

Item No.01

Court No. 1

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

Original Application No. 514/2015
(M.A. Nos. 27/2019, 28/2019, 29/2019, 30/2019, 31/2019,
32/2019, 33/2019, 34/2019, 35/2019, 36/2019, 37/2019,
38/2019, 39/2019, 40/2019, 41/2019, 42/2019, 43/2019,
44/2019 & 45/2019)

Gauri Maulekhi

Applicant(s)

Versus

Union of India Ors.

Respondent(s)

Date of hearing: 14.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Saurabh Sharma and Ms. Meera Gopal,
Advocates

For Respondents (s): Ms. Pallavi Pratap and Mr. Aditya Singh,
Advocates for R-9
Mrs. D. Bharathi Reddy and Mr. Vidyottma,
Advocates for State of Uttarakhand
Mr. Pinaki Misra, Sr. Advocate and Mr. Rajesh
Kumar, Advocate in Misc. Applications

ORDER

1. The issue for consideration is unauthorized construction in the forest area at Haridwar. According to the applicant, such constructions adversely affect the environment adjoining Rajaji National Park, Shivalik Elephant Reserve, Tiger Reserve and wildlife habitats within the 100 meters of river Ganga. The matter was considered by the High Court of Uttarakhand by way of W.P. (C) No. 25 of 2013, *Sanjay Vyas Vs. State of Uttarkhand and Ors.*. The High Court directed the State of Uttarakhand to ensure that no construction takes place within 200 meters from the bank of the river. According to the applicant, no construction is permissible within 100 meters from the bank of the river as the present area is elephant path.
2. Having regard to the order of High Court and averments of the applicant, the photographs and other documents, this Tribunal

vide order dated 24.08.2018, directed the Forest Department and the District Administration to consider the matter and take appropriate action. The Tribunal also directed constitution of an Oversight Committee to oversee execution of orders of this Tribunal.

3. Present Misc. Applications. Nos. 27/2019, 28/2019, 29/2019, 30/2019, 31/2019, 32/2019, 33/2019, 34/2019, 35/2019, 36/2019, 37/2019, 38/2019, 39/2019, 40/2019, 41/2019, 42/2019, 43/2019, 44/2019 and 45/2019 have been filed by different persons claiming that they are not unauthorized encroachers. They sought to be impleaded before this Tribunal.

4. We find that the Tribunal has already directed the Forest Department and District Administration to perform their duties and to implement the order of the High Court. We, thus, do not find any ground to entertain these applications and enter adjudication of issues which are to be dealt with by the statutory authorities.

5. We have also perused the report dated 22.12.2018 of the Oversight Committee from the Forest Department of Uttarkhand indicating the steps taken. The summary of 'achievements' in the said report is as follows:-

- a. The shops and structures outside the pillars of the lease area of Dakshin Kali temple have been demolished.*
- b. Eviction order has been issued against the Respondent in Chandikeshwar Mahadev and Ved Karmkand.*
- c. Some shops and other structures which were operating from land outside the lease area of Upper Chandi Devi temple have been demolished.*
- d. A Forest Offence has been lodged before the court of Divisional Forest Officer and is presently under proceedings under section 61 A of Indian Forest Act, 1927 (State*

Amendment) in the matter of Anjani Mata Temple.

- e. A Forest Offence has been lodged before the Court of Divisional Forest Officer and is present under proceedings under section 61 A of Indian Forest Act, 1927 (State Amendment) in the matter of Gaurishankar temple. Presently, car parking in the area has been stopped and trees have been planted in its place.
- f. Another parking near Gaurishankar temple has been stopped by the DFO. This land is under transfer to NHAI towards broadening of the National Highway 74, Forest clearance has been granted for the same.
- g. Show cause notice has been issued to the Respondent as to why the encroachments be not removed from forest land in the matter of Nileshtar Mahadev temple.
- h. The liquor shop along the highway, running on Forest land and transferred to Irrigation department in the past, has been demolished and unauthorised occupants stands evicted.
- i. In the matter of Sidhbali ashram, DFO has passed eviction order against the encroachers on 12.10.2018. The Respondents have removed the additional structures.
- j. DFO has issued eviction orders on 24.08.2018 in the matter of Sidhsot ashram.
- k. In-principle approval under the Forest Conservation Act 1980 has been obtained on 05.02.2011 and the conditions have been complied with in the matter of Police Wireless building.
- l. Haridwar Roorkee Development Authority has sent notices to 14 illegal constructions within 100m of River Ganga and demolition order has been passed in one case.
- m. Two shops at Chandi Devi ropeway stations, 4 shops near Ropeway parking area and 1 shop at starting point of Chandi Devi trek path, were forcefully evicted and

demolished as per law. In addition, 3 shops adjacent to Mahant niwas, 3 shops on Anjani mandir path and all shops of temporary nature along Chandi devi temple path have been removed.

- n. All unauthorised constructions from Singh Dwar to Buddhi Mata Mandir and Laksar road and all such constructions from Pul Jatwara to Mansa Devi temple have been demolished in Haridwar town.*
- o. The Nodal Officer, Forest Conservation vide his letter dated 01.12.2018 has directed the Chief Medical Officer, Tehri Garhwal to vacate the expired lease of Brahmपुरi Kusht colony within a period of one month.”*

6. The Committee observed that the work is still incomplete and further time is required for completion. There is no objection to the said report. The same is taken on record. The Committee may complete its further action in accordance with law.

7. A further report may be submitted after three months by e-mail at ngt.filing@gmail.com.

All the Misc. applications are disposed of.

List for consideration of the report on 22.05.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 14, 2019
Original Application No. 514/2015
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