZ) of Kumbhalgar Wild Life Sanctuary (KWLS), District Pali, Rajasthan having area of 610.528 sq.km carved out of Udaipur, Rajasmand and Pali District in the State of Rajasthan.

2. Vide order dated 29.03.2023, notices were ordered to be issued to the respondents 1 to 7.

3. Pursuant to notice replies have been filed by respondents no. 1 vide email dated 17.05.2023, respondent no. 3 vide email dated 10.04.2023 and respondents no. 8 and 9 vide email dated 18.05.2023.

4. Learned counsel for respondent no. 1 has submitted that draft notification for declaration of Eco Sensitive Zone of Kumbhalgarh Wildlife Sanctuary was issued by the Government of Rajasthan but the same was not finalized and has lapsed and respondent no. 1 has issued number of letters to Government of Rajasthan but no action has been taken on the same.

5. Learned counsel for the applicants have submitted that the Government of Rajasthan has vide order dated 13.05.2016 prohibited mining, commercial activities and change of land use within one kilometer of Kumbhalgarh Wildlife Sanctuary and permissions granted to respondents no. 8 and 9 are not valid.

6. Learned counsel for respondent no. 8 and 9 has submitted that the activity of construction in one kilometer area around the national park/wildlife sanctuary is not prohibited and the same falls under the category of regulated activities. The respondent has been allotted the land under State's Tourism policy 2007 and is raising construction after obtaining the requisite permissions.

7. Learned counsel for the respondents no. 8 and 9 also seeks time for producing copies of the relevant documents.

8. Learned counsel for respondent no. 4 and 6 seeks adjournment for filing of their reply/response.

9. Reply/response of behalf of respondents no. 4 and 6 and documents by respondents no. 8 and 9 be filed **on or before 26.07.2023**

by way of email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

10. List for further consideration on **31.07.2023**.

11. In view of the facts and circumstance of the case, we consider personal appearance of the DFO and District Collector, Pali, Rajasthan through VC on the next date of hearing to be essential for and assisting this Tribunal in just and proper adjudication of the questions involved in the case.

12. In view of the mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle and also the provisions made in Section 19 (4) (j) of the National Green Tribunal Act, 2010 empowering this Tribunal to require any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I thereof, respondents no. 8 and 9 are restrained from raising any further construction on the land in question.

13. The District Collector, Pali and the Superintendent of Police, Pali, Rajasthan are also directed to take appropriate steps for ensuring that no raising of construction takes place on the land in question.

14. A copy of this order be sent to the DFO, District Collector, Pali, and the Superintendent of Police, Pali, Rajasthan by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 19, 2023

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