

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.614/2022

Rasesh B Vissanji & Others

...Applicants

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 25.04.2023

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

Applicant: None.

Respondents: Mr. Rahul Verma, AAG for the State of Uttarakhand-
Respondents No. 1 to 3 and 5(through VC).
Mr. MukeshVerma, Advocate for UKPCB-Respondent No.
4.

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

ORDER

1. The grievance of the applicants in the present application is aboutIllegal cutting of trees by using JCB for construction of proposed 6 Kms of Chitai Manjoli Petshal National Highway and disposal of construction material (muck) illegally on fertile agricultural land of poor farmersdamaging the crops.

2. Vide order dated 23.09.2022, this Tribunal constituted a Joint Committee comprising of representatives of the Uttarakhand Pollution Control Board (UKPCB), the Executive Engineer, PWD, Almora, the DFO and the District Magistrate, Almoraand directed the same to verify the factual position and submit its report within one month.

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3. In compliance of order dated 23.09.2022, Factual and Action Taken Report of the Joint Committee was submitted by UKPCB vide email dated 04.01.2023.

4. Vide order dated 06.01.2023 notices were issued to respondents no. 1 to 5 for filing of their reply/response and in compliance thereof report/response has been filed by the District Magistrate, Almora and PWD, Uttarakhand.

5. The Joint Committee has mentioned in its report that Government of Uttarakhand had accorded administrative and financial approval of Rs.200.16 lakh for construction of alternative road of 8.0 Km from Chatai Pant Tiraha to Petshal (District Almora) and integrated Regional Office, MoEF&CC, Dehradun had accorded approval of non-forest use of land measuring 2.43875 hectare.

6. In report/response filed by the District Magistrate, Almora and PWD, Uttarakhand it has been mentioned that land measuring 4.83 hectare has been identified at Manila compartment no. 23 District Almora, Uttarakhand for compensatory afforestation and amount of Rs. 16,45,458/- has been deposited by the Construction Division, PWD, Almora for the same but the matter is stated to be pending for approval.

7. The Construction of the road is also stated to have been stopped and the villagers have also complained about the same.

8. In the present case it is needless to so clarify but we do it for the sake of propriety/abundant caution that (i) this Tribunal had not passed any order staying/stopping construction of the road and (ii) that the aspects of construction of road as well as compensatory afforestation, which required prompt action for redressing grievance of the residents of the locality as well as restoration of the environment, have not been appropriately adverted to.

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9. It is also pertinent to observe that the aspects of illegal cutting of the trees and dumping of the muck have also not been appropriately dealt with.

10. The District Magistrate, Almora and PWD, Uttarakhand are directed to file replies with requisite details regarding (i) Construction of Road, (ii) Compensatory afforestation, (iii) Cutting of the tree and (iv) disposal of the muck.

11. Reply/response be filed within infour weeks at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

12. A copy of this order be sent to the PCCF, Uttarakhand, the District Magistrate, Almora and PWD, Uttarakhand by email for requisite compliance.

13. DFO, Almora Forest Division, Almora be remain present physically present through VC on the next date of hearing.

14. List for further consideration of 18.08.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 25, 2023
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