

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 578/2022

Ram Singh

...Applicant

Versus

State of Uttarakhand

...Respondent

Date of hearing: 12.09.2022

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

Applicant: None.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Mr. Ram Singh resident of Village Dugtu-Saun, Post Office Dugtu, Tehsil, Dharchula, District Pithoragarh, Uttarakhand has sent the present letter petition, which is registered and treated as original application, complaining that 5 FRO tourist huts have been installed during 2016 and 2017 in the mid of alpine area at the altitude of more than 12000 feet in Panchachuli mountains. Government Land comprised in Khasra no. 2630, 0.100 hectare situated in Village Dugtu was 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 have affected the wildlife and biodiversity as musk deers which used to graze in the area no longer appear there. During May 2018, more than fifty thousand trees of Bhoj Patra and thousands of high altitude Rhododendrons, Himalayan Devdar and several type of underbrush have been 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. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

- (i) the concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee or file

objections against the observations/recommendations in the report of the Joint Committee and also file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Reports/Objections/reply/Response may be filed within stipulated period as directed above by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 21.11.2022.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 12, 2022
AG