

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

Original Application No. 61/2024
(IA No.124/2024)

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: 23.04.2024

**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 (Through VC) with Azim. H. Laskar,
Mr. Bikas Kar Gupta & Mr. Padmadhar Nayak, Adv. for the State of Assam
Mr. Thakur Sumit, Adv. for MoEF & CC (Through VC)
Mr. Parul Gupta, Adv. in I.A No. 124/2024

ORDER

1. This Original Application, registered *suo-moto*, issue involved is about legality of diversion of 44 hectares of protected forest land for a Commando Battalion headquarters in Barak Valley and illegal construction for that purpose inside the Inner Line of Reserved Forest in Hailakandi district.

2. In terms of the direction of the Tribunal, counter affidavit on behalf of MoEF&CC (respondent no.1) has been filed disclosing the status as under:-

“ 7. That the Regional Office Shillong of the Ministry vide its letter no. F.NO.- RONE/E/O.A.No.61/24/PB/S/4081 dated 12.03.2024 sent its detailed site inspection report vis-à-vis allegations of violation of statutory provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by PCCF/HOFF, Assam. The said report has been examined in the Ministry and prima facie it has been observed that the use of forest land for non-forestry activities has been allowed without prior permission of the Central Government which is in contravention of the statutory provisions and rules under

Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. (Copy of the site visit Report is annexed as **Annexure-R-3**).

8. That taking note of the aforesaid, the answering Ministry vide its letter dated 18.03.2024 directed the State Govt. to stop and discontinue the alleged construction activities forthwith. That vide letter dated 18.03.2024 the Ministry also requested its Regional Office Shillong to initiate action as prescribed under section 3A and 3B of the *Evam Van (Sanrakshan Samvardhan) Adhinyam*. (Copy of the letters dated 18.03.2024 annexed as **Annexure-R4.**)”
3. Affidavit clearly reflects that the construction has been done in utter violation of the norms.
4. Learned Advocate General appearing for the State has submitted that construction activity has now been stopped and has sought four weeks time to file response in the matter.
5. He has further submitted that an application has been made to MoEF&CC for permission which is pending.
6. Learned Advocate General has also sought four weeks time to file response to the impleadment application i.e. IA No.124/2024.
7. In view of the above, request for grant of four weeks time to file the response made by Learned Advocate General, is allowed.
8. List on 02.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr.A. Senthil Vel, EM

April 23, 2024
Original Application No. 61/2024
(IA No.124/2024)
JG.