

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 59/2020/EZ

Dr. R.K. Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.12.2021

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Aayush Singhvi, Advocate

For Respondent(s) : Mr. Debasish Ghosh, Advocate for R-1,
Ms. Aishwarya Rajyashree, Advocate for R-2&3,

ORDER

1. Mr. Aayush Singhvi, learned Counsel is present for the Applicant.
2. Mr. Debasish Ghosh, learned Counsel is present for Respondent No.1, Ministry of Environment, Forest and Climate Change, and Ms. Aishwarya Rajyashree, learned Counsel is present for Respondent Nos. 2 & 3, State Respondents, Govt. of Jharkhand.
3. One rejoinder affidavit dated 11.12.2021 has been filed on behalf of the Applicant; the same is taken on record. Along with this affidavit the Applicant has filed the Third Revised Working Plan 1936-37 to 1955-56 for the Reserved and Protected Forests, Saranda Division (then State of Bihar), as Annexure AR-1 (at page no. 78 of the paper book).
4. Mr. Aayush Singhvi, learned Counsel states that the affidavit 20.07.2021 filed on behalf of the State Respondents does not give a para-to-para reply to the Original Application and at page no. 21 of the paper book (Annexure A-2), he has filed documents which is part of a Revised Working Plan 1976-77 and 1995-96, Saranda Division (then State of Bihar) and paragraph II. 7. 34 thereof

specifically mentions that the existing game sanctuary of this division is called “Saranda Game Sanctuary” and it has been notified vide Government Notification No. 1168 F dated 16th February, 1968, mentioning the area of the Sanctuary as 31,468.25 ha.

5. This Revised Working Plan further mentions that the Sasangda Game Sanctuary has almost lost its existence due to coming up of two massive Iron Ore Mining Projects, namely, Kiriburu and Maghehatuburu. It is mentioned that these two projects have very badly disturbed the habitat of wild animals in this locality.
6. There is no mention about these facts in the affidavit filed by the State Respondent Nos. 2 & 3. We deprecate this practice of filing affidavits by the State Government which do not give para-to-para reply of the Original Application and do not even refer to the documents filed by the Applicant which are the documents of the State Government itself.
7. In the affidavit of the State Respondent Nos. 2 & 3, it is mentioned that this Saranda/Sasangada Game Sanctuary has never been notified to be declared as ‘Sanctuary’ under Section 26A of Wildlife (Protection) Act, 1972.
8. The averments in the affidavit of State Respondents do not answer the question as to whether it was a ‘Game Sanctuary’ or ‘Wildlife Sanctuary’ or whether it was deemed to be a Game/Wildlife Sanctuary by whatever name called.
9. We, therefore, direct the Respondent Nos. 2 & 3, State Respondents, to file a fresh affidavit giving para-to-para reply of the Original Application as well as deal with the documents filed at page nos. 20 and 21 (Annexure A-2) to the Original Application and

also the documents filed with the rejoinder affidavit dated 11.12.2021 within four weeks.

10. Mr. Debasish Ghosh, learned Counsel is also directed to file reply on behalf of the Ministry of Environment, Forest and Climate Change, indicating as to whether the so called Saranda/Sasangada Game Sanctuary has been declared as 'Sanctuary' under Section 26A of the Wildlife (Sanctuary) Act, 1972 and whether it would be construed to be a deemed 'Sanctuary' under Section 66 (3) of the Wildlife (Protection) Act, 1972 and if so, whether the provisions of the Eco-Sensitive Zone would come in-force if the 'Sanctuary' is construed to be a deemed 'Sanctuary' before the next date of listing.
11. We also request Mr. Krishnaraj Thaker, learned Additional Advocate General to appear in this matter and assist this Court on the next date of listing.
12. **List on 07.02.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

December 13, 2021
Original Application No. 59/2020/EZ
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