

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 61/2024

News Item titled "**Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion**" appearing in the Northeast Now News dated 25.12.2023

Date of hearing: 15.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Devajit Saikia, Advocate General with Mr. Azim. H. Laskar, Mr. Bikas Kar Gupta & Mr. Padmadhar Nayak, Advs. for the State of Assam
Mr. Thakur Sumit, Adv. for MoEF & CC (Through VC)

ORDER

1. This original application was registered *suo moto* on the basis of a news item disclosing that the Assam Government's top forest officials had illegally diverted 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley, in violation of the provisions of Forest (Conservation) Act, 1980. The Tribunal vide order dated 23.01.2024 had impleaded the concerned respondent and had issued notice.

2. Affidavit in opposition has been filed on behalf of the PCCF and Head of Forest Post taking the stand that there is not illegal diversion of 44 hectare of forest land and the said land will only be used for the purpose of setting up tent for Commando Battalion which has been created for protection of the inner line Reserve forest in Hailakandi district in Assam.

3. Learned Advocate General appearing for the State of Assam has placed reliance upon the explanation to Section 2 of the Forest

(Conservation) Act, 1980 in support of his plea that the said activity is not a non forest activity.

4. Learned Counsel appearing for MoEF and CC has disclosed that the communication was sent to the concerned authorities of the State of Assam on 16.01.2024 seeking the requisite information which has not been supplied till now. Contradicting it learned Advocate General has submitted that the said information has been sent two - three days back. However, if the information has not been sent till now the concerned authorities of the State will take immediate steps to send all the relevant information to the MoEF & CC. MoEF & CC will make its stand clear by filing the response at least three days before the next date of hearing.

5. Learned Advocate General has prayed for and is granted liberty to file a short additional affidavit.

6. List the matter on 14th March, 2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 15, 2024
Original Application No. 61/2024
HB.