

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

Original Application No.168/2023/EZ

Dilip Nath

Applicant(s)

Versus

Principal Chief Conservation of  
Forest (PCCF), Assam & Ors.

Respondent(s)

Date of hearing: 21.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Dilip Nath, in person (in Virtual Mode)

For Respondent(s) : Ms. Malabika Roy Dey, Adv. for State Respondents,  
Ms. Amrita Pandey, Adv. for R-6 (in Virtual Mode)

**ORDER**

1. Mr. Dilip Nath, the Applicant is present in person (in Virtual Mode).
2. Affidavit dated 15.07.2024 has been filed on behalf of the Respondent No.1, Principal Chief Conservator of Forest; the same is taken on record.
3. Affidavit dated 30.07.2024 has been filed on behalf of the Respondent No. 6, Ministry of Environment, Forests and Climate Change (MoEF&CC); the same is taken on record.
4. In this affidavit it is stated that under Section 33 of the Wildlife (Protection) Act, 1972 the Chief Wildlife Warden shall be the authority to control, manage and protect all Sanctuaries. It is also stated that as per Section 34A of the Wildlife (Protection) Act, 1972, any officer not below the rank of an Assistant Conservator of Forests may:

- a) Evict any person from a Sanctuary or National park who unauthorizedly occupies Government land in contravention of the provisions of this act;
  - b) Remove any unauthorised structures, buildings, or constructions erected on any Government land within any Sanctuary or National park and all things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of forests.
5. In the affidavit of the Principal Chief Conservator of Forest, Assam it is stated that about 300,000 people have encroached in large numbers in the area in question and have cleared low land evergreen and semi-evergreen forest areas making permanent houses, occupying large areas of the forest and cultivating commercial crops such as betel nut trees, coconut, rubber and tea alongside agricultural crops. It is also stated that about 23,028 claims have been filed under the Forest Rights Act 2006 in Charduar Reserve Forest, Balipara Reserve Forest and Sonai Rupai Wildlife Sanctuary. A Chart has also been filed in para 11 of the affidavit showing that about 50,241.00 ha. of forest land in the reserve forest/protected areas are under encroachment out of total area of 73,524.86 ha.
6. We may point out that Item 17A of the List III Concurrent List of the Schedule VII of the Constitution of India deals with 'forests'.
7. We, therefore, direct the Ministry of Environment, Forests and Climate Change (MoEF&CC) to file its affidavit in reply to the affidavit of the Principal Chief Conservator of Forest dated 15.07.2024 with regard to the stand of the MoEF&CC in such a

case of large scale encroachment which has been permitted over the years and decades.

8. The MoEF&CC shall file its affidavit to show what action has been taken by the MoEF&CC in this regard.
9. We also direct the Chief Secretary, Government of Assam to re-file his affidavit, which is stated to be defective, within four weeks.
10. **List on 07.11.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

August 21, 2024,  
Original Application No.168/2023/EZ  
SKB