

Item No. 2

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

Original Application No. 14/2019 (EZ)

Prahallad Pradhan & Ors

Appellant (s)

Versus

District Collector, Deogarh & Ors

Respondent(s)

Date of hearing: 09.04.2019

**CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Appellant(s): Mr. Sankar Prasad Pani, Advocate  
Mr. Manas Kumar Shah, Advocate

For Respondent (s): None

**ORDER**

The allegation in this application is that Gram Panchayat building is proposed to be constructed in Plot No. 1637, Khata No. 197 in Golabandha Village under Barkote Tahasil having **Sabik Kisam Bad Jungle** an area of 1.080 acres without any prior approval from Central Government as required under Forest Conservation Act 1980.

The applicant has produced certain documents to show that it is in Sabik Kisam Bad Jungle which is a recorded forest as per the decision of the Hon'ble Supreme Court of India and any construction activity or any non-forest activities can be done in those area only with the prior sanction from the Central Government. So under such circumstances, we feel that there is substantial issue of environment has been raised in the matter.

Admit. Issue notice to respondent by *Dasti*. In the meantime the no construction activity shall be undertaken in that area by the concerned Panchayat or the authority with whom the construction of the building has been entrusted without getting necessary permission

from the concerned authorities as provided under the Forest Conservation Act, 1980.

In the meantime we feel it appropriate to direct the Divisional Forest Officer and the District Collector to have a joint inspection of the area and find out whether this comes under the forest as defined by the Hon'ble Supreme Court in **T.N. Godavarman Thirumulpad Vs. Union of India** case and whether the authorities intend to make a construction are having necessary approval from the Government in this regard and if there is no necessary approval, then what is the action taken in this regard by the Forest Department or the other authorities and submit a report before this Tribunal within two months from today by e-mail. The Forest Divisional Officer will act as Nodal Officer in this regard. Petitioner is directed to submit a set of papers to the above authorities within a week to enable them to comply with the direction. Registry is directed to communicate the order to the concerned authorities by e-mail immediately with set of papers produced.

For return of notice and for consideration of report post on **05<sup>th</sup> August, 2019.**

K. Ramakrishnan, JM

Dr. S.S. Garbyal, EM

April, 09, 2019  
O.A. No. 14/2019/EZ  
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