

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO. 12(THC)/2013

ShivajiSuryabhanSangle V/s The State of Maharashtra &Ors.

**CORAM: HON'BLE SHRI JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present :Applicant/ Appellant : S.D. Bade Adv
Respondent No.4 : A.S.Mulchandani AGP
Respondent No.7 : B.H.NikteAdv**

Date and Remarks	Orders of the Tribunal
Item No.5 July7, 2014 Order No.10	<p>We heard learned Counsel Mr. Bade for the parties.</p> <p>Considering the pleadings of the parties and submissions made, it <i>prima facie</i> appears that the issue that needs consideration, is as to whether laying down of underground pipeline, which allegedly passes through the private forest, does require permission of the National Board for Wildlife (NBWL)? Further, whether such a private forest can be segregated for the purpose of granting permission for conversion (FC), under the provisions of the Forest (Consevation) Act, in such a case? Third question is as to whether such private forest does require any permission, because it is not part of particular sanctuary established by the Govt. though some movements of stray birds of Great Indian Bustards may be found in the corridor thereof?</p> <p>The learned AGP Mr.Mulchandani, seeks time to file affidavit of the Forest Department. We take note of the fact that since long the Writ Petition was pending before the Hon'bleHigh Court and the Applicant is unnecessarily being required to attend the High Court and this Tribunal, without much reason and rheum. The litigants who has ventilated such a public cause, should not be unnecessarily troubled to commute to the Tribunal again and again. However, considering significance of the issues mentioned above, we grant last chance to the Forest Department to file reply affidavit and in case, such affidavit is not filed, we put the Forest Department on notice that heavy cost of Rs.25,000/- or more will be put on it or that coercive action, may be taken for the purpose of filing of reply affidavit.</p> <p>The learned AGP to inform the Director of National Board for Wildlife (NBWL), to give instructions as regards nature of permission granted for laying down of underground pipeline and the circumstances, particularly, pertaining to grant of such permission, in the context of present Application,before the next date.</p> <p style="text-align: center;">Stand over to 4th August, 2014.</p> <p style="text-align: right;">....., JM (Justice V. R. Kingaonkar)</p> <p style="text-align: right;">....., EM (Dr.Ajay A. Deshpande)</p>