

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

**Original Application No. 470/2018  
(M.A. No. 1180/2018)  
(Earlier O.A. No. 14/2014 (EZ))**

**Ram Lakhan Singh  
Vs.  
State of Jharkhand**

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

**Present: Applicant : Mr. Anil Kumar Singh, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p style="text-align: center;"><b>Through Video Conferencing</b></p> <p style="text-align: center;"><b>Item No. 01 August 06, 2018 dv &amp; ss</b></p>	<p>1. This application was preferred by the Applicant alleging large scale encroachments of forest land in the various districts of State of Jharkhand and violation of the Forest (Conservation) Act, 1980 in raising various constructions in the reserve forest. The essential prayer made in the application is for a direction upon the State respondents to conduct geo-referencing the entire cadastral sheets of notified forests, namely, reserved forest, protected forest, etc. in entire State of Jharkhand for identifying encroachments on the forests land after geo-referencing, satellite surveying and ground truthing the forest areas and for removal of encroachments.</p> <p>2. During the course of proceedings, affidavits were filed by the State of Jharkhand and later by the Ministry of Environment, Forest &amp; Climate Change (MoEF&amp;CC). The State of Jharkhand conceded that there were indeed infractions of the Forest (Conservation) Act, 1980 as would be revealed from the order dated 19.07.2017. In the affidavit filed on that date, it had been stated on behalf of</p>

	<p style="text-align: center;"><b>Through Video Conferencing</b></p> <p style="text-align: center;"><b>Item No. 01 August 06, 2018 dv &amp; ss</b></p>	<p>the State of Jharkhand as follows:</p> <p><i>“(i) That the present building of Raj Bhawan at Dumka is recorded as Shakhu Jungle (Deemed Forest) in revenue records. This land is demarcated as Forest but not notified as protected or Reserve Forest under Indian Forest Act, 1927. The building was constructed long back in pre-independence British Era with sun dried bricks and used as residents of Divisional Forest Officer, Dumka. This residence was declared as temporary camp residence of Chief Minister vide notification No. 254 (s) dated 23.01.2001 issued by the Department of Public Works (Road and Building) and Transport Department. Now this building is being used as Raj Bhawan at dumka. A Xerox copy of the notification dated 23.01.2001 is annexed hereto and marked as Annexure-III.</i></p> <p><i>(ii) That, Police Lines at Dumka is situated in Mouza Banderjori PS - 12 Khata No. 73, Plot No. 376 and 378 comprising an area of 77 Bigha, 5 Katha &amp; 16 Dhoor (5 Acres &amp; 55 Decimals) &amp; recorded as Police Lines in Revenue records in the last survey conducted in 1924-25. Only a portion of Plot No. 350 comprising an area of 0.85 acres of Banderjori PF, Thana No. 12 has been fenced by barbed - wire and some buildings have been constructed on the said Forest Land.</i></p> <p><i>(iii) That, the Magistrate Colony has been constructed in Banderjori PF with PS 12, Plot No. 350 and 472 comprising an area of 3.70 acres. The D.I.G. residence is situated on Plot No. 456 in Banderjori, PF, Thana No. 12 comprising an area 3.05 acres. The stadium is constructed over Plot No. 364 of Banderjori PF, Thana No. 12 over an area of 7 acres.</i></p> <p><i>(iv) That, there is no record with the Department of Forest, Environment and Climate Changes, Government of Jharkhand to suggest the year in which the Magistrate Colony and D.I.G. residences were constructed. However, the records suggest that the stadium was constructed sometimes in the year 1987-89. The proposal to get post facto approval for the same was turned down by the department of Forest and Environment, Government of Bihar with a direction that it should be converted into a park.</i></p> <p><i>A Xerox copy of the letter No. 1758 dated 26.04.1990 is annexed hereto and marked as Annexure-“IV”.</i></p> <p><i>(v) That, the Divisional Forest Officer, Dumka has written letters to the D.C. Dumka to get post facto approval under the Forest Conservation Act, 1980 from the competent authority. A Xerox copy of the letter No. 1687 dated 17.07.2007 and 2751 dated 21.11.2007 are annexed hereto and marked as Annexure-“V”.</i></p> <p>3. Since admittedly, major State Government</p>
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	<p><b>Through Video Conferencing</b></p> <p><b>Item No. 01 August 06, 2018 dv &amp; ss</b></p>	<p>establishments were located on the forest land with no clearance having been obtained, opportunity was provided to the State respondents to take appropriate steps to ensure that the infractions were set right in public interest. The MoEF&amp;CC, which was impleaded as a respondent, was directed to examine the matter to ensure compliance of the law.</p> <p>4. On 23.01.2018, it was noted that an online application for approval in respect of 34.21 acres of forest land encroached upon was stated to have been submitted by the State respondents to the MoEF&amp;CC for clearance. The MoEF&amp;CC on the other hand had stated that letter dated 28.11.2017 was written to the State Government to specify the status of encroachments against which, time was sought for by the latter without prejudice to the fact that an online application had already been submitted to the MoEF&amp;CC by the State Government. The State respondents had also been directed to place the steps taken by them in compliance to the directions of the Hon'ble Supreme Court passed in <i>I.A. No. 1868/2007 in Writ Petition (c) No. 202/1995; Lafarge Uranium Private Limited Vs. Union of India &amp; Ors</i> by order dated 06.07.2011 to undertake preparation of Geo-referenced District Forest Maps.</p> <p>5. Today, we have been informed that the steps have already been taken by the State respondents in terms of the directions of the Tribunal for seeking clearance of 34.21 acres of forest land on which the various government establishments were located in the Dumka District, State of Jharkhand, against which the MoEF&amp;CC</p>
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	<p><b>Through Video Conferencing</b></p> <p><b>Item No. 01 August 06, 2018 dv &amp; ss</b></p>	<p>had also initiated action on the online application submitted by the State Government of Jharkhand for the purpose.</p> <p>6. It is also stated on behalf of the State Government that the Geo-referenced District Maps as directed by the Hon'ble Supreme Court has also been prepared.</p> <p>7. The facts and circumstances, therefore, indicate that the essential grievance expressed by the applicant in the original application stands addressed. We also expect that the online application for 34.21 acres of forest land would also be dealt with expeditiously by the MoEF&amp;CC and disposed of in accordance with law.</p> <p>8. For the aforesaid reasons, nothing further would survive for our consideration in the case, except to direct that all cases of illegal encroachments be diligently dealt with in accordance with law by the concerned authorities which would include the matter pertaining to online application for clearance in respect of 34.21 acres of forest land.</p> <p>9. Let the entire exercise, as indicated above, be completed within the period of three months from the date of receipt of this order and a compliance report be filed before this Tribunal by e-mail at <a href="mailto:filing.ngt@gmail.com">filing.ngt@gmail.com</a>.</p> <p>10. With the above direction, this application stands disposed of with no order as to costs.</p> <p>11. Put up for consideration of compliance report in the month of February 2019.</p> <p style="text-align: right;">....., CP (Adarsh Kumar Goel)</p>
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