

Item No.02

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 646 of 2018
(Earlier O.A. No. 550 of 2016)

Ram Ji Vyas

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 27.02.2019

CORAM :
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. Sanjay Upadhyay, Ms.
Pavitra Balakraishnan and Ms.
Eisha Krishn, Advocates

For Respondent(s)

Mr. Krishna Kumar Singh,
Advocate for MoEF
Mr. D.K. Devesh, Advocate for
State of Rajasthan
Mr. Rajkumar, Advocate for
CPCB

ORDER

Earlier on 14.01.2019, the following order was
passed:

“It is rather strange that non-forest activity is continuing in the area in question, only because neither the Forest Department nor the Revenue Department have been able to demarcate the land which falls within the forest area. When directions were issued to the Department of Revenue to demarcate the area immediately, we were informed that the trace map with the Patwari and the copy of the same in the Collectorate, Jodhpur, both have been torned.

So far as Patwari and Tehsildar who are present before us are concerned, they have no suggestion to make as to how the land in

question is to be demarcated so as to stop non-forest activity in the forest area. However, we direct the District Collector, Jodhpur to take immediate steps to take out the original/another copy of the trace map which may be with the Settled Commissioner at Jaipur, the Department of Record of Govt. of Rajasthan, Jaipur or at any other place where the same can be available. It is an urgent need to trace out the map of Mauza-Mandore, Tehsil Jodhpur incorporating the forest area so that such land can be demarcated and immediate steps be taken by the concerning officers/department to instantly stop non-forest activity in such area. The steps should be taken within two weeks from today.”

Prior to the said order, it was noted that in instant case the grievance raised by the applicant is in respect of proposed de-notification of Beriganga Forest Block in District Jodhpur, Rajasthan. Thereafter, having received the recommendations made by the Commissioner, we had directed the Mining Engineer, Jodhpur as well as DFO, Jodhpur to appear before the Tribunal. As usual, the said officers appeared before us on 04.10.2018 without having studied the case nor they were having the relevant record for which time had been granted to the respondent. The officers were not even aware about the total area of the forest land nor the boundaries of the same. Moreover, they were also not knowing about encroachments, illegal mining etc., which was destroying the forest. The mining was being done nearby to villages as well as residential houses. The forest department was asked to urgently demarcates the forest land by erecting pillars, as per the notification on 05.07.1985 which was

published in the year 1994. Looking to the urgency the directions were to be complied with by the next date of the hearing. It is to be noted that in this case a Court Commissioner had also been appointed.

Later on we have come to know that the revenue officials like Patwari and Tehsildar are not having the requisite record like record of rights, revenue sheets etc. It was for that reasons that the aforesaid order of 14.01.2019 was passed. Though we had also passed the order to immediately stop non-forest activity in the area, nothing has been placed before us to show that such activities has been really stopped or not. We had also directed Collector, Jodhpur to have the original map searched out. Today, we are told by the officer present that he had gone to the Collector, Jodhpur who had directed him to go to Town Planning Department. It is really surprising to see the manner in which the officers are taking steps to search the relevant record which belongs to the Revenue Department. Neither the Revenue Department nor the Department of Record of the State have been approached with regard to the original revenue record.

In these circumstances, we direct the Secretary, Department of Revenue, Government of Rajasthan and the Collector, Jodhpur to be present on the next date of hearing, along with the relevant record, as mentioned in the earlier orders. It is made clear that in case they fail

to place before us the relevant revenue record, including the trace map and other record showing the particulars about the forest area in question on the next date of hearing, we shall presume that the entire land is a deemed forest.

A copy of this order be sent to Chief Secretary, Government of Rajasthan through E-mail forthwith.

List this matter on 26th March, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

February 27, 2019
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