

Item No. 2 (Pune Bench)

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

**(Through Video Conferencing)**

Original Application No. 90/2018 (WZ)

Katiya Haidarali Ahmadbhai & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.09.2020

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

For Respondent (s): Mr. Parth H. Bhatt and Ms. Priyanshi  
Chandarana, Advocates for State of Gujarat

**ORDER**

1. Though there is an adjournment application by the applicant but on the basis of the report, we deem it just and proper to proceed and decide the case on the basis of the report submitted by the Collector/Deputy Collector of the Region.
2. This petition is directed for the limited purpose of directing and commanding the respondents authorities to decide the representations of the petitioners dated 21.10.2013 and 17.12.2016 and to direct the respondents authorities to initiate legal action for removing the illegal encroachment in Wildlife ASS sanctuary of Little Rana of Kutchchh, wherein thousands of illegal salt industries are running in the sanctuary and within 10 kms. radius of the sanctuary, whereby rivers following in the area are blocked as they

have constructed bit road/Para in the sanctuary area and destroying “Mangrows and other sea plants and badly affecting the fishing occupations of the petitioners & other fishermen and not able to do fishing and their livelihood is badly affected and also injuries and hindrance to International birds, migratory Flamingo birds coming to the sanctuary and ecological imbalance, therefore, the action of the respondents is gross violation of Govt. policy, thus the same is illegal, unjust, arbitrary and unconstitutional and contrary to the environment policies and Govt. Resolution and the petitioner has prayed for following reliefs:

*“(A) To direct the Respondent authorities to decide the Representations dt. 21-10-2013 & 17-12-2016 of the petitioners forthwith, vide Ann. N & Q respectively and be pleased to direct the Respondents authorities to initiate legal action against such illegal encroachers of the Wildlife Ass Sanctuary and restore the Wildlife Ass Sanctuary of Little Rann of Kutch to its original position and be pleased to direct the Respondents authorities not to grant any lease in the said Sanctuary area without consent of Standing Committee of National Board for Wildlife and from the Forest & Environment Department and be pleased to hold and declare that if any such lease is granted without such NOC/consent is illegal, arbitrary, unjust and unconstitutional.*

*(B) Pending admission, and final hearing of this petition, be pleased to direct the Respondents authorities, not to allow such illegal activities, i.e. Salt Industries in the said sanctuary and within 10 kms. from the outside of radius from the said sanctuary and to direct the Respondents to remove the bondage (Pala), road in the sanctuary region and allow the petitioners and other fishermen to do fishing in the Surajbari creeks area in the interest of justice.”*

3. Since the file was pending from 2019, this Tribunal directed the authorities concerned/Deputy Collector/Sub-Divisional Magistrate, Radhanpur, District Patan, North Gujarat and vide report dated 22.09.2020, the Deputy Collector and Sub-Divisional Magistrate, Radhanpur had submitted a report which is as follows:

*“1. That captioned petition has been filed alleging that the reserved area for Ghudkhar Sanctuary is being utilized by some private parties without prior permission of the National Wild Life Authorities for the purpose of Salt and Fishing industry.*

*2. That the deponent is authorized to make representation on behalf of the State by the District Collector, Patan vide his communication dated 30.04.2020 being No. VP/Jamin-2/Vashi/1102 to 1103/2020.*

*3. It is submitted that a detailed report has been called from the Mamlatdars of Radhanpur, Santalpur, Sami and Shankheshwar whereby following report has been received:*

*That no permission has been awarded by the State for carrying out Salt harvesting and/or Fishing activities within the limits of reserved land for Ghudkhar Sanctuary and upto radius of 10 Kilometers from the reserved land for Ghudkhar Sanctuary in the areas consisting of Taluka Radhanpur and Taluka Santalpur which are part of Radhanpur province and the areas consisting of Taluka Sami and Taluka Shankheshwar which are part of Sami province without prior permission of National Wildlife Authorities. Further, that no such activities of Salt harvesting and/or Fishing activities are found to be operational with the above said area without permission of the National Wildlife Authorities. Thus, there are no activities as alleged by the Petitioner in the stated area.”*

4. After perusal the records and the report submitted by the Deputy Collector and Sub-Divisional Magistrate, we are of the view that necessary direction should be given to the authorities concerned. Accordingly, we direct the authorities concerned to decide the representations dated 21.10.2013 and 17.12.2016 of the petitioner and respondents are also directed to ensure that there should not be any illegal encroachers of the wildlife sanctuary and not to grant any lease in the said sanctuary area without consent of the standing Committee of the National Board of Wildlife and from the Forest and Environment Department. It is further directed that no activities should be permitted within the radius of 10 kms or within the parameter as prescribed by the rules for any activities not permitted under the law.

5. The Original Application No. 90/2018 (WZ) is finally disposed of.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

September 23, 2020  
Original Application No. 90/2018 (WZ)  
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