

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 8820 OF 2019

JAIPUR DEVELOPMENT AUTHORITY and Anr.

Appellant(s)

VERSUS

HEMANT KUMAR RAJORIA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO(S). 8967 OF 2019

O R D E R

1. These appeals are against the judgment and order of the National Green Tribunal, Principal Bench, New Delhi in Original Application No. 382/2018 dated 23.10.2019. By the said order the Tribunal issued the following directions:

a) All the constructions raised in the name of revival of Galta valley be demolished at the cost of Jaipur Development Authority and entire construction and demolition waste shall be removed within a period of one month from today.

b) The Forest Department, Government of Rajasthan shall restore the part of the reserve forests of village Galta and Jamdoli to its pristine condition by undertaking tree plantation and other measures.

c) The entire reserve forest of Galta and Jamdoli villages will be revived and secured by raising fencing/boundary wall around the entire reserve forest. For this purpose a time bound action plan shall be prepared which may be part of the working plan of the Reserve Forest and got approved from MoEF & CC in terms of the guidelines issued by them.

d) The Ministry of Environment, Forest and

Climate Change shall initiate proceedings for violation of the Forest (Conservation) Act 1980 in terms of guideline issued by them from time to time.

2. Pending disposal of the Civil Appeals filed against the above referred order, on 28.02.2024 this Court issued the following directions:

1. On 28.03.2023, this Court passed an order, being not satisfied with the contentions of the State that the forest has been substantially restored, that the Principal Secretary, Ministry of Forest, State of Rajasthan should visit the Galta Valley and note the nature of non-forest activity carried out on the site and file an affidavit.

2. An affidavit has been filed on 03.05.2023 by the Deputy Conservator of Forests (Wildlife) Zoo, Jaipur, Rajasthan. Another affidavit dated 27.07.2023 is filed by respondent no.1. However, there is still some contest about the compliance of the final directions issued by the National Green Tribunal.

3. In order to obtain an objective and an accurate picture, we have requested Ms. Aishwarya Bhati, learned Additional Solicitor General to get the site verified through a senior officer of the Ministry of Environment, Forest and Climate Change of India and file an affidavit before this Court. The affidavit shall be filed after due verification of the position of the site that exists as of today. The affidavit shall indicate if there is any non-forest activity continuing over the site in question.

4. Let the affidavit be filed within a period of three weeks from today.

3. In compliance of our order, the Union of India has filed an affidavit on 04.04.2024 deposed and executed by the Assistant Inspector General of Forest to the following effect:

"5. That, in compliance of the aforesaid order, the Ministry vide its letter dated 13.03.2024 requested the Sub-Office Jaipur to inspect the site and submit a factual report in compliance of the order of the Hon'ble Supreme Court. (True copy of the letter dated 13.03.2024 is annexed as "Annexure R1").

6. Accordingly, the site inspection was done by the Regional Officer Gandhinagar who is also holding the charge of Sub-Office Jaipur on 15th March 2024. The Sub-Office Jaipur submitted its inspection report to the Ministry on 20.03.2024. As per the said report, it is observed that the traces of demolition of some construction works carried out earlier was seen and there is no structure or debris other than the fencing work carried out along the road leading to Galta temple. The justification for retention of the fencing along the road was given by the State Government and the same is found to be appropriate as it is serving the purpose of protection of forest land as well as wildlife from the vehicles. The construction of boundary wall along the road opposite to fencing was also seen going on. As per the inspection report, there is no non forestry activity continuing on the site at present. (True Copy of the inspection report dated 15.03.2024 is annexed as "Annexure R2").

7. That, in view of the foregoing submissions, this Hon'ble Court may taken on record the compliance affidavit along with the factual report and pass such orders as it may deem fit in the interest of justice."

4. Having considered the affidavit dated 04.04.2024, we are satisfied that there is substantial compliance with our direction.

5. Ms. Shobha Gupta, learned senior counsel appearing on behalf of the respondent has brought to our notice some more structures like pergola etc. are still continuing as per photographs shown at page no. 74 of the Counter Affidavit dated 10.11.2022 filed by the respondent no. 1 in Civil Appeal No. 8820 of 2019 and at page no. 4 of the Affidavit dated 27.07.2023 filed by the respondent no. 1.

The appellant-authority may take necessary steps to see that these structures are removed.

6. With these observations, the Civil Appeals stand disposed of.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
FEBRUARY 19, 2025

ITEM NO.17

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8820/2019

JAIPUR DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

HEMANT KUMAR RAJORIA & ORS.

Respondent(s)

IA No. 174682/2022 - EXEMPTION FROM FILING O.T.
IA No. 177298/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 175887/2019 - STAY APPLICATION

WITH

C.A. No. 8967/2019 (XVII)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
179185/2019

FOR STAY APPLICATION ON IA 179189/2019

FOR EXEMPTION FROM FILING O.T. ON IA 172914/2022

IA No. 179185/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 172914/2022 - EXEMPTION FROM FILING O.T.

IA No. 179189/2019 - STAY APPLICATION

Date : 19-02-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) : Mr. D. K. Devesh, AOR
Mr. Anuj Bhandari, AOR

For Respondent(s) : Ms. Shobha Gupta, Sr. Adv.
Mr. Aditya Ranjan, AOR

Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Amit Sharma B, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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O R D E R

1. The Civil Appeals stand disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI MATHUR)
COURT MASTER (NSH)

(Signed Order is placed on the file)