

Item No. 07

Court No. 1

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

Original Application No. 405/2023

Dharmendra Kumar Singh

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 18.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Advocate

ORDER

1. The issue raised in this application is construction of waste processing plant in buffer zone of the notified area in Bird Sanctuary/Eco-sensitive zone in District Balia, Uttar Pradesh.

2. The matter was taken up by this Tribunal on 30.05.2023 and a report was called from the District Magistrate, Balia.

3. In compliance thereof, the District Magistrate, vide report dated 25.07.2023, has submitted that the Surhatal Bird Sanctuary was declared vide Notification dated 27.03.1991 under the provisions of Section 18(1) of the Wildlife Protection Act, 1972 and later on vide Notification dated 10.12.2002 it was named as "Jai Prakash Narayan Surhatal Bird Sanctuary". For determination of right title and interest of the persons residing within the area or villages as mentioned in Para 2 of the report, the State Government has notified the Settlement Officer (Forest) and the proceeding for identification and demarcation of land of the eco-sensitive zone or the Bird Sanctuary is under the process before

the Settlement Officer (Forest). The Waste Management Center was working from 15 years there and presently, the work has been stopped. The Divisional Forest Officer/Kashi Wildlife Division and the In-charge of Bird Sanctuary Balia has informed that the demarcation work of eco-sensitive zone is under progress and expected to be completed soon. The authorization for disposal of the waste was rejected by the District Magistrate till finalization of identification and demarcation of the land by the Settlement Officer (Forest).

4. Since the proceeding under the Forest Act/Wildlife Protection Act, 1972 is going on before the Settlement Officer (Forest), thus, before identification and demarcation, it is not clear as to whether the case falls under the violations or not. However, we direct the District Magistrate to ensure the identification and demarcation of the area as early as possible and further to ensure the compliance of environmental rules and to ensure that there will not be any encroachment on the forest area/eco-sensitive zone and in case of violations, necessary action be initiated against the violators according to law.

5. With these observations, the application stands disposed of.

6. A copy of this order be forwarded to District Magistrate, Balia by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 18, 2023
Original Application No. 405/2023
DV