

Item No. 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 578/2022

Ram Singh

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 02.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondent: Mr. Rahul Verma, AAG for State of Uttarakhand and
Kumaon Mandal Vikas Nigam.
Mr. Mukesh Verma, Advocate for UKPCB.

Application is registered based on a letter petition received by Post.

ORDER

1. The grievances in the present application are regarding illegal installation of 5 FRO tourist huts during 2016 and 2017 in the mid of alpine area at the altitude of more than 12000 feet in Panchachuli mountains instead of installation of the same in government land comprised in Khasra no. 2630, 0.100 hectare situated in Village Dugtu allotted by the District Magistrate, Pithoragarh to Tourism Department of Uttarakhand. In the Year 2017-2018, 2018-2019 and 2019-2020 more than fifty thousand tourists visited per year and on the weekends there were more than 50 tourists each day during May, June, September and October months and even extra tents were provided near the huts. The activities of the tourists in the area affected the wildlife and biodiversity. During May 2018, more than fifty thousand trees of Bhoj Patra and

thousands of high altitude Rhododendrons, Himalayan Devdar and several type of underbrush were burnt. Directions were given by the High Court of Uttarakhand to the Chief Conservator of Forests, Uttarakhand and all DFOs but the directions are not being complied with.

2. Vide order dated 12.09.2022, this Tribunal constituted a Joint Committee comprising of representative of Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, UKPCB and District Magistrate, Pithoragarh and directed the same to submit its report within one month which time was extended vide order dated 21.11.2022 by one month.

3. In compliance thereof Dr. Rajendra Singh, ASO, UKPCB has submitted the report of the Joint Committee vide email dated 29.12.2022.

4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Uttarakhand through Chief Secretary, Government of Uttarakhand, (2) Principal Secretary, Tourism, State of Uttarakhand, (3) Principal Secretary, Environment and Forest, State of Uttarakhand, (4) Managing Director, Kumaon Mandal Vikas Nigam, (5) UKPCB, (6) the District Magistrate, Pithoragarh and (7) the Project Proponent- Mr. Ganesh Singh, Operator of 05 FRP/Tourist Huts, who stand impleaded as respondents No. 1 to 7. The Registry is directed to prepare and attach memo of parties to the application. Respondents no. 1, 4 and 5 is already appearing before this Tribunal through counsel. Notices along with copies of the application and report of the Joint Committee and documents attached with the same be issued to respondents no. 2, 3 and 6.

5. Notice be served on the Project Proponent- Mr. Ganesh Singh, Operator of 05 Fiber Reenforced Plastic (FRP)/Tourist Huts, through the District Magistrate, Pithoragarh and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Pithoragarh by E-mail for getting service of the same effected on him and sending his report in this regard.

6. Reply/response by respondents no. 1 to 7 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. In their reply/response, respondents no. (1) the State of Uttarakhand, (2) Principal Secretary, Tourism, State of Uttarakhand, (3) Principal Secretary, Environment and Forest, State of Uttarakhand, (4) Managing Director, Kumaon Mandal Vikas Nigam shall give all requisite details regarding the fire incident, damage caused, action already taken and further action to be taken regarding violation of environmental norms, issuance of guidelines for preventing such fire incidents, action plan for restoration of environment in the area in question with budgetary provisions and specific timelines. In his reply/response, the District Magistrate, Pithoragarh shall specifically mention as to what steps were taken by him for verifying that the FRP Tourist Huts were put up in the land allotted by him or on some other land and when the fact regarding unauthorized setting up of 05 FRP Tourist Huts in some other land came to his notice and what action was taken by him against the defaulters.

7. List for further consideration on 02.03.2023.

8. In the meanwhile, the 05 FRP Huts in question are ordered to be shifted to the land bearing Khet no. 2630 (Area-0.100 hectare), village Dugtu, Patti Dugtu, Tehsil Dharchula, District Pithoragarh originally

allotted by the District Magistrate, Pithoragarh and the land underneath the same is ordered to be restored to its natural environment.

9. Since, unauthorized setting up of the FRP Tourist Huts in ecologically sensitive zone *prima facie* involves violation of the provisions of the Environment (Protection) Act, 1986, the UKPCB is directed to take appropriate proceedings for imposition and realization of environmental compensation in accordance with law.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 02, 2023
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