

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

**Original Application No. 514/2015
(M.A. No. 1244/2015 & M.A. No. 134/2016)**

IN THE MATTER OF:

Gauri Maulekhi Vs. Union of India & Ors.

**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. Rahul Choudhary and Ms. Meera Gopal, Advs.

**Respondents: Mr. Mukesh Verma, Adv.
Mr. T.S. Varun, Ms. Archana Sharma and Mr. Nishant Varun, Advs.
Mr. Gaurav Pakhnanda, Sr. Adv. with Ms. Renu Gupta and Ms. Eshna Gupta, Advs.
Mr. D. Bharathi Reddy, Adv.
Ms. Sakshi Popli, Adv.
Mr. D.P. Mohanty, Adv.**

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;">Item No. 06 August 24, 2018 R</p>	<p>1. The grievance in this application is against illegal construction in Haridwar Forest Division in Shyampur Range. According to the applicant, area of Chandi Block, Shyampur Range, Shivalik Elephant Reserve and its adjoining Rajaji National Park and Tiger Reserve are wildlife habitats within 100 meters of river Ganga where large scale construction is going on in the said area without any clearance by the competent authorities under Forest (Conservation) Act, 1980. Construction is inter-alia being done at Dakshinkali Temple, Maa Chandi Devi Purohit Residential Area, Chandikeshwar Mahadev Avam VedKarmkand Vidyalaya, Gauri Shankar Temple Parking Area etc. and encroachment by several others.</p> <p>2. The applicant has made following further averments:</p> <p style="padding-left: 40px;"><i>“i. The activities which have taken place in Dakshin Kali Mandir regarding the cutting down of trees are in direct violation with the lease conditions also have been contrary to the provisions laid down in Indian Forest Act, 1927 and also of the order of the Nainital High Court dated 02nd August 2012 have prohibited</i></p>

	<p>Item No. 06</p> <p>August 24, 2018</p> <p>R</p>	<p>construction of any kind within the 200m of banks of / Ganga River. It is essential that a case be filed against the management of the Dakshin Kali Mandir for encroachment, illegal construction on forest land and for violating important lease norms.</p> <p>ii. Construction of illegal house for the Chandi Devi priest has been done on the land next to the Mandir which is not only violating the lease conditions but also violating the provisions of Indian Forest Act, 1927 and it has also been observed by Google Earth Images that construction has been going on a large scale after the year 2007, which clearly points towards tot the collusion between the officials and the management. Also orders should be given to priest completely empty the land and to demolish the houses. Investigation should be done under the provisions of the Forest Act.</p> <p>iii. Owing to the building of a school there has been encroachment on the land and priest there have put up barbed fence which has restricted the movement of tigers, elephants and other animals. Also Google Images a have shown un that prior to the year 2007 many trees were present on the land but there has been large scale felling of trees post 2007 and the land created was thus used for illegal purposes since the year 2010. It is to be noted that these activities are in direct contravention of the Indian Forest Act, 1927 and Forest Conservation Act, 1980. To add to this, there was an attempt to fool the investigating offices by showing false permission letters from the Forest officers by Mr. Badri Prasad and it has been said that the above was given by the court. Strict orders should be given to remove the barbed wire and to evacuate the place immediately, also a case should be launched against Mr. Badri Prasad for violating the provisions of the Indian Forest Act, 1927 and Animal Protection Act, 1972.</p> <p>iv. It has been shown by the Google Earth Images that prior to 2007 there were no slums present in the canal area Chandi Forest. After 2007 till 2010 there has a tremendous growth in slums near the canal, and regarding this no investigation had been carried out by the Forest Officials under the Indian Forest Act, 1927 also the illegal settlement was not evacuated. The women from the slums bring wood in large quantities from the nearby forest and the word is then put to use for commercial activities. Due to this there has been illegal felling of trees and this causes huge loss to the forest and the animals habitat. Orders should be given to direct the immediate evacuation of the area and strict action should be taken against those officers who have not been vigilant enough to check and stop these activities.</p>
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out visits to sites whenever necessary. They will be entitled to all logistic support for performing these functions which shall be provided under the directions of the Chief Secretary, Uttarakhand.

9. The Monitoring Committee may also set up website for receiving and giving information on subject.

10. The Monitoring Committee may also involve educational institutions for awareness and feedback about results.

11. All authorities concerned in the State of Uttarakhand shall cooperate and coordinate with the Monitoring Committee. The Committee can seek such technical assistance as may be required from any relevant authority.

12. The Chief Secretary, Uttarakhand to provide all facilities to said Committee to perform its functions. The Committee may send its periodical reports to the Tribunal by E-mail.

13. The Committee may assume its charge within two weeks from today. The Committee may prepare Action Plan which shall have targets of ensuring compliance. It may meet at such intervals as considered appropriate but twice in every month and fix targets for compliance.

14. The Committee will be free to take up all incidental issues. The Committee will be free to seek any further directions from this Tribunal by E-mail.

15. The Chief Secretary of the State of Uttarakhand may determine remuneration of the Chairman in consultation with him and also provide all logistic support including security of needed for their proper functioning.

16. PCCF (HoFF), Forest Head quarters, Dehradun will

	<p>Item No. 06 August 24, 2018 R</p>	<p>be the co-coordinator. The Committee may furnish a report of the action taken to this Tribunal after three months.</p> <p>17. The State of Uttarakhand must extend all facilities for functioning of the Committee.</p> <p>The application is disposed of.</p> <p>A copy of this order be sent to the concerned authorities by E-mail.</p> <p>The applicant may also send a complete set papers to the members of the Committee.</p> <p>The Committee may send a report of the action taken to this Tribunal by E-Mail at filing.ngt@gmail.com.</p> <p>The report may be placed for consideration on 13th February, 2019.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">24.08.2018</p>
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