

Item No.06

Court No. 2

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

Original Application No.560/2023

Manoj Singh

Versus

Applicant

Principal Chief Conservator of Forest, Uttarakhand
& Ors.

Respondent(s)

Date of hearing: 11.12.2023

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

Applicant: Mr. Manoj Singh, applicant in person

ORDER

1. In this Original Application filed under Sections 14 and 15 of the National Green Tribunal Act, 2010, applicant has raised the grievance that some of the hotel owners with the support of the Forest Department by demolishing and cutting the reserve forest land located on the slanting hills in Naina Devi Himalayan Bird Conservation Reserve in Budh-Pangot area of Nainital, Uttarakhand, have constructed the road. It is alleged that the work of construction of road was done in 2017. Thereafter, widening of the said road had continued till December 2022 by cutting the forest land on the sides of this road in violation of provisions of Forest Conservation Act, 1980 and the guidelines issued by Ministry of Environment, Forests and Climate Change dated 28.03.2019.

2. The allegations show that environmental laws were being violated but before taking any further action in the matter, a factual report was required for which Tribunal constituted joint committee comprising Wildlife Warden, Uttarakhand, Uttarakhand Environment Protection and Pollution Control Board (UEP&PCB) and District Magistrate, Nainital. The District Magistrate, Nainital was made nodal agency and the said joint

committee was required to submit its report within a period of eight weeks.

3. More than two and a half months have passed. Neither any report has been filed nor any authority or the Counsels have appeared on behalf of the said committee. This situation cannot be appreciated and we record our strong disapproval to the attitude shown by the members of committee and direct that on 15.12.2023 Wildlife Warden, Uttarakhand, Member Secretary, State PCB and District Magistrate, Nainital, shall appear before Tribunal to explain why Tribunal's order dated 21.09.2023 has not been complied and no report has been filed, when the matter involved serious damage to environment and substantial relating to environment has arisen due to violation of scheduled enactments of NGT Act, 2010.

4. Office is directed to communicate this order to the concerned authorities forthwith by email for information and compliance.

5. Put up on 15.12.2023.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 11, 2023
Original Application No.560/2023
JG