

Item No. 05

(Court No.1)

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

(By Video Conferencing)

Original Application No. 196/2020

(With report dated 08.04.2021)

Darshan Tika Ram Dobhal

Applicant

Versus

Ministry of Environment & Forest & Ors.

Respondent(s)

Date of hearing: 15.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Mr Mukesh Verma, Advocate for UEPPCB

ORDER

1. Grievance in this application is against unscientific disposal of the stones and muck generated from *Tuni Chandni Tunal Motor Road* construction work in Chakrata, District Dehradun, in the forest area. According to the applicant, during construction of the road by the Uttarakhand Public Works Department (UPWD), necessary safeguards are not being observed resulting in damage to the environment. The applicant has relied upon photographs and copies of complaints filed with the authorities.

2. Vide order dated 11.09.2020, the Tribunal sought a factual and action taken report from the Principal Chief Conservator of Forest (HoFF), Uttarakhand and the State Pollution Control Board (SPCB).

3. Accordingly, a report has been filed by the PCCF(HoFF), Uttarakhand on 08.04.2021 inter alia stating as follows:

“1. xxx.....xxx.....xxx

2. *That in compliance to the directions passed by this Hon'ble Tribunal vide order dated 11.09.2020, the then Principal Chief Conservator of Forests (HoFF), Uttarakhand had formed a committee on 25.09.2020 consisting of two members. Thereafter the committee had visited and investigated the construction site and furnished its report to the undersigned on 31.10.2020. Copy of the report is annexed herewith as **ANNEXURE-1**.*

3. *That the construction of the above said motor-road (23.325 Kms) is being carried out by PWD Kalsi under PMGSY after sanction by the Govt. of India. The details of the affected land (13.94 Ha) in the construction of the above-mentioned road is as follows:*

- a. *Reserved Land : 1.1375 Ha*
- b. *Civil Soyam : 3.8025 Ha*
- c. *Nap-Land : 9.0000 Ha*

It is clear from the report of committee that most of the land in the construction of the motor-road in question, is Nap-Land and it is found by the committee that there is no environmental loss due to felling of trees in the Nap-Land.

4. *That it is stated by the committee in its report that the Divisional Forest Officer, Chakarata division had visited and inspected the construction site of the said motor-road several times.*

5. *That the Divisional Forest Officer, Chakarata division, wrote to the PWD about the irregularities being done by them time to time.*

6. ***That the forest department had also registered an offence and imposed the fine of Rs. 2.21 Lacs on PWD Kalsi, on account of the loss in muck disposal on the Reserved Land. The disposal of the muck has not been done on the identified places but done on the down slopes.***”

4. In view of above, the PWD may ensure that disposal of stones and muck generated during construction of the road in question is at designated sites as per norms. The Forest Department may maintain vigil for compliance of rule of law.

The application is disposed of.

A copy of this order be forwarded to Uttarakhand PWD and PCCF (HoFF), Uttarakhand by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 15, 2021
Original Application No. 196/2020
DV