

Item No. 02 & 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No.61/2024(CZ)

Rajendra Tiwari Applicant(s)

Vs

Union of India & Ors. Respondent(s)

AND

Original Application No.62/2024(CZ)

Hemraj Meena Applicant(s)

Vs

Union of India & Ors. Respondent(s)

Date of Hearing: **18.03.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): Mr. VaibhavPancholy, Adv.

For Respondent(s):

ORDER

1. The repeated petitions filed before this tribunal for protection of Nahargarh Wildlife Sanctuary and compliance of guidelines and notification issued by the MoEF&CC, that too on the basis of departmental communication from one official to another official of the Forest Department discloses and reveal inter departmental dispute and rivalry, which further depicts that the Forest Department deputed to protect the Nahargarh Wildlife Sanctuary are either unable to protect the Wildlife Sanctuary and to enforce the guidelines and notification issued by the MoEF&CC or directly or indirectly involved in permitting

for construction of Hotel and Resorts for commercial purposes in violation of notification and environmental rules. The contention of the enquiry report (enquiry officer) that the Regional Forest Officer or the Forest Officials are not cooperating in protection of the wildlife sanctuary or commercial activities within the wildlife sanctuary without the sanction of the Competent Authority and wildlife clearance, shows that the facts are within the knowledge of local officials but they are not taking legal necessary actions and providing this information to the private players for generation of litigation instead of protecting the forest land.

2. Accordingly, in view of the above facts before further proceedings, we deem it just and proper to direct the Addl. Chief Secretary, Forest and Wildlife, Government of Rajasthan and Principal Chief Conservator of Forest, Government of Rajasthan to see the matter personally and to submit the factual and action taken report. The copy of the report submitted by Assistant Conservator of Forest addressed to higher authorities with the copy of this order be sent to the above official with the request to see the matter as contained in the enquiry report, which is annexure-10 in file (in O.A. No. 61/2024 (CZ) and same annexure in another O.A.). We further direct that the notification and guidelines issued by the MoEF&CC and the rules of the Forest Act and Environmental Rules must be strictly observed and the Nahargarh Sanctuary must be protected from the encroachment, immediate action must be taken. The identification, demarcation and protection with the pillars and wires must be taken immediately and an explanation may be called from the District Level Officer of the Forest Department and the Wildlife Sanctuary as to why they have not taken care of the notification of the protected area and who is responsible for violation of these rules. If there are any construction, then the

responsible official of the District in whose tenure that constructions was initiated must be taken into a account and further action should be initiated according to rules. The primary purpose of the notification and guidelines are to protect the Eco Sensitive Zone and wildlife sanctuary, which is required to be implemented and enforced immediately and further action taken report must be filed within two months.

List both the matters on **1st July, 2024.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

18th March, 2024

O.A. No. 61/2024(CZ) & 62/2024(CZ)

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