

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

Original Application No. 114/2024

News Item titled "**Forest Dept. objects to operating flights over protected areas**" appearing in the Times of India dated 31.12.2023

Date of hearing: 07.02.2024

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

Respondent: Ms. Purnima Krishna, Adv. for R - 1 & 2 (Through VC)

ORDER

1. This original application has been registered on the basis of the news item titled "**Forest Dept. objects to operating flights over protected areas**" appearing in the 'Times of India' dated 31.12.2023. The news item discloses that a chartered helicopter flew over Mudhumalai Tiger Reserve (MTR) and the protected area of Mukurthi National Park in the Nilgiris. It also contains the stand of the Forest Department to avoid forest and protected areas in Tamil Nadu while designating paths for choppers and flights.

2. The news item raises substantial issue relating to compliance of environmental norms.

3. Power of the Tribunal to take up the matter in *suo-motu* exercise of power has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

4. Hence, we implead the following as respondents in this OA:

- i. Principal Chief Conservator of Forests, Tamil Nadu Forest Department.
- ii. Chief Wildlife Warden, Tamil Nadu.
- iii. Directorate General of Civil Aviation through its Director General.

5. The status report on behalf of Respondents No. 1 and 2 has been filed stating that the helicopter took off from outside the boundaries of reserve forest area. Along with status report a communication of Tamil Nadu Forest Department has been placed on record at page 16 which quotes the order of the High Court in W.P. No. 15200 of 2023 which in turn quotes the Hon'ble Supreme Court's guidelines "prohibiting flights in zones such as National Parks, core and buffer zones of tiger reserves and bird sanctuaries".

6. Learned Counsel appearing for Respondents No. 1 and 2 on advance notice seeks time to file further comprehensive report.

7. Let Notice be issued to Respondent No. 3 for filing the response atleast one week before the next date of hearing before the appropriate bench of the Tribunal.

8. Since the matter relates to the Southern Zonal Bench, Chennai, therefore, OA is transferred to the Southern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Southern Zonal Bench, Chennai.

9. List before Southern Zonal Bench at Chennai on 01.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 07, 2024
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DV.