

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.102/2022/EZ

Mirjum Karba Applicant(s)
Versus

Union of India &Ors. Respondent(s)

Date of hearing: 06.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Kallol Basu, Advocate a/w
Mr. Nilanjan Pal, Adv. & Ms. Joyee Maiti, Adv.

For Respondent(s) : Mr. Soumitra Mukherjee, Adv. for R-1, (in Virtual Mode)
Mr. Ashok Prasad, Adv. for R-2-5&7-8, (in Virtual Mode)
Mr. Surendra Kumar, Advocate for R-6,

ORDER

1. Mr. Kallol Basu, learned Counsel assisted by Mr. Nilanjan Pal and Ms. Joyee Maiti, learned Counsel is present for the Applicant.
2. Supplementary affidavit dated 05.12.2022 has been filed on behalf of the Applicant; the same is taken on record.
3. Mr. Basu has placed before us the Government order dated 25.10.2022 (Annexure-S1 to the supplementary affidavit), which is a notification issued by the Government of Arunachal Pradesh, Department of Land Management, Itanagar, wherein the land measuring 3226400 square meters (322.64 hectares) located at Jaji Rijo, Lipin, Birko and Boko area at Siji-Magi, described in the schedule below is stated to have been voluntarily donated by the villagers of Siji-Magi, Likabali area, free of cost to the District Administration, Government of Arunachal Pradesh for establishment of Lower Siang District Headquarter at Siji under Likabal Circle of Lower Siang District, Arunachal Pradesh.
4. Learned Counsel further submitted that this area has already been declared to be 'Eco-Sensitive Zone' vide Ministry of Environment, Forests

and Climate Change Notification dated 09.06.2020 and in any case no construction can be made on forest land unless Forest Clearance to that effect has been obtained from the Central Government as required by the provisions of Section 2 of the Forest (Conservation) Act, 1980.

5. Learned Counsel further submits that such activities regarding construction of District Headquarter is not the activity permissible under 'The Forest Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' and, therefore, strict compliance of the provisions of Section 2 of the Forest (Conservation) Act, 1980 is mandatory.
6. In this view of the matter, we direct that till further orders, there shall be a complete stay on all construction activities in respect of the area in question covered by the Government of Arunachal Pradesh Notification dated 25.10.2022.
7. Mr. Ashok Prasad, learned Counsel appearing (in Virtual Mode) for Respondent Nos. 2 to 5 & 7 to 8, State Respondents, Govt. of Arunachal Pradesh, and Mr. Surendra Kumar, learned Counsel appearing for Respondent No.6, Arunachal Pradesh State Pollution Control Board, pray for and are granted three weeks time for filing counter-affidavits.
8. **List on 03.02.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

January 6, 2023
Original Application No.102/2022/EZ
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