

**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 Conservator  
of Forest (PCCF), Assam & Ors.

Respondent(s)

Date of hearing: 23.01.2025

**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. Anamika Pandey, Adv. for R-6 (in Virtual Mode)

**ORDER**

1. Mr. Dilip Nath, the Applicant is present in person (in Virtual Mode).
2. In spite of the order of this Tribunal dated 21.08.2024, the Ministry of Environment, Forests and Climate Change (MoEF&CC) has not been able to file its affidavit with regard to the issues involved in the present case particularly with regard to the Charduar Reserve Forest, Balipara Reserve Forest and Sonai Rupai Wildlife Sanctuary. This is most unfortunate. In fact, the affidavit dated 04.11.2024 which has been filed by the MoEF&CC is absolutely silent with regard to these issues and only two letters of MoEF&CC have been filed therewith which are also general letters issued to all States and Union Territories that they are required to maintain vigilance with regard to encroachment of forest land.
3. We, therefore direct the MoEF&CC to file parawise reply to the allegations made in the Original Application taking into

consideration the affidavit of the Chief Secretary, Government of Assam, by the next date of listing.

4. The Chief Secretary, Government of Assam in his affidavit dated 20.08.2024 has not stated in clear terms as to what is being done with regard to the Scheduled Caste, Scheduled Tribe, Other Backward Class population and others who may have encroached into the forest in question and what steps are being taken by the State Government in their regard.
5. In the affidavit of the Principal Chief Conservator of Forest (PCCF) dated 15.07.2024 it is stated that the Forest Department has been directed to prepare comprehensive resettlement and rehabilitation plan for the encroachment in the Nameri National Park – Sonai Rupai Wildlife Sanctuary landscape. The Department was required to submit a draft plan within three months i.e. by last week of September 2024. The affidavit of the Chief Secretary, State of Assam dated 20.08.2024, filed thereafter, does not disclose what has happened with regard to the said draft plan.
6. It is further stated in para 8 of the affidavit dated 15.07.2024 that action will be taken against the responsible persons including the officials and staff of the said Road Division which is stated to be 5 km inside the Sonai Rupai Wildlife Sanctuary which is surrounded by encroachments on all sides. What action has been taken has not been disclosed in the affidavit of the Chief Secretary, State of Assam dated 20.08.2024.
7. In para 11 of the affidavit dated 15.07.2024 it is stated that the Divisional Forest Officer, Sonitpur West Division and the Divisional Forest Officer, Western Assam Wildlife Division have been asked to conduct a comprehensive survey on encroachment in coordination

with the DC Sonitpur before submitting the draft plan. The affidavit of the Chief Secretary, Government of Assam dated 20.08.2024 is silent with regard to the action taken in this regard. Again, in para 11 of the affidavit dated 15.07.2024 it is stated that over the period of 20 years about 300,000 people have encroached over the forest land clearing lowland evergreen and semi-evergreen forest areas and constructing permanent houses, occupying large areas of forest and 23028 claims have been filed under the FRA 2006 in Charduar Reserve Forest, Balipara Reserve Forest and Sonai Rupai Wildlife Sanctuary. What is the progress of these cases, has not been disclosed in the affidavit of the Chief Secretary, State of Assam dated 20.08.2024.

8. We therefore direct the Chief Secretary, Government of Assam to file a comprehensive affidavit by the next date of listing, without withholding any material from this Tribunal.
9. **List on 08.04.2025.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

January 23, 2025,  
Original Application No.168/2023/EZ  
SKB