

Item No. 01

Court No. 1

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

Original Application No. 560/2023

Manoj Singh

Applicant

Versus

Principal Chief Conservator of Forest,
Uttarakhand & Ors

Respondent(s)

Date of hearing: 21.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): Mr. Manoj Singh, Applicant in Person (Through VC)

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 the provisions of the Forest Conservation Act, 1980 and the guidelines issued by the Ministry of Environment, Forests and Climate Change dated 28.03.2019.

2. The allegation made in the OA reflects violation of environmental laws specially the scheduled acts and involves substantial question relating to environment. Hence, at this stage, we deem it proper to

constitute a joint Committee comprising of Wildlife Warden, Uttarakhand, Uttarakhand Environment Protection and Pollution Control Board (UEP&PCB) and District Magistrate, Nainital. The District Magistrate, Nainital will act as nodal agency for coordination and compliance. The Committee will visit the site, ascertain nature of the land on which the alleged road has been constructed, also ascertain name/other details of the trees, if any, felled in the process of construction of road and the extent of damage caused to the environment in the process and suggest remedial action, if any, for restoration. The Committee will also disclose the names with full address of hotels owners/persons who are responsible for construction of road. Let the report be submitted by the Committee within a period of eight weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

3. List on 11.12.2023.
4. A copy of this order be forwarded to Wildlife Warden, Uttarakhand, UEP&PCB and District Magistrate, Nainital by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 21, 2023
Original Application No. 560/2023
DV