

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL  
ZONAL BENCH BHOPAL (M.P.)**

**EXECUTION APPLICATION NO. ...7.../2024**

**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**APPLICANT** : HEMRAJ MEENA

**VERSUS**

**RESPONDENTS** : UNION OF INDIA & OTHERS

**FILE 'A'**

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*Hemraj Meena*

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PLACE: BHOPAL

DATED: 11/07/2024

*Mem RoJ meena*

*[Signature]*

Counsel for Applicant  
(Krishan Sharma/ Pawan Sharma/ R.P. Meena) Advocates

Add- Chamber No. 178, Old Bldg.,  
Rajasthan High Court, Bench Jaipur at  
Jaipur (Raj)

E-mail: [advocatekrishana@gmail.com](mailto:advocatekrishana@gmail.com)

Mob.- 9982765049

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DATED: 11/07/2024

*Hemraj Meena*

*10*

Counsel for Applicant

(Krishan Sharma/ Vaibhav Pancholy)

Advocates

Add- Chamber No. 178, Old Bldg.,  
Rajasthan High Court, Bench Jaipur at  
Jaipur (Raj)

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**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**APPLICANT : HEMRAJ MEENA**

**VERSUS**

**RESPONDENTS : UNION OF INDIA & OTHERS**

**SYNOPSIS**

- That Applicant had filed an original application no. 153/2023(CZ) in the year 2023 before this hon'ble tribunal against illegal activities and construction of commercial nature within the periphery of Nahargarh Wildlife Sanctuary upon Khasra No. 134 and 135 of Village Nahargarh in which this Hon'ble Tribunal after hearing all parties had passed comprehensive directions for protection of Nahargarh Wildlife Sanctuary as well as Eco Sensitive Zone of Nahargarh Wildlife Sanctuary including the directions relating to stoppage of illegal construction and demolition of illegal construction which has already been raised.
- That Applicant had served upon representations on 27/03/2024 and 10/06/2024 but no action has been taken so far by the respondents in order to make sure the compliance of order dated 13/03/2024 in view of meeting of monitoring committee dated 03/04/2024.

Hemraj Meena

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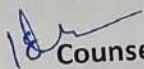
(2)

- That hence being aggrieved with the inaction of Respondents Applicant is preferring this execution application for execution of order dated 13.03.2024 passed by this Hon'ble Tribunal.

Place: Bhopal

Dated: 11/07/24

Mem P O J meema

  
Counsel for Applicant

(Krishan Sharma/ Vaibhav Pancholy)

Advocates

Add- Chamber No. 178, Old Bldg.,  
Rajasthan High Court, Bench Jaipur at  
Jaipur (Raj)E-mail: [advocatekrishana@gmail.com](mailto:advocatekrishana@gmail.com)

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(3)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL  
ZONAL BENCH BHOPAL (M.P.)**

**EXECUTION APPLICATION NO. ...7.../2024**

**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**APPLICANT** : HEMRAJ MEENA

**VERSUS**

**RESPONDENTS** : UNION OF INDIA & OTHERS

**CHRONOLOGICAL EVENTS**

<b>S.No.</b>	<b>DATES</b>	<b>EVENTS</b>
1	13.03.2024	This Hon'ble Tribunal was pleased to pass an order on 13/03/2024 and issued comprehensive directions qua stoppage and demolition of illegal construction upon Khasra No. 134 and 135 of Village Nahargarh.
2	27.03.2024	Applicant had served upon a detailed representation to respondents for making and ensuring compliance of order dated 13/03/2024.
3	03/04/2024	Meeting of Monitoring committee was held and it was decided that Nagar Nigam will make sure the compliance within 15 days and on same day DCF had issued letter to Commissioner Nagar Nigam.

Hemraj Meena

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4	10/06/2024	Applicant had submitted the reminder and prayed for demolition of illegal construction in view of order dated 13/03/2024 and meeting of monitoring committee.
5	18/06/2024	Applicant had served a legal notice upon the respondents and stated the compliance of order dated 13/03/2024 is not being made and prayed for its compliance within particular time frame.
6.		Hence being aggrieved with the inaction on the part of respondents, this Execution Application is being filed by the Applicant without any delay.

Place: Bhopal

Dated: 11/07/24

Hemraj Meena

**Counsel for Applicant**

(Krishan Sharma/ Vaibhav Pancholy)

Advocates

Add- Chamber No. 178, Old Bldg.,  
Rajasthan High Court, Bench Jaipur at  
Jaipur (Raj)E-mail: [advocatekrishana@gmail.com](mailto:advocatekrishana@gmail.com)

Mob.- 9982765049

(5)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL  
ZONAL BENCH BHOPAL (M.P.)**

**EXECUTION APPLICATION NO. ...7.../2024**

**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**Between:**

Hemraj Meena son of Shri Ramphool Meena, aged about 40 years, resident of 134/20-A Defence Colony, Gurjar Ghati Amer Road Jaipur, (Rajasthan). (Mobile No. 9672000092) (Email- hemrajmeena8483@gmail.com)

**...APPLICANT**

**VERSUS**

1. Union of India through the Secretary, Ministry of Environment, Forest and Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003 (email-secy-moef@nic.in).
2. The Principal Chief Conservator of Forests -cum- Chief Wildlife Warden, Forest Department, Government of Rajasthan, Aranya Bhawan, Jhalana Institutional Area, Jhalana Doongri, Jaipur-302004 (Rajasthan). (Email-pccf.cwfw.forest@rajasthan.gov.in)

*Hemraj Meena*

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3. Deputy Conservator of Forests, Wildlife, Zoo Jaipur, Ramniwas Bagh, Jaipur-302004(Rajasthan). (Email-dcfwl.zoo.forest@rajasthan.gov.in)
4. Member Secretary, Rajasthan State pollution control Board, JhalanaDoongri, Jaipur-302002 (Rajasthan). (acp.rpcp@rajasthan.gov.in).
5. The Collector, District Jaipur-302016 (Rajasthan). (Email-dm-jaip-rj@nic.in)
6. Deputy Commissioner Amer Hawamahal Zone Nagar Nigam Heritage Chaugan Stadium Gangauri Bazar Jaipur (Rajasthan) 302002 (Email- dcnnj@gmail.com).
7. Navratan Lal Agarwal S/o Shri unknown, R/o- S-13A Mahaveer Marg C Scheme Jaipur- 302005. (Email-agarwalnavratan144@gmail.com)
8. Manoj Kumar Agarwal S/o Shri Navratan Lal Agarwal, R/o- S-13 Mahaveer Marg C Scheme Jaipur- 302005. (Email- Kumarmanoj507@gmail.com).
9. Krishan Agarwal S/o Shri unknown, R/o- S-13 Mahaveer Marg C Scheme Jaipur- 302005. (Email-Krishanaagarwal108@gmail.com).
10. Preeti Agarwal Daughter/Wife of Unknown, R/o- R/o- S-13 Mahaveer Marg C Scheme Jaipur- 302005. (Email-preetiagarwl216@gmail.com)
11. Mukesh Agarwal S/o Shri unknown, R/o- S-13 Mahaveer Marg C Scheme Jaipur- 302005. (Email- Mukeshagar@gmail.com).
12. Bhiva Ram Panna Lal Kumawat Constructions through its authorized signatory, Address- 602 Element Mall DCM Ajmer Road Jaipur Rajasthan-302021 (Email-info@brplk.co).

...RESPONDENTS

Hem Raj Meena

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(7)

**AN APPLICATION UNDER SECTION 26, 27, 28 OF NATIONAL GREEN TRIBUNAL ACT 2010 FOR EXECUTION OF ORDER DATED 13.03.2024 PASSED BY THIS HON'BLE TRIBUNAL & IMPOSITION OF PENALTY AND INITIATION OF CRIMINAL PROCEEDINGS AGAINST THE RESPONDENTS, WHO ARE NOT COMPLYING THE DIRECTIONS ISSUED VIDE ORDER DATED 13.03.2024.**

May Please Your Lordships.

1. The Address of the Applicant is given above for service of notice of these applications and that of the representatives.
2. The addresses of Respondents as given above for the service of notice of present application.
3. That Applicant had filed an original application no. 153/2023(CZ) in the year 2023 before this hon'ble tribunal against illegal activities and construction of commercial nature within the periphery of Nahargarh Wildlife Sanctuary upon Khasra No. 134 and 135 of Village Nahargarh in which this Hon'ble Tribunal after hearing all parties had passed comprehensive directions for protection of Nahargarh Wildlife Sanctuary as well as Eco Sensitive Zone of Nahargarh Wildlife Sanctuary including the directions relating to stoppage of illegal construction and demolition of illegal construction which has already been raised. The Web-Copy of Order dated 13/03/2024 is annexed herewith and marked as **Annexure-A/1**.
4. That Applicant had served upon a detailed representation on 27/03/2024 upon the respondents and sought the compliance of order dated 13/03/2024 passed by this Hon'ble Tribunal. The Photocopy of representation dated 27/03/2024 is annexed herewith and marked as **Annexure-A/2**.
5. That the meeting of monitoring committee came to be organized on 03/04/2024 and in said meeting it was unanimously decided to direct the Nagar Nigam for making compliance of order dated 13/03/2023 within the period of 15 days and Deputy Conservator of Forests had also issued a

Hemraj Meena

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letter on same day to Commissioner Nagar Nigam Jaipur Heritage and by the way of letter dated 03/04/2024 it was expected from Commissioner Nagar Nigam that he shall make sure the compliance of order dated 13/03/2023 within the period of 15 days. The Photocopies of Minutes of Meeting dated 03/04/2024 and letter dated 03/04/2024 are annexed herewith and marked as **Annexure-A/3 Collectively**.

6. That Applicant had also served a reminder upon the respondents on 10/06/2024 and prayed for ensuring the compliance of order dated 13/03/2023 passed by this Hon'ble Tribunal but even after receipt of the reminder nothing has been done so far in order to make sure compliance of order passed by this Hon'ble Tribunal. The Photocopy of reminder dated 10/06/2024 along-with postal receipts is annexed herewith and marked as **Annexure-A/4**.
7. That subsequent to service of reminder upon the respondents applicant had also served a legal notice upon the respondents on 18/06/2024 and prayed for making compliance of order dated 13/03/2024 and illegal construction present upon Khasra No.134 and 135 of Village Nahargarh be demolished in the interest of justice. The Photocopy of legal notice dated 18/06/2024 is annexed herewith and marked as **Annexure-A/5**.
8. That the humble Applicant has submitted requisite Court Fees for filling the present application as prescribed under the NGT Rules 2010.
9. That substantial cause of action is important and very urgent in nature and arose due to Non-Compliance of order dated 13.03.2024 passed by this Hon'ble Tribunal.

### PRAYER

It is most respectfully prayed that this application may kindly be allowed and this Hon'ble Tribunal be pleased to pass following directions and orders: -

Memorandum

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- (i) That the order dated 13.03.2024 passed by this Hon'ble Tribunal may kindly be executed in terms of Section 25, 26, 27 and 28 of National Green Tribunal Act 2010 and Respondents be directed to comply with the directions came to be passed vide order dated 13.03.2024 forthwith.
- (ii) Respondents be also directed to act and proceed in furtherance of meeting of monitoring committee dated 03/04/2024 and illegal construction be removed immediately.
- (iii) Respondents be also punished for willful non-compliance and disobedience of order dated 13/03/2024 in accordance with NGT Act, 2010.
- (iv) That Respondents be punished with imprisonment for a term of 3 years and penalty of Rs. 10 crores may also be imposed upon the Respondents in terms of Section 26 of National Green Tribunal Act 2010.
- (v) That heavy cost may kindly be imposed upon the Respondents and be awarded to Applicant.
- (vi) That any other or further order or direction as this Hon'ble Tribunal deem just & proper may kindly be passed in the interest of Justice.

Place: Bhopal

Dated: 11/07/24

Mem R J meema



Counsel for Applicant

(Krishan Sharma/ Vaibhav Pancholy)

Advocates

Add- Chamber No. 178, Old Bldg.,  
Rajasthan High Court, Bench Jaipur at  
Jaipur (Raj)

E-mail: [advocatekrishana@gmail.com](mailto:advocatekrishana@gmail.com)

Mob.- 9982765049

(10)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL  
ZONAL BENCH BHOPAL (M.P.)**

EXECUTION APPLICATION NO. ...7.../2024

IN

ORIGINAL APPLICATION NO. 153/2023 (CZ)

APPLICANT : HEMRAJ MEENA

VERSUS

RESPONDENTS : UNION OF INDIA & OTHERS

**AFFIDAVIT**

I Hemraj Meena son of Shri Ramphool Meena, aged about 40 years, resident of 134/20-A Defence Colony, Gurjar Ghati Amer Road Jaipur, (Rajasthan) do hereby solemnly affirm on oath as under: -

1. That, applicant is well acquainted with the facts of present case and the application is drafted by counsel for Applicant on my instructions and contents thereof, have also been explained to me.
2. That Applicant has read and understood the same and the application is true further nothing has been concealed by Applicant.
3. That averments stated in this application and material thereof had suppressed there from.
4. That, affidavit is executed in support of this execution application.



*Identified by  
[Signature]*

*Hemraj Meena*  
Deponent

**VERIFICATION**

I, above Deponent do hereby verify that the contents from paragraph 1 to 4 are true to best of my knowledge.

Signed & verified on

at Bhopal.

*Hemraj Meena*  
Deponent

**ATTESTED**

*[Signature]*  
**NOTARY  
JAIPUR (RAJ) INDIA**  
**12 JUL 2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL  
ZONAL BENCH BHOPAL (M.P.)**

**EXECUTION APPLICATION NO. ...7.../2024**

**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**APPLICANT** : HEMRAJ MEENA

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**RESPONDENTS** : UNION OF INDIA & OTHERS

**COMPILATION-2**

**LIST OF DOCUMENTS**

S.No.	Particulars of Documents	Annexures	Page No.
1	Web-copy of the Order dated 13/03/2024.	Annexure-A/ 1	11-66
2	Photocopy of representation dated 27/03/2024.	Annexure-A/ 2	67-68
3	Photocopies of Minutes of Meeting dated 03/04/2024 and letter dated 03/04/2024.	Annexure- A/3	69-71
4	Photocopy of reminder dated 10/06/2024 along-with postal receipts.	Annexure- A/4	72-75
5	Photocopy of legal notice dated 18/06/2024.	Annexure- A/5	76-78
<u>3</u>	Affidavit in support of documents		79
4	Vakalatnama & Court fees		80

PLACE: BHOPAL

DATED: 11/07/2024

*Hemraj Meena*

*10/7*  
Counsel for Applicant

(Krishan Sharma/ Vaibhav Pancholy)  
Advocates

Annex. A/1

(11)

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

**Original Application No. 153/2023 (CZ)**

Hemraj Meena

Applicant(s)

Vs

Union of India &amp; Ors.

Respondent(s)

Date of Hearing: 13.03.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): Mr. Vaibhav Pancholey, Adv.

For Respondent(s): Dr. Sapna Aggarwal, Adv.  
Mr. Hari Narain Gupta, Adv.  
Mr. Sagar Jindal, Adv.  
Mr. Lokendra Singh Kachhawa, Adv.  
Mr. Nishant Kesharwani, Adv.  
(with Mr. Shoeb Hasan Khan, Adv.)  
Mr. Rajat Gupta, Adv.  
(with Mr. Anuj Bhandari, Adv.)  
Mr. Vaibhav Thakuria, Adv.

**ORDER**

1. The issue raised in this application is illegal permanent construction of commercial nature within the boundaries of Nahargarh Wildlife Sanctuary and also within Eco Sensitive Zone of Nahargarh Wildlife Sanctuary and same is in continuity and same is being made by Respondent No. 12 to 17 without obtainment of any authority from forest department and National Board constituted under Wildlife Protection Act, 1972 and said construction is being done upon the lands of Khasra No. 134 and 135 of Village Nahargarh and same is part of described area of Nahargarh Wildlife Sanctuary and said construction is also violation of Notification of Eco Sensitive Zone. Applicant had submitted a complaint first time on 01/04/2023 and narrated the facts and circumstances before responsible authorities and pursuant thereto on 06/04/2023 Deputy Conservator of

(12)

Forests wrote a letter to Assistant Conservator of Forests and Regional Forest Officer Nahargarh Wildlife Sanctuary for necessary inquiry and action and after receipt of the same Assistant Conservator of Forests had issued two notices to Respondent No.12 to 17 on 25/04/2023.

2. Brief facts of the case are that the Government of Rajasthan had issued an order under Section 20 of Rajasthan Forest Act, 1953 on 21/11/1961 and acquired the land of Nahargarh Village and Other Villages to be the Reserve Forest with effect from 15/01/1962. Total 30004.607 Acre land was acquired in order to declare the same as reserve forest and after acquisition of total land, same came to be declared reserve forest with effect from 15/01/1962. The land was acquired from the Villages Amer, Kanpur Sadva, Vijaymahal, Nahargarh, Bassi Sitarampura, Kishanbagh, Beed Papad, Mahapura/Kukar Kheda, Mayla Bagh, Beed Jaisala, Jaisala, Akeda, Sisiyawas, Bad Gaon, Khairwadi, Kishangarh, Udaipura, Laxmi Narayanpura, Bhadana, Chak-maanpura, Shivdaspura, Daulatpura, Bagwada, Seengwana, Kachrawala, Chaapradi, Jaitpura, Achrol, Bami/Varni, Labana, Gunawata, Dhand, Hamar, Khuraad, Chimanpura, Kukas, Nestiwas and Beed Kaleda and All these villages jointly designated as Vankhand Amer (Forest Block Amer) 54.
3. The Government of Rajasthan had further issued a notification No.F-11(39) Rajasthan 8/80 on 22/09/1980 under Section 18 of Wildlife Protection Act, 1972 by which the reserve forest declared by Order dated 21/11/1961, has further declared to be Nahargarh Wildlife Sanctuary. At the time of issuance of notification dated 22.09.1980 the Boundaries of Sanctuary got decided and that Govt. of India has also issued a gazette notification on 08.03.2019 by which the Eco- Sensitive Zone of Nahargarh Wildlife Sanctuary got declared. It is also submitted that Eco- Sensitive Zone shall be from 0-13 Kms. around the Sanctuary Boundaries of Nahargarh Wildlife

(13)

Sanctuary. By the way of notification dated 08/03/2019, some essential activities for local residents were allowed and rest of the commercial activities were prohibited. The bare perusal of the notification dated 08/03/2019 goes to reveal that there are three classes of activities mentioned therein, the A Clause is about Prohibited Activities, B Clause is about Regulated Activities and C Clause is about Promoted Activities.

4. Jaipur Development had issued the permission for construction of Hotel/Commercial Establishment first time in the year 2014 i.e. on 05/03/2014 but the construction got not started and for the purpose of making construction second permission was issued on 02/06/2023 and same is valid up-to December 2025 and while issuance of both these permissions no correspondence was made with forest department and no permission was sought from National Wildlife Board constituted under Wildlife Protection Act, 1972 and intentionally Village Amer has been mentioned in both these permissions whereas Khasra No.134 and 135 belongs to Village Nahargarh and upon said Khasra No.134 and 135 the illegal construction is being done and as per notification of Nahargarh Wildlife Sanctuary the entire revenue land of Village Nahargarh is integral and inseparable part of Nahargarh Wildlife Sanctuary and the recent permission issued for the purpose of construction is also violation of Notification of Eco Sensitive Zone as permanent construction of commercial nature is prohibited activity.
5. The land in question has been recorded in the name of Jaipur Development Authority and as per the knowledge of the applicant the lease deeds (Pattas) has been issued by Jaipur Development Authority in the names of Respondent No.12 to 16, which is violation of Section 20 of Wildlife Protection Act and Section 2 of Forest Conservation Act, 1980, as such no rights can be accrued in any Wildlife Sanctuary or National park in any way and issuance of Peas is not only violation of Section 20 of Wildlife Protection Act, 1972 rather in addition same is gross violation of Section 2

(14)

of Forest Conservation Act, 1980 as grant of permissions for commercial purposes in Wildlife Sanctuary would directly affect the reserved forest lands situated in Sanctuary Area and it has also come into the knowledge of the Applicant that private respondents have not any authority under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and this commercial establishment is situated near natural lake Jalmahal which is suffering from gross level of pollution and allowing construction of Hotel without requisite permissions in a wildlife sanctuary is direct threat to environmental goals.

6. Deputy Conservator of Forests wrote a letter on 06/04/2023 to Assistant Conservator of Forest and Regional Forest Officer, Nahargarh Wildlife Sanctuary for considering the issue and taking appropriate action against private respondents.
7. Assistant Conservator of Forests had issued two notices to Respondent No,12 to 16 on 25/04/2023 and 24/05/2023 respectively and called upon their documents of ownership and requisite permissions, if any, and directions were issued to Respondents for not making any further construction till further orders but neither they supplied any documents to Assistant Conservator of Forests nor they stopped the illegal construction even after issuance of strict directions and also subordinate forest officials did not take any action in-spite of issuance of strict direction by Assistant Conservator of Forests qua stoppage of further construction and that Assistant Conservator of Forests had prepared a detailed factual report in present matter and submitted it to Deputy Conservator of Forests for necessary action on 03/07/2023 and the bare perusal of above factual report would show that the illegal construction is being within the boundaries of Nahargarh Wildlife Sanctuary without there being any authority from forest department and Wildlife Board and also no permissions have been issued by Rajasthan State Pollution Control Board under Air (Prevention and Control of Pollution) Act, 1981 and Water

(15)

(Prevention and Control of Pollution) Act, 1974 and in addition the alleged construction is violation of guidelines issued by Central Government qua Wildlife Clearance of any commercial establishment within Wildlife Sanctuary and National Park and it is not only the case rather the alleged construction of Hotel is also gross violation of Notification of Eco Sensitive Zone. Assistant Conservator of Forests had also mentioned his factual report that alienation of any kind is barred by Section 20 of Wildlife Protection Act, 1972 thus if any sale deed has been executed or any lease deed has been issued then similar consequences would follow in view of Section 20 of Wildlife Protection Act, 1972 and such sale deed or leases would be void from very beginning and ultimately Assistant Conservator of Forests had directed the responsible authorities of forest department to get the construction stopped and establishment ceased until obtainment of requisite permissions and also directed qua registration of FIR against private respondents but no action has been taken so far and the construction is still in continuance. Assistant Conservator of Forests in its factual report dated 03/07/2023 apprised the responsible authority of Rajasthan State Pollution Control Board about the non-forest activities and Pollution qua Respondent No.12 to 16 but nothing has been done by Rajasthan State Pollution Control Board in present matter so far.

8. Deputy Conservator Forests had issued a letter to ACF and RFO Nahargarh on 06/04/2023 thereafter Assistant Conservator of Forests had issued two notices to culprits on 24/04/2023 and 24/05/2023 but no response was given and the illegal activities got not stopped thereafter he prepared detailed and comprehensive factual report on 03.07.2023 and issued strict directions and subsequently two reminders were also served upon responsible authorities on 25.08.2023 and 05.10.2023 respectively but not action was taken.

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9. On these grounds the petition has been filed with the following prayers:-

- i. *"By an appropriate order or direction, the Hon'ble Tribunal may kindly be pleased to issue the appropriate directions to respondents as to stoppage of illegal and non-forest activities and illegal construction upon Khasra No. 134 and 135 of Village Nahargarh more particularly the construction which is being going on upon Plot No's 1 to 8, 17 and 18 Dheer Vihar and existing illegal and non-forest activities be defenestrated forthwith.*
- ii. *This Hon'ble Tribunal is further pleased to demolish the illegal construction already raised in absence of requisite permissions with immediate effect, which is violation of rules of Wildlife Sanctuary and Notification of Eco Sensitive Zone.*
- iii. *Respondents be further directed not to raise any further construction during the pendency of this original application and until the requisite permissions are received.*
- iv. *Forest officials be directed to initiate appropriate criminal proceedings against Respondent No.12 to 17 for their wrong deeds which are contrary to strict forest laws.*
- v. *Jaipur Development Authority be directed to withdraw the permissions issued to private respondents for construction of Hotel.*
- vi. *Respondents be directed to make sure that there shall be no illegal and non-forest activities within Nahargarh Wildlife Sanctuary and also within Eco Sensitive Zone and Operation of commercial establishments of Respondent No,12 to 16 may kindly be ceased during the pendency of this original application.*

(17)

- vii. Respondents be further directed to ensure that no further constriction and other activities will be operated within Nahargarh Wildlife Sanctuary without obtainment of requisite permissions.
- viii. This Honible Tribunal is further pleased to impose heavy penalty upon the culprits.
- ix. This Flontle Tribunal may kindly be please to take appropriate action against the responsible officers and imposed heavy penalties against the officers/officials who have failed to discharge their official duties.”
10. The matter was taken up by this Tribunal on 18.10.2023 and a joint committee was constituted consisting following members:-
- i. One representative from the Additional Chief Secretary, Forest & Wildlife, Govt. of Rajasthan, Rajasthan
  - ii. One representative from Collector, Jaipur, Rajasthan.
  - iii. One representative from Central Pollution Control Board, Rajasthan
  - iv. One representative from Rajasthan State Pollution Control Board.
- and the committee was directed to examine the facts, take remedial measures, and submit the factual and action taken report.
11. Notices were also issued to the respondent. Respondent Nos. 2, 4, 5, 6, 7, 8, 9 and 10 filed the report. We have heard learned counsel for the parties and perused the records.
12. Notification dated 21.11.61 was issued by the State of Rajasthan, after hearing all the persons aggrieved and after giving an opportunity of filing appeal and after disposal of all the appeals it has been noted in the notification that in light of the Section 20 of the Rajasthan Forest Act, 1953, the lands listed in the notification including total area of the Nahargarh that was reported as 2152.406 Ha. was declared as a forest land

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and known as a Block No. 54, Amer, Badi Line, Range-Jaipur. Again vide notification dated 22.09.1980 the boundaries of Nahargarh Wildlife has been notified.

13. The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification dated 08.03.2019, published with regard to Nahargarh Wildlife Sanctuary after inviting objections and suggestions as follows: -

*"Nahargarh Wildlife Sanctuary is lying between latitudes 26°56'15.08"N & 26°57'5.81"N and longitudes 75°48'55.70"E & 75°46'54.65"E. The Sanctuary was notified vide Government of Rajasthan notification No. F11 (39) Revenue/8/80 of dated the 22nd September, 1980. The sanctuary is situated in the Aravalli ranges at Amber hills, Jaipur district of Rajasthan and is spread over an area of 52.40 square kilometers.*

*The Sanctuary has "Tropical Dry Deciduous Forest" and "Tropical Thorn Forest" as per classification of Champion and Seth. The forest is spread over the area on various geological and soil formations over the hilly terrain of Aravallis and hence varies in composition.*

*The Wildlife Sanctuary has a variety of habitats for diversified flora and major flora of this sanctuary includes salar (*Boswellia serrata*), gurjan (*Linnaea gradis*), tendu (*Dispyros melanoxylon*), karaya (*Sterculia urens*), gugal (*Commiphora mukul*), amaltas (*Cassia fistula*), awanla (*Embellica officinalis*), binnas (*Hesparathusa cranulata*), um (*Seccopetalum tomentosa*), goya khir (*Dishrostachya cineria*), sainja (*Maringa pterygosperma*), dhak (*Butea monosperma*), rahan (*Soyd mida febriguga*), mokha (*Scherebra swetenoides*), rohini (*Mallatus philipnensis*), ber (*Zizphus jujuba*), jamun (*Syzyguim cumini*), gular (*Ficus glomerata*), kadam (*Mitragyna parvifolia*), bahira*

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(*Terminalia bellerica*), dhaora (*Anogeissus latifolia*), kahjur (*Phoenix syvestris*), hingot (*Balanites aegyptica*), khair (*Acacia catechu*), sevan (*Gmelia arborea*), arjun (*Terminalia arjuna*), neem (*Azadirachta indica*), peepal (*Ficus religiosa*), bargad (*Ficus benghalensis*), shiham (*Dalbergia sissoo*), bijasal (*Pterocarpus marsupium*), kakon (*Flacourita indica*), kharini (*Wrightia tinctoria*), dudhi (*Wrightia tomentosa*), jhinjha (*Bauhinia recemosa*), casaeria (*Casaeria tomentosa*), barn (*Creataeva relegiosa*), bel (*Aegle marmelose*), ronj (*Acacia marmelose*), lisora (*Cordia myxa*), churel (*Holoptelia intergrifoila*), aam (*Mangifera andica*), imli (*Tamarindus indica*), kaith (*Limonia acidissima*), siris (*Albizzia lebbek*), semal (*Bombaz ceriba*), celastrus (*Cleastrus paniculates*), etc.

The Sanctuary has variety of habitats for diversified fauna. Fish species recorded from of this Sanctuary includes catal (*Catla catla*), greyei (*Channa marulius*), lanchi (*Walago attu*), mahseer (*Tor tor*), mirgal (*Cirrhinus mrigala*), roho (*Labeo rohita*), savank (*Channa punctatus*), seenghari (*Mystus seenghala*). Apart from fishes, the common Indian toad (*Bufo melanostictus*), common frog (*Rana tigerina*), banded krait (*Bugorus fasciatus*), cobra (*Naja naja*), common krait (*Bungarus caeruleus*), fresh water swamp crocodile (*Crocodylus palustris*), Indian python (*Python molurus*), north Indian flap shelled turtle (*Lissemys punctata punctata*), rat snake (*Ptyas mucosus*), leopard (*Panthera pardus*), etc. the main fauna of the sanctuary."

14. Relevant part of the notification are quoted below :

1. *Extent and boundaries of Eco-Sensitive Zone.*—

- i. *The Eco-Sensitive Zone shall be to an extent of 0 (zero) to 13 kilometers around the boundary of Nahargarh Wildlife*

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Sanctuary and the area of the Eco-Sensitive Zone is 79.356 square kilometres. Zero extent is towards the sides with heavy urbanization.

- ii. The boundary description of Nahargarh Wildlife Sanctuary and its Eco-Sensitive Zone is appended in Annexure-I.
- iii. The maps of the Nahargarh Wildlife Sanctuary demarcating Eco-Sensitive Zone along with boundary details and latitudes and longitudes are appended as Annexure-IIA, and Annexure-IIB.
- iv. List of geo-coordinates of the boundary of Nahargarh Wildlife Sanctuary and Eco-Sensitive Zone are given in table A and B of Annexure-III.
- v. The lists of village falling in the Sanctuary and proposed Eco-Sensitive Zone along with their geo co-ordinates at prominent points are appended as Annexure-IV.

2. Zonal Master Plan for Eco-Sensitive Zone.-

- i. The State Government shall, for the purposes of the Eco-Sensitive Zone prepare a Zonal Master Plan within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of the Competent authority of State.
- ii. The Zonal Master Plan for the Eco-Sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

3. Measures to be taken by the State Government - The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

- i. Land use.- (a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-Sensitive Zone shall not be used or converted into areas for commercial or residential or industrial activities:

Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a) above, within the Eco-

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*Sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of Central Government or State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents and for activities such as:-*

- i. widening and strengthening of existing roads and construction of new roads;*
- ii. construction and renovation of infrastructure and civic amenities;*
- iii. small scale industries not causing pollution;*
- iv. cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay;*
- v. rainwater harvesting; and*
- vi. promoted activities given under paragraph 4:*

*Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):*

*Provided also that any error appearing in the land records within the Eco-Sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:*

*Provided also that the correction of error shall not include change of land use in any case except as provided under this sub-paragraph.*

*(b) Efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities*

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- (2) *Natural water bodies.*-The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.
- (3) *Tourism or Eco-tourism.*- (a) All new eco-tourism activities or expansion of existing tourism activities within the Eco-Sensitive Zone shall be as per the Tourism Master Plan for the Eco-Sensitive Zone.
- (b) The Eco-Tourism Master Plan shall be prepared by the State Department of Tourism in consultation with State Departments of Environment and Forests.
- (c) The Tourism Master Plan shall form a component of the Zonal Master Plan.
- (d) The activities of eco-tourism shall be regulated as under, namely:-
- (i) new construction of hotels and resorts shall not be allowed within one kilometre from the boundary of the Wildlife Sanctuary or upto the extent of the Eco-Sensitive Zone whichever is nearer:

*Provided that beyond the distance of one kilometre from the boundary of the Wildlife Sanctuary till the extent of the Eco-Sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for eco-tourism facilities as per Tourism Master Plan;*

- (ii) all new tourism activities or expansion of existing tourism activities within the Eco-Sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority (as amended from time to time) with emphasis on eco-tourism;
- (iii) until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the

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Monitoring Committee and no new hotel, resort or commercial establishment construction shall be permitted within Eco-Sensitive Zone area.

**4. List of activities prohibited or to be regulated within Eco-Sensitive Zone.-**

All activities in the Eco-Sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972, (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

**TABLE**

<b>S. No.</b>	<b>Activity</b>	<b>Description</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>A. Prohibited Activities</b>		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for other activities; (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4 <sup>th</sup> August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated the 21 <sup>st</sup> April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.).	New industries and expansion of existing polluting industries in the Eco-Sensitive Zone shall not be permitted: Provided that non-polluting industries shall be allowed within Eco-Sensitive Zone as per classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless otherwise specified in this notification and in addition the non-polluting cottage industries shall be promoted.

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3.	<i>Establishment of major hydro- electric project.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
4.	<i>Use or production or processing of any hazardous substances.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
5.	<i>Discharge of untreated effluents in natural water bodies or land area.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
6.	<i>Setting up of new saw mills.</i>	<i>New or expansion of existing saw mills shall not be permitted within the Eco-Sensitive Zone.</i>
7.	<i>Setting up of brick kilns.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
8.	<i>Commercial use of firewood.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
9.	<i>New wood based industry.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
10.	<i>Fishing.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
11.	<i>Use of plastic carry bags.</i>	<i>Prohibited (except as otherwise provided) as per the applicable laws.</i>
<b>B. Regulated Activities</b>		
12.	<i>Commercial establishment of hotels and resorts.</i>	<i>No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or upto the extent of Eco-Sensitive Zone, whichever is nearer, except for small temporary structures for eco- tourism activities: Provided that, beyond one kilometer from the boundary of the protected area or upto the extent of Eco-Sensitive Zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.</i>

13.	<i>Construction activities.</i>	<p>(a) <i>New commercial construction of any kind shall not be permitted within one kilometer from the boundary of the protected area or up to extent of the Eco-Sensitive Zone, whichever is nearer:</i></p> <p><i>Provided that, local people shall be permitted to undertake construction in their land for their use including the activities mentioned in sub-paragraph (1) of paragraph 3 as per building bye-laws to meet the residential needs of the local residents.</i></p> <p><i>Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</i></p> <p>(b) <i>Beyond one kilometer it shall be regulated as per the Zonal Master Plan.</i></p>
14.	<i>Felling of trees.</i>	<p>(a) <i>There shall be no felling of trees in the forest or Government or revenue or private lands without prior permission of the Competent Authority in the State Government.</i></p> <p>(b) <i>The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</i></p>
15.	<i>Commercial extraction of surface and ground water.</i>	<i>Regulated as per the applicable laws.</i>
16.	<i>Erection of electrical and communication towers and laying of cables and other infrastructures.</i>	<i>Regulated under applicable laws (underground cabling may be promoted).</i>
17.	<i>Widening and strengthening of existing roads and construction of new roads.</i>	<i>Taking measures of mitigation as per the applicable laws, rules and regulation and available guidelines.</i>
18.	<i>Movement of vehicular traffic at night.</i>	<i>Regulated for commercial purpose under applicable laws.</i>
19.	<i>Introduction of exotic species.</i>	<i>Regulated as per the applicable laws.</i>
20.	<i>Protection of hill slopes and river banks.</i>	<i>Regulated as per the applicable laws.</i>

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21.	<i>Discharge of treated waste water or effluents in natural water bodies or land area.</i>	<i>The discharge of treated waste water or effluents shall be avoided to enter into the water bodies and efforts shall be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water or effluent shall be regulated as per the applicable laws.</i>
22.	<i>Commercial sign boards and hoardings.</i>	<i>Regulated as per the applicable laws.</i>
23.	<i>Small scale non-polluting industries.</i>	<i>Non-polluting industries as per classification of industries issued by the Central Pollution Control Board in February, 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-Sensitive Zone shall be permitted by the competent Authority.</i>
24.	<i>Collection of Forest produce or Non-Timber Forest produce.</i>	<i>Regulated as per the applicable laws.</i>
25.	<i>Solid waste management.</i>	<i>Regulated as per the applicable laws.</i>
26.	<i>Eco-tourism.</i>	<i>Regulated as per the applicable laws.</i>
27.	<i>Bio-Medical Waste Management.</i>	<i>Regulated as per the applicable laws.</i>
28.	<i>Air and vehicular pollution.</i>	<i>Regulated as per the applicable laws.</i>
29.	<i>Drastic Change of Agriculture systems.</i>	<i>Regulated as per the applicable laws.</i>
30.	<i>Fencing of existing premises of hotels and lodges.</i>	<i>Regulated as per the applicable laws.</i>
31.	<i>Infrastructure including civic amenities.</i>	<i>Taking measures of mitigation as per the applicable laws, rules and regulations available guidelines.</i>
32.	<i>Establishment of large-scale commercial livestock and poultry farms by firms, corporate and companies.</i>	<i>Regulated (except otherwise provided) as per the applicable laws except for meeting local needs.</i>

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33.	<i>Undertaking other activities related to tourism like flying over the Eco-Sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.</i>	<i>Regulated as per the applicable laws.</i>
34.	<i>Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.</i>	<i>Permitted as per the applicable laws for use of locals.</i>
<b>C. Promoted Activities</b>		
35.	<i>Rain water harvesting.</i>	<i>Shall be actively promoted.</i>
36.	<i>Organic farming.</i>	<i>Shall be actively promoted.</i>
37.	<i>Adoption of green technology for all activities.</i>	<i>Shall be actively promoted.</i>
38.	<i>Cottage industries including village artisans, etc.</i>	<i>Shall be actively promoted.</i>
39.	<i>Use of renewable energy and fuels.</i>	<i>Bio-gas, solar light etc. shall be actively promoted.</i>
40.	<i>Agro-Forestry.</i>	<i>Shall be actively promoted.</i>
41.	<i>Environmental awareness.</i>	<i>Shall be actively promoted.</i>
42.	<i>Skill Development.</i>	<i>Shall be actively promoted.</i>
43.	<i>Restoration of degraded land/ forests/ habitat.</i>	<i>Shall be actively promoted.</i>
44.	<i>Plantation of Horticulture and Herbals.</i>	<i>Shall be actively promoted.</i>
45.	<i>Use of eco-friendly transport.</i>	<i>Shall be actively promoted.</i>

**5. Monitoring Committee for Monitoring the Eco-Sensitive Zone Notification.**- For effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, the Central Government hereby constitutes a Monitoring Committee, comprising of the following, namely-

<b>S. No.</b>	<b>Constituent of the Monitoring Committee</b>	<b>Designation</b>
1.	District Collector, Jaipur	Chairman, ex officio;
2.	Sub Divisional Officer, Amer	Member;

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3.	<i>A representative of non-governmental organisation or working in the field of wildlife conservation to be nominated by the Government of Rajasthan for a period of three years</i>	<i>Member;</i>
4.	<i>One expert in Ecology and Environment from reputed institution or university of the State to be nominated by the Government of Rajasthan for a period of three years.</i>	<i>Member;</i>
5.	<i>Honorary wildlife warden, Jaipur</i>	<i>Member;</i>
6.	<i>Regional Officer, Rajasthan State Pollution Control Board</i>	<i>Member;</i>
7.	<i>Mayor, Jaipur Municipal Corporation</i>	<i>Member;</i>
8.	<i>Pradhan, Panchayat Samiti, Amer</i>	<i>Member;</i>
9.	<i>Member of the State Biodiversity Board</i>	<i>Member;</i>
10.	<i>Deputy Conservator of Forest/Wildlife, Jaipur</i>	<i>Member-Secretary.</i>

15. Boundary description of the Eco-sensitive Zone of Nahargarh Wildlife Sanctuary is given below :-

*"In order to delineate boundaries of Eco-Sensitive Zone of Nahargarh Wildlife Sanctuary all field structures, habitations, water bodies, Industrial areas, religious places and other public institutes as provided by the revenue authorities have been marked on the map annexed with this notification. Geographical Positioning System (GPS) have been marked on the Sanctuary boundaries, which are numbered from 1 to 100 on the map. Then the boundaries of Eco-Sensitive Zone have also been marked on the same map and its Geographical Positioning System points have also marked on the boundary and numbered as 101 to 336. This map is annexed as Annexure-II. The boundary of Eco-Sensitive Zone is decided as indicated by the Geographical Positioning System points shown on this map as under:*

*Northern boundary: The extent of Eco-Sensitive Zone from Global Position point number 186 marked on reserve forest block boundary Amer-54 and Eco-Sensitive Zone boundary including villages Bagwara, Singwana. Chhapradi, Jaitpura Khinchi, Achrol, Ani, Labana, Gunawata, Dhandh, Harbar to Kukas to Global Position System point number 270 will be up to 13 kilometers. Eco Sensitive Zone boundary from Global Position System point number 186 to 270 is co-terminus with the boundary of reserve forest block Amer-54 and will include the whole reserve forest in the Eco- Sensitive Zone within these Global Position System points.*

*Eastern boundary: The extent of Eco-Sensitive Zone from Global*

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Position System point number 270 to 280 will be Reserve forest block boundary, from Global Position System point number 280 to 281 will be along National Highway No. 8(Now NH-11-C), from Global Position System point number 281 to 295 will be 100 meters to 500 meters from sanctuary boundary. Similarly, the boundary along NH 8(Now 11 C) from Global Position System point 295 to 297 will be Eco Sensitive Zone. Reserve forest block boundary from GPS point number 297 to 320 will be Eco- Sensitive Zone limit. Sanctuary boundary from Global Position System point number 320 to 325 will be Eco Sensitive Zone limit including Rajamal ka talab. The extent of Eco Sensitive Zone from Global Position System point number 297 to 325 will be from 100 meters to 2.0 kilometers.

*Southern boundary:* Eco-Sensitive Zone boundary from Global Position System point number 325 to 336 and up to 101 will be co-terminus with the boundary of Sanctuary. From Global Position System point number 101 to 104 it will be co-terminus with the boundary of reserve forest Block Amer -54. From GPS point number 104 to 108 it will be co-terminus with the boundary of Sanctuary. From Global Position System point number 108 to 147 it will run along the natural boundary (flow as well as bed area up to both banks) of Amanishah Nallah.

*Western boundary:* Eco-Sensitive Zone boundary from Global Position System point number 147 to 160 will be co-terminus with the boundary of Sanctuary. From Global Position System point number 160 to 186 it will be 50 meters to 2 kilometers including Bahav sagar, Akhepura, Badagaov, Bhatiya, Bishangarh Areas."

16. List of villages coming under Nahargarh Wildlife Sanctuary and Eco-Sensitive Zone alongwith geo-coordinates:-

Sl. No.	Villages in the Sanctuary	Latitude	Longitude
1	Nahargarh	26°56'15.08"N	75°48'55.70"E
2	Amer	26°59'8.19"N	75°51'4.82"E
3	Chimanpura	27°1'23.51"N	75°54'4.74"E
4	Kukas	27°1'50.37"N	75°53'24.08"E
5	Nestiwass	27°1'39.28"N	75°52'25.41"E
6	Khurad	27°2'4.37"N	75°53'7.23"E
7	Taleda	27°2'41.57"N	75°52'25.42"E
8	Badagaon Jarkhya	27°2'14.47"N	75°51'22.67"E
9	Sisiyawas	27°0'37.93"N	75°50'51.32"E
10	Akeda	27°0'25.41"N	75°48'45.67"E

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11	Jaisalya	26°59'36.43"N	75°49'17.09"E
12	Papad	26°58'4.10"N	75°47'41.57"E
13	Kishanbag	26°57'5.81"N	75°46'54.65"E
<b>Sl. No.</b>	<b>Villages in Eco-sensitive Zone</b>	<b>Latitude</b>	<b>Longitude</b>
1	Kukas	27°1'50.37"N	75°53'24.08"E
2	Harwar	27°3'58.08"N	75°56'25.90"E
3	Dhand	27°4'44.03"N	75°56'20.66"E
4	Gunawata	27°5'34.61"N	75°56'57.21"E
5	Labana	27°6'38.16"N	75°57'45.56"E
6	Ani	27°7'5.48"N	75°59'7.83"E
7	Achoral	27°8'8.37"N	75°58'20.78"E
8	Jaitpura Khinchi	27°7'58.38"N	75°55'2.24"E
9	Chhapreri	27°6'44.47"N	75°54'51.62"E
10	Singhwana	28°5'52.77"N	75°50'0.01"E
11	Chokhalyawas urf Kacherawala	27°4'30.74"N	75°55'2.22"E
12	Bagwada	27°5'28.14"N	75°50'51.42"E
13	Daulatpura	27°4'46.15"N	75°49'53.80"E

17. The records relating to Khewat and Khatauni Jamabandi 2076 Aadhar Samvat 2076-2079 has been attached as annexure-A/4 and Khasra number 134 and 135 have been shown in the Khasra Khatauni. Vide a report/complaint dated 01.04.2023 the Nahargarh Van Evam Vanya Jeevan Suraksha Evam Seva Samiti address related to the Wildlife Board and Principal Chief Conservator of Forest narrating the facts that some constructions are being raised in the wildlife sanctuary area which is eco-sensitive zone known as Nahargarh Van Wildlife without any permission from the National Wildlife Board for commercial purposes and connectivity of electricity has been taken from the authorities concerned. The Deputy Conservator of Forest vide letter dated 06.04.2023 reported the matter to Assistant Conservator of Forest for taking immediate action and a notice was issued by the Assistant Conservator of Forest Wildlife Nahargarh, Jaipur.
18. The Assistant Conservator of Forest initiated an inquiry and submitted the report to the higher authorities with the facts that constructions have been

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raised and are continuing in violation of Wildlife (Protection) Act, 1972 in violation of environmental rules. There is a total restriction on the transfer of the land coming within the forest area and under the Wildlife (Protection) Act, 1972, but in spite of all these provisions, the Jaipur Development Authority are proceeding in violation of environmental rules and transferring the land without any authority for commercial purposes. It is further reported that there are complete violations of Wildlife (Protection) Act, 1972, Forest (Conservation) Act, 1980 (Section 2).

19. Respondent no. 8, Vidyut Vitran Nigam Limited, Jaipur, has submitted that the answering respondents have acted in the utmost bona fide manner and in consonance of relevant rules and guidelines and provided the electricity connection on the basis of request submitted by the applicants. The electric connection was issued only for one month i.e. 30 days for construction activities. It is further contended that there no mala-fide on the part of the Electricity Department.
20. In compliance of the order of this Tribunal dated 18.10.2023 the members of the committee visited the site and submitted the report as follows:-

**“Observations**

*During the field visit and on perusal of records, it was observed that: -*

- i. *A building was found under construction on the site.*
- ii. *Representative of the Forest Department informed that the project is located within the sanctuary area as per the gazette notification of Nahargarh Wildlife Sanctuary published vide Gazette Notification of 22.09.1980. In this case, the distance from the Forest department was not taken before the start of the project.*
- iii. *Representative of the project proponent was tried to contact during the visit, but could not be contacted. After that unit's representative vide letter dated 21.12.2023 provided documents about the project which are as under.*

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- a) Lease deed for the land from Jaipur Development Authority (JDA) registered on 27.12.2011.
- b) Approval of building plan for Hotel Project by JDA issued vide letter dated 05.03.2014 and validity period of the same approval further extended vide letter dated 02.02.2021 and vide letter dated 02.06.2023 which is valid till Dec 2025.
- c) Superimposed map showing the location of the project site outside the NWL Sanctuary and within the ESZ of the sanctuary. but this map is not authenticated by any authority.
- iv. As per the representative of RSPCB, unit failed to obtain prior consent to establish from the State Pollution Control Board. therefore, a show cause notice has been issued on 21.12.2023. Subsequently, unit has initiated the on-line application for consent to establish under the provisions of the Air Act and the Water Act and same is to be decided on merits.

**Conclusion**

- i. This project is being constructed after obtaining permission from the Jaipur Development Authority, Jaipur which is valid up to Dec 2025.
- ii. The distance of the project from the Nahargarh Wildlife Sanctuary was also not taken from the forest department and the said area may fall inside the Nahargarh Wildlife Sanctuary as per the notification dated 22.09.1980 since the boundary of the Nahargarh Wild Life Sanctuary is not certain on ground. Therefore, require further deliberation from the Revenue, Forest and JDA/Nagar Nigam to establish whether the area to be considered within the sanctuary or in the ESZ.

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**Recommendation**

- i. *A joint survey committee of Revenue, Forest and JDA/Nagar Nigam be constituted as the boundary of the Nahargarh Wildlife Sanctuary is not certain on the ground and the land in question falls within Nahargarh Wildlife Sanctuary or Eco-sensitive Zone of Nahargarh Wildlife Sanctuary is yet to be decided."*

21. Learned counsel for the applicant has filed the objection against the report and the reply is submitted by the respondents contending the facts that the Khasra nos. 134 and 135 at village Nahargarh, Jaipur is within the eco-sensitive zone and after notification no transfer can be made by any authority without the approval of the Competent Authority/Central Government, but the Jaipur Development Authority by making a plot as plot no. 1-8, 17, 18 executed a lease deed of the land which is not within the ownership of the Jaipur Development Authority that Patta was in violation of rules and that too was not for the Khasra nos. 134 and 135 and fraudulently to create a right in favor of unauthorized person the Jaipur Development Authority transferred it land in the form of patta. In revenue records, plot number 1-8, 17, 18 finds no place and the land which is not situated on the revenue records cannot be transferred. The plot number is self-creation of the Jaipur Development Authority for which the authority is responsible and liable for the actions taken by the authority concerned.
22. It is further contended by the Learned Counsel for the applicant that alleged commercial structure is within boundaries of Nahargarh Wildlife Sanctuary as entire revenue village Nahargarh would fall within the periphery of Nahargarh Wildlife Sanctuary in view of notification declaring 1 Khand, Amer-54 and revenue villages to be Nahargarh Wildlife Sanctuary. The Nahargarh Wildlife Sanctuary, notification is clear on the point and categorically says that entire Nahargarh village would fall within the boundaries of Nahargarh Wildlife Sanctuary.

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23. Respondent no. 10, Amer Hawa Mahal Zone Nagar Nigam Heritage has filed the reply and submitted that showcause notices were issued to the project proponent on different dates and in response to the showcause notice the project proponent has submitted the permission issued by the Jaipur Development Authority with respect to ongoing construction at the disputed site. Vide notice dated 17.05.2023, the Deputy Commissioner has further took cognizance of the unauthorized construction and directed to immediately close it. Similar notices were also issued on 25.05.2023 and 06.06.2023. In response to the notice the rest of the respondents project proponent instead of filing the documents has communicated to the Deputy Commissioner Hawa Mahal Amer Zone that the authorities may take the records from Jaipur Development Authority directly. The contention of the learned counsel for the applicant is that the project proponent has no valid authority to proceed for construction and there was no authority to proceed with the construction further.
24. The contention of the learned counsel for the respondent no. 9 are that the project proponent failed to obtain prior consent to establish from the State Pollution Control Board and therefore a showcause notice was issued against the project proponents. Subsequently, unit has initiated the online application for consent to establish under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and same is to be decided on merit.
25. Submission of the learned counsel for the respondent nos. 2, 4, 5, 6 and 7 are as follows:-
- i. *Khasra No.134 and 135 of Village Nahargarh have been recorded in the name of Jaipur Development Authority as Gair Murnlcin Abadi but in addition said land is part of described area of Nahargarh Wildlife Sanctuary and in view of the notification of Nahargarh Wildlife Sanctuary the entire revenue land of Village Nahargarh would come within the periphery of Nahargarh Wildlife Sanctuary.*

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- ii. *No authority has been obtained from National Wildlife Board, Rajasthan State Pollution Control Board and Forest Department for making commercial construction within the boundaries of Nahargarh Wildlife Sanctuary. The permission issued by Jaipur Development Authority are illegal as Khasra No.134 and 135 (Plot Nos.1 to 8, 17 & 18 Dheer Vihar) are integral part of Nahargarh Wildlife Sanctuary as well as the Eco Sensitive Zone.*
- iii. *The Pattas have been issued within the periphery of Nahargarh Wildlife Sanctuary and thereby rights have been given to private respondents which is utter violation of Section-20 of Wildlife Protection Act, 1972. Further, private respondents don't have any authority under Air Act, 1981 and Water Act, 1974 and the illegal construction is not only violation of rules of sanctuary area rather it is in addition violation of notification of Eco Sensitive Zone.*
- iv. *The report prepared by Assistant Conservator of Forest is correct and comprehensive in nature its spells out each and every aspect of the matter\_ it has been transpired during the course of inquiry that the construction of commercial nature is being raised without there being any autonomy from National Wildlife Board, Rajasthan State Pollution Control Board and Forest Department and the construction is being raised within the periphery of Nahargarh Wildlife Sanctuary and further the accrual of rights by the way of issuance of Pallas by JIDA is illegal and derogatory to Section-20 of Wildlife Protection Act, 1972 and no authority has been obtained under MR Act, 1981 and Water Act, 1974. Further, neither any intimation of construction has been given to Forest Department nor any correspondence has been made in order to get the Forest Department informed about the construction. Directions were also issued by Assistant Conservator of Forest to stop illegal construction but the illegal construction is still in continuity which deserves to be stopped forthwith."*

26. The matter of eco-sensitive zone and forest area was considered in Writ Petition No. 202 of 1995, In Re: *T.N. Godavarman Thirumulpad vs Union of India and Ors.* and the Hon'ble Supreme Court passed an order as follows:

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2. The present set of applications arise out of a report of the CEC dated 20th November 2003. This report specifically pertains to Jamua Ramgarh wildlife sanctuary. This sanctuary covers an area of about 300 square kilometres. The said report gives a horrific picture of ravaging of a protected forest mainly by private miners mostly with temporary working permits obtained from the Governmental agencies. Following recommendations were made in this report:-

17..... (i) all mining leases which wholly or partly fall within the forest area inside the Jamua Ramgarh Sanctuary and also within the safety zone, should be immediately cancelled. The mining activity can be allowed to be resumed only after the new/amended mining leases, after excluding the forest area and the safety zone are sanctioned by the competent authority and the conditions mentioned herein under are fully complied with; (ii) presently a safety zone of twenty five meter has been fixed for Jamua Ramgarh Sanctuary and other sanctuaries in Rajasthan as against 500 meter for Ranthambhore National Park in Rajasthan itself. In Madhya Pradesh safety zone of 250 meter for all the 20 forest area has been fixed. The CEC is of the view that minimum 500 meter safety zone around National Parks and Sanctuaries is necessary where no mining, construction and other projects should be allowed. Without a reasonable safety zone the habitat and wild life in the National Parks and Sanctuaries are adversely affected. Although stringent conditions are imposed at the time

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of the sanction of the mining leases, none are practically complied with due to weak enforcement of the laws. The mining causes heavy disturbance in the area due to blasting, removal of over burden, chiseling, transportation, flying debris and movement of a large number of labourers and other persons. The safety zone of twenty five meter presently prescribed by the Rajasthan Forest Department is totally inadequate as the rocks torn apart during blasting can travel much beyond the present safety zone. However, increasing the safety zone to the desired level of 500 meter will result in closure of large number of mines. Taking a holistic overall view of the situation, the CEC recommends that for the Jamua Ramgarh wild life sanctuary, for the "existing" mines the safety zone may be fixed as 100 meter wherein no mining should be permitted. "For new" mining leases the safety zone may be fixed as 500 meter.

(iii) reclamation and rehabilitation of the area mined inside the sanctuary should be carried out in a time bound manner at the cost of the user agency for which a detailed reclamation and rehabilitation plan along with various items of work, cost involved and time frame should be prepared and implemented on priority basis. The plan presently prepared by the State Government is totally inadequate. It does not provide for reclamation and rehabilitation of the mining pits at all. No provision for removal of stones and rocks scattered in the sanctuary has been made. Intensive plantations and protection has not been provided. The

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revised plan should incorporate the above and other necessary measures to provide a congenial habitat for wild life. In the event adequate funds for this purpose cannot be recovered from the erstwhile mine lease owners, the same should be made available by the State Government;

(iv) mining around the sanctuary should be allowed to restart only after a fool proof mechanism is put in place to ensure recovery of funds for implementation of reclamation and rehabilitation plan by the State Government;

(v) exemplary compensation equivalent to the present market value of the entire mineral removed by the respective mine owners by mining inside the sanctuary in violation of the F.C. Act and/or the W. P. Act should be recovered from them on the basis of the recorded production or the estimated figures mentioned in the F.C. Act applications. The money so recovered should be used for protection and development of the sanctuary to its full potential;

(vi) the left over minerals scattered inside the sanctuary should be directed to be removed immediately.

(vii) the left over mining equipments such as cranes etc. should be confiscated and removed outside the sanctuary at the cost of the erstwhile mine lease holders;

(viii) no mining should be permitted adjoining the sanctuary till the boundary of the sanctuary is demarcated on the ground and the boundary pillars are verified with the fixed reference points; (ix) disciplinary

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*action should be taken in a time bound manner against the erring officials in the Mines and the Forest Departments of the State of Rajasthan and the MoEF for allowing mining in violation of the F.C. Act, the W. P. Act and/or this Hon'ble Court's order;"*

**(quoted verbatim from paperback)**

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6. A set of Guidelines for Declaration of Eco Sensitive Zones (ESZ) around National Park and Wildlife Sanctuaries had been formulated by the Ministry of Environment, Forest and Climate Change (MoEF&CC) of the Government of India on 9th February 2011 [F. No.19/2007 WL - I (pt)]. These Guidelines deal with the process and procedures to be adopted for declaring ESZ. In Clauses 3 and 4 of these Guidelines, it has been stipulated:-

**"3. Purpose for declaring EcoSensitive Zones:**

The purpose of declaring Ecosensitive Zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. As has been decided by the National Board for Wildlife, the activities in the Ecosensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.

**4. Extent of Eco-Sensitive Zones:**

4.1 Many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. Some of the Protected Areas actually

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lying in the urban setup (Eg. Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc). Therefore, defining the extent of ecosensitive zones around Protected Areas will have to be kept flexible and Protected Area specific. The width of the Ecosensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle the width of the Ecosensitive Zone could go up to 10 Kms around a Protected Area as provided in the Wildlife Conservation Strategy 2002.

4.2 In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kms width, these should be included in the Ecosensitive Zone.

4.3 Further, even in context of a particular Protected Area, the distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.”

**(quoted verbatim from paperback)**

7. In Clauses 6 and 7 of the said Guidelines, it has been specified:

“6. The procedure to be adopted:

6.1 As has been indicated in the forgoing paras, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impacts of such activities on the fragile ecosystem encompassing the Protected Area. As a first step towards achieving this goal, it is a prerequisite that an inventory of the different land use patterns and the different types of activities, types and number of

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industries operating around each of the Protected Area (National Parks, Sanctuaries) as well as important Corridors be made. The inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 km of his range.

6.2 For the above purpose, a small committee comprising the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed. The said committee could suggest the:

- (i) Extent of ecosensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber.
- (iii) To suggest the best methods for management of the ecosensitive zones, so suggested.
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

6.3 Based on the above, the Chief Wildlife Warden could group the activities under the following categories (an indicative list of such activities is attached as ANNEXURE1):

- (i) Prohibited
- (ii) Restricted with safeguards.
- (iii) Permissible

6.4 Once the proposal for Ecosensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/ Union Territory Forest Department could forward the proposals

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to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete. An indicative list of details that need to be submitted along with the proposals is at ANNEXURE2.

6.5 It is to mention here that in cases where the boundary of a Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/ Union Territory Governments to have a mutual consultation and decide upon the width of the ecosensitive zone around the Protected Area in question.

6.6 The State Government should endeavour to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas. A copy of the notification of the Sultanpur Ecosensitive Zone issued by the Ministry is attached herewith at ANNEXURE3 for reference and guidance.

7. These guidelines are indicative in nature and the State / Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas."

**(quoted verbatim from paperback)**

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10. The second report of the CEC dated 20th September 2012 makes the following recommendations as regards identification and declaration of ESZ. This report entitled "Note regarding safety zones (Ecosensitive zones) around National Parks and Wildlife Sanctuaries" makes the following recommendations:-

10. After considering that during the last ten years no significant progress has been made regarding identification and declaration of Safety Zones around protected areas and considering the matter in its totality, an implementable scheme has been prepared by the CEC and which has been dealt with in subsequent paragraphs.

11. For the purpose of identification and declaration of the Safety Zones around National Parks/Wildlife Sanctuaries (hereinafter referred to as protected areas), the protected areas based on their areas, are classified into four categories:

i) CATEGORY-A - the protected areas having an area of 500 sq. km. or more. The total number of such protected areas is 73 and their total area is about 1,01,389 sq. km (63.44 % of total area of protected areas);

ii) CATEGORY-B - protected areas having an area between 200 sq. km. to 500 sq. km. The total number of such protected areas is 115 and their total area is about 38942 sq. km. (24.37 % of total area of protected areas);

iii) CATEGORY-C - the protected areas having an area between 100 sq. km. to 200 sq. km. The total number of such protected areas is 85 and their total area is about

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12,066 sq. km (about 7.55 % of total area of protected areas); and

iv) CATEGORY-D – the protected areas having an area up to 100 sq. km. The total number of such protected areas is 344 and their total area is about 7,422 sq. km (about 4.65 % of total area of all protected areas).

12. Wherever two or more protected areas are contiguous to each other, such protected areas will be placed in the appropriate category based on the sum total of their areas (and not on the basis of area of individual protected area). The details of some of the contiguous protected areas are given below:

i) Corbett National Park (520 sq. km.) and Sonanadi Sanctuary (301 sq. km) total area is 821 sq. km and therefore both will fall in Category A;

ii) Gir National Park (258 sq. km.) and Gir Sanctuary (1,153 sq. km.) total area is 1,411 sq. km. and therefore both will fall in Category A;

iii) Periyar National Park (350 sq. km.) and Periyar Sanctuary (427 sq. km.) total area is 777 sq. km. and therefore both will fall in Category A;

iv) Satpura National Park (585 sq. km.), Bori Sanctuary (485 sq. km.) and Pachmarhi Sanctuary (417 sq. km.) total area is 1488 sq. km. and therefore all three will fall in Category-A;

v) Valmiki National Park (335 sq. km.) and Valmiki Sanctuary (545 sq. km.) total area is 880 sq. km. and therefore both will fall in Category A;

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vi) Tadoba National Park (116 sq. km.) and Andhari Wildlife Sanctuary (509 sq. km.) total area is 625 sq. km. and therefore both will fall in Category A; and

vii) Sariska National Park (273 sq. km.) and Sariska Sanctuary (219 sq. km.) total area is 492 sq. km. and therefore both will fall in Category B;

13. The Safety Zone, in respect of protected areas falling in 'Category A and Category B, may comprise of all the areas including nonforest areas falling within a distance of two kilometers and one kilometer respectively from the boundaries of the protected area. Such distances, in respect of protected areas falling within Category C and Category D, may be kept at 500 meter and 100 meter respectively.

14. The grant/renewal of mining leases (excluding for collection of boulders, gravel and sand from river beds), setting up of hazardous industries, brick kilns, wood based industries (except MDF/Particle Boards Plants) will be treated as prohibited activities within the Safety Zone (ecosensitive zones). The activities such as setting up of industries (other than those included in the list of prohibited activities), hotels and restaurants including resorts, commercial helicopter services, hydel projects, irrigations projects, canals, laying of transmission lines and distribution lines above 33 KV, roads of more than five meter width and collection of boulders, gravel and sand from the river beds will be treated as regulated activities and which will be permissible only after obtaining environment clearance and clearance of the

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*Standing Committee, National Board for Wildlife. All other activities which are not prescribed as prohibited activities or regulated activities will be treated as permissible activities.*

*15. The concerned State/UT will be at liberty to shift a protected area from a lower category to higher category (say from Category C to Category B) after considering the importance of the protected area on account of:*

*i) presence of flagship species/endangered species such as Tiger, Lion, Elephant, Rhino, Snow Leopard, Red Panda, Hangul, Musk deer, Great Indian Bustard, Lion Tailed Macaque, floricans;*

*ii) fragile ecosystem such as Western Ghats, North Eastern States, areas having high altitude flora and fauna, rain forest, mangroves, marine ecosystem;*

*iii) World Heritage sites; and*

*iv) Wetland ecosystems*

*16. The concerned State/UT Governments may after detailed examination of the status of habitation, existing industries and other activities and other relevant factors, and, if found desirable and in public interest forward the proposal(s) for shifting a protected area from a higher category to a lower category. They may also forward the proposal(s) for exclusion of the areas of cities falling within the Safety Zone. The MoEF thereafter will examine such proposals and place such proposals before the Standing Committee of the National Board for Wildlife for its consideration. The proposals cleared by the Standing Committee of the NBWL will be placed before this Hon'ble Court for seeking its permission. It is*

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only after obtaining the permission of this Hon'ble Court that a protected area may be shifted from a higher category to a lower category.

17. The Safety Zones (ecosensitive zones) around National Parks and Wildlife Sanctuaries will be in addition to the following ecosensitive zones notified by the MoEF (and by other notifications, if any):

- i) S.O. 20(E), (6/1/1989) Prohibiting industries on MurudJanijira, District Raigadh, Maharashtra;
- ii) S.O. 102(E), (1/2/1989) Restricting location of industries, mining & other activities in Doon Valley (UP);
- iii) S.O. 416(E), (20/6/1991) Dahanu Taluka, District Thane (Maharashtra) to declare as Ecologically Fragile Area, amended 1999;
- iv) S.O.319(E), (7/5/1992) Restricting certain activities causing environmental degradation at Aravalli Range;
- v) S.O. 481 (E), (5/7/1996) No Development Zone at Numaligarh, East of Kaziranga;
- vi) S.O. 884(E), (19/12/1996) Dahanu Taluka Environment Protection Authority, 1996, amended 2001 ;
- vii) S.O. 350(E), (13/5/1998) Order constituting the Taj Trapezium Zone Pollution (Prevent and Control) Authority;
- viii) S.O. 825(E), (17.9.1998) Pachmarhi Region as an EcoSensitive Zone;
- ix) S.O. 52(E), (17/1/2001) Mahabaleswar Panchgani Region as an EcoSensitive Zone;
- x) S.O. 133 (E), (4/2/2003) Matheran and surrounding region as an EcoSensitive Zone 1. S.O. 83 (E),

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(16/01/2004) Amendments to S.O. 133(E) dated 4/2/2003;

xi) S.O. 1545(E), (25/06/2009), Mount Abu as EcoSensitive Zone.

xii) S.O. 1260(E), (31/05/2012) Girnar Reserve Forest as EcoSensitive Zone.

18. It is respectfully submitted that the above proposals are submitted in the backdrop of inordinate delay that has taken place in the identification and declaration of Safety Zones around National Parks/ Wildlife Sanctuaries and so as to ensure that the process of such declarations do not remain pending indefinitely." (quoted verbatim from paperbook)

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27. It has also been highlighted by the State that 25 sanctuaries, 2 national parks have been declared by the State comprising of a total area of 9,07,070 hectares and an area of 23,29,659 hectares of area as forest area or deemed forest is already existing as ecosensitive/eco fragile/buffer/safety zones in that State within which no non-forest activities is allowed without proper permission under the Forest (Conservation) Act, 1980. The State of Rajasthan has opposed the proposal for declaring 10 kilometres beyond the boundary of sanctuaries and national parks being declared as ESZ.

28. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the

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general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large. This Court has highlighted the Public Trust Doctrine in the case of *M.C. Mehta v. Kamal Nath and Others* [(1997) 1 SCC 388] and opined that the Public Trust Doctrine is part of the law of land. In Paragraph 25 of the said judgment, as reported, this doctrine has been explained with reference to writings of Joseph L. Sax, Professor of Law, University of Michigan, the proponent of Modern Public Trust Doctrine:-

"25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax the Public Trust Doctrine imposes the following restrictions on governmental authority:

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*“Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses.”*

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32. The MoEF&CC essentially has argued in favour of having ESZ to be site specific and for that purpose they have invited proposals from individual State Government in the aforesaid Guidelines. In cases where such proposals have not come, they want 10 kilometres periphery of protected forests to be preserved as ESZ. As regards activities permissible within the buffer zone, certain works have been proposed to be regulated and certain activities to be permitted within the ESZ. This has been stipulated in Annexure I to the Guidelines. We have already referred to the prohibited activities. Among the regulated activities, as per these Guidelines are:-

- (i) *Felling of trees with permission from appropriate authority.*
- (ii) *Establishment of hotels and resort as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.*
- (iii) *Drastic change in agricultural systems.*

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- (iv) *Commercial use of natural water resources including ground water harvesting as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.*
- (v) *Erection of electrical cables with stress on promoting underground cabling.*
- (vi) *Fencing of premises of hotels and lodges.*
- (vii) *Use of polythene bags by shopkeepers.*
- (viii) *Widening of roads with proper environmental impact assessment.*
- (ix) *Movement of vehicular traffic at night for commercial purposes.*
- (x) *Introduction of exotic species.*
- (xi) *Protection of hill slopes and river banks.*
- (xii) *Regulation of any form of air and vehicular pollution.*
- (xiii) *Putting up of sign boards and hoardings. Within permissible activities fall:*
  - (i) *Ongoing agricultural and horticulture practices by local communities.*
  - (ii) *Rain water harvesting*
  - (iii) *Organic farming*
  - (iv) *Use of renewable energy sources*
  - (v) *Adoption of green technology for all activities.*

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35. *The approach of the Court in dealing with complaints of environmental degradation has been laid down by this very Bench in this Writ Petition itself in an order passed on 9th*

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May 2022 in connection with another set of applications. In this Order, it has been observed and held:-

"15. Adherence to the principle of sustainable development is a constitutional requirement. While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs. Therefore, Courts are required to balance development needs with the protection of the environment and ecology. It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on intergenerational equity. While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.

16. In *Vellore Citizens' Welfare Forum v. Union of India*, this Court held that the 'Precautionary Principle' is an essential feature of the principle of 'Sustainable Development'. It went on to explain the

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*precautionary principle in the following terms: (i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation. (ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. (iii) The “onus of proof” is on the actor or the developer/industrialist to show that his action is environmentally benign.*

*17. The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by justified concern or risk potential.*

*18. A situation may arise where there may be irreparable damage to the environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. This Court held that in case of a doubt, protection of environment would have precedence over the economic interest. It was further held that precautionary principle requires anticipatory action*

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to be taken to prevent harm and that harm can be prevented even on a reasonable suspicion. Further, this Court emphasises in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.”

While dealing with the applications in the present set of proceedings, we shall follow the same principles.

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44. We accordingly direct:

a) Each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9th February 2011 shall be strictly adhered to. For Jamua Ramgarh wildlife sanctuary, it shall be 500 metres so far as subsisting activities are concerned.

b) In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed shall be maintained.

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c) *The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.*

d) *Mining within the national parks and wildlife sanctuaries shall not be permitted.*

e) *In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9th February 2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such*

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*permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.*

*f) The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach the CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before this Court. On that basis, this Court shall pass appropriate order.*

*g) In the event the CEC, MoEF&CC, the Standing Committee of National Board of Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach the CEC. In such a situation the CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of National Board of Wildlife and then approach this Court with its recommendations. ...."*

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27. I.A. No. 131377/2022 in Writ Petition No. 202 of 1995, In Re: T.N. Godavarman Thirumulpad vs Union of India and Ors. was filed before the Hon'ble Supreme Court for modification/clarification of the orders passed by the Hon'ble Supreme Court in W.P. (C) No. 202/1995. The relevant portions of the order are quoted below:

"xxx .....xxx.....xxx

2. The applicant specifically seeks modification of the directions contained in paragraphs 56.1 and 56.5 of the order dated 3rd June 2022 (supra). The said paragraphs are reproduced hereinbelow:

"56.1. Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2- 2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.

.....

56.5. In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this

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*order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ."*

*3. The clarification/modification of paragraph 56.1 of the order dated 3rd June 2022 (supra) is sought to the extent that the Eco-Sensitive Zones (for short, "ESZs") which have already been notified (final and draft) by the Ministry of Environment Forests and Climate Change (for short, "MoEF & CC") or the proposals for which have been received in the Ministry be exempted from the directions therein. The applicant also sought modification to the extent that paragraph 56.1 of the order dated 3rd June 2022 (supra) may not be made applicable where National Parks and Wildlife Sanctuaries are located along interState boundaries and/or common boundaries. Modification / clarification of the directions in paragraph 56.5 of the order dated 3rd June 2022 (supra) in its entirety is additionally sought."*

28. The guidelines have been issued with regard to prohibited, regulated and permitted areas and a list of the activities which are prohibited, regulated and permitted is contained in Annexure-I of the said Guidelines.
29. In above petition, Hon'ble Supreme Court in para 48 and other paragraphs observed as follows:

*48. If the direction as issued by this Court in paragraph 56.5 of the order dated 3rd June 2022 (supra) is continued, then no permanent structure would be permitted to come up for whatsoever purpose in the aforesaid ESZs. As already pointed out from the aforesaid examples, hundreds of villages are situated within the ESZs in the country. If no permanent construction is to be permitted for any purpose, a*

villager who is desirous to reconstruct his house would not be permitted. Similarly, if there is an extension in their family and some additional construction is required for accommodating the enlarged family, the same would also not be permitted. Similarly, if the Government decides to construct schools, dispensaries, anganwadis, village stores, water tanks and other basic structures for improvement of the life of the villagers, the same would also not be permitted. The effect of the order will be to prevent the State or the Central Government from constructing roads and provide other facilities to the villagers.

49. If the order dated 3rd June 2022 (*supra*) is not modified, it will also be impossible for the Forest Departments to conduct ecodevelopment activities around National Parks and Sanctuaries. The said activities are required with the dual objectives of protection of wildlife and provision of benefits for the local communities. MoEF&CC provides financial assistance to the States under the Centrally Sponsored Scheme-Integrated Development of Wildlife Habitats, which includes assistance for eco-development activities. These activities often involve construction of small structures which are permanent in nature in areas including ESZs. For example, the said activities which are likely to be prohibited are thus:

- i. The construction of community halls, bridges, threshing floors, fish-drying platforms, drinking water storage, etc., for the benefit of local communities/villages;
- ii. The construction of forest chowkies, watch towers, and other structures for protection of wildlife and forests;

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iii. The construction of interpretation centres, toilets and other basic structures for the environmental education of visitors to National Parks and sanctuaries.

50. It is further to be noted that there are various regulated and permissible activities. There are also certain projects of national and strategic importance such as construction of National Highways, Railways, Defence related infrastructure etc. The effect of the direction in 56.5 of the order dated 3rd June 2022 (supra) is that all such activities will be permanently prohibited. In this respect, it is to be noted that MoEF & CC has issued an Office Memorandum dated 17th May 2022 which required that any activity listed in Schedule of the EIA Notification 2006, when conducted in a notified ESZs, or in the case of National Parks and Sanctuaries for which no ESZ has been finally notified, when conducted within 10 kilometres of such National Park or Sanctuary, requires the consideration and recommendation of the NBWL or its Standing Committee in addition to the Environment Clearance under the 1986 Act. Additionally, activities which are regulated as per the specific ESZ notification, require approval as per that notification. As such, we find that there are inbuilt safeguards for preventing rampant construction and abuse of process which may be detrimental to the development and maintenance of wildlife habitats. It is further to be noted that if the direction as contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) that even for continuation of existing activities, the permission of the PCCF of each State or Union Territory would be necessary, remains unmodified, taking into consideration that in each State or Union Territory there will

(61)

*be hundreds of villages wherein millions of people would be residing, the PCCF would be left with no other job except to consider such applications for permission to continue such activities. Even a farmer desirous to continue farming activities would be required to seek such permission. We find that such a direction is impossible to be implemented.*

*51. We are of the view that if such a direction is continued, rather than avoiding man-animal conflict, it will intensify the same. As observed in the said Guidelines, the requirement of declaring ESZs is not to hamper day to day activities of the citizens but is meant to protect the precious forests/Protected Areas from any negative impact, and to refine the environment around the Protected Areas.*

*xxx .....xxx.....xxx*

*55. Insofar as direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is concerned, a perusal of various orders would reveal that this Court has not directed any minimum area from the demarcated boundary of such Protected Areas. The area to be declared as ESZ cannot be uniform and will be Protected Area specific. In some cases, it may be 10 kilometres on one side and 500 meters on the other side. In certain cases, it may not be possible to have a uniform minimum area by virtue of inter-state boundaries or a sea or a river beyond one side of the Protected Area. In any case, a detailed procedure is required to be followed as prescribed under Rule 5 of the 1986 Rules which we have already referred hereinabove. We find that once such a notification is issued after following the procedure prescribed*

(62)

*under the 1986 Rules, the ESZs will have to be as per the said notification.*

*xxx .....xxx.....xxx*

*63. It is further directed that any person who is aggrieved with such a final notification would be entitled to approach this Court directly by filing an application in the present proceedings.*

*64. We further clarify that the direction contained in paragraph 56.1 of the order dated 3rd June 2022 (supra) would not be applicable where the National Parks and Sanctuaries are located on inter-State borders and/or share common boundaries.*

*65. We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.*

*66. We also modify the directions contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) and replace the same as under:*

- (i) The MoEF & CC and all the State/Union Territory Governments shall strictly follow the provisions in the said Guidelines dated 9th February 2011 and so also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities;*

(63)

(ii) *We further direct that while granting Environmental and Forest Clearances for project activities in ESZ and other areas outside the Protected Areas, the Union of India as well as various State/Union Territory Governments shall strictly follow the provisions contained in the Office Memorandum dated 17th May 2022 issued by MoEF & CC."*

30. In view of the above records and contentions it is clear that total Nahargarh area that is the 2152.406 Ha. was declared as a forest area under Section 20 of the Act vide notification dated 21.11.1961 and the boundaries have already been declared and decided vide notification of the Government of Rajasthan dated 22.09.1980. The total area of eco-sensitive zone as notified by the MoEF&CC is 79.356 sq km and boundaries has already been notified vide Annexure 2-A and 2-B of the notification. The geo-coordinate of the boundary of Nahargarh Wildlife Sanctuary and eco-sensitive zone have already been given in Table A and Table B of annexure-3 of the notification.
31. List of the bridges falling in the sanctuary and proposed eco-sensitive zone along with their geo-coordinates at prominent points are as annexure- 4 of the notification. Section 4 provides the list of prohibited activities and at serial number 12 no new commercial hotels and resorts shall be permitted within 1 km of the boundary of the protected area or up to the extent of eco-sensitive zone whichever is nearer, except for small temporary structure for eco-tourism activities and further that, new commercial constructions of any kind shall not be permitted within 1 km from the boundary of the protected area.
32. There is total prohibition of discharge of untreated effluents in natural water bodies or land area and for the effective monitoring of the provisions of the Notification Section 5 of the Gazette provides a monitoring committee headed by the Collector and nothing has been shown by the respondent

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- authorities that the matter has ever been considered or placed before the monitoring committee.
33. The responsibility to protect the area are within the monitoring committee and the constructions are being continued without the cognizance of the monitoring committee or the monitoring committee has not taken any action against the illegal activities.
34. The report of the Forest Department continuously submitted to the higher authorities and the Revenue Officers reveals that the construction activities have been informed to the revenue authorities for taking necessary actions but the same has not been done by the authorities concerned. As narrated above the Amer Hawa Mahal Zone Nagar Nigam Heritage has already issued the direction for stoppage of the illegal constructions as narrated above.
35. In view of the above discussion and the records conclusions and directions are as follows:-
1. Khasra No. 134 and 135 of village Nahargarh are integral part of the Nahargarh Wildlife Sanctuary.
  2. The commercial establishments of hotels and resorts are enumerated at serial No. 12 of the list of activities prohibited or to be regulated and as per Serial No. 12 and 13, no new commercial hotels and resorts shall be permitted within the protected area up to the extent of eco-sensitive zone.
  3. Any construction within the Khasra No. 134 and 135 of village Nahargarh is violative of eco-sensitive zone and Wildlife Sanctuary Act, 1972 and in violation of the rules.

(65)

4. The respondents are directed to strictly follow the guidelines and the provisions contained in the ESJ notifications pertaining to the respective areas with regard to prohibited activities, regulated activities and permissible activities and any construction raised in violation of notification shall be immediately undone according to the rules by the monitoring committee. And any matter arising out of the actions be placed before the monitoring committee to decide it and to take immediate action and to enforce the rule of law.
5. The monitoring committee quoted above is directed to strictly follow the guidelines and take necessary action according to rules and to ensure that there should not be violation of environmental laws.
6. Activities within the area should be regulated in accordance with guidelines issued and we further direct that while granting Environmental Clearances/Forest Clearances for project activities in eco-sensitive zone, the District Administration and State shall strictly follow provisions contained in the Office Memorandum dated 17.05.2022 issued by the MoEF&CC. The matter of dispute coming within the provisions of Forest Act and other Acts shall be placed before Settlement Officer (Forest) for demarcation and identification of land and the Settlement Officer (Forest) shall decide the matter in accordance with the rules and anyone aggrieved by the order of Settlement Officer (Forest), has a right to appeal or revision according to law.

(66)

7. The monitoring committee as constituted in Section 5 of the notification is directed to periodically monitor and to ensure that the guidelines issued and the orders of the Hon'ble Supreme Court are strictly complied with in accordance with the rules.
8. Respondents, District Collector, Jaipur and the Chairman of the Monitoring Committee is directed to ensure that there shall not be any illegal and non-forest activities within Nahargarh Wildlife Sanctuary and also within eco-sensitive zone and operation of any commercial establishment in violation of eco-sensitivity zone and wildlife sanctuary Nahargarh must be strictly taken into the records for proper necessary action.
36. A copy of this order be forwarded to Principal Secretary (Environment), Principal Secretary (Forest), Principal Chief Conservator of Forest, Collector/Chairman, Monitoring Committee, Jaipur for information and necessary action according to rules.
37. With these observations. The **Original Application No. 153/2023** stands **disposed of.**

**Sheo Kumar Singh, JM**

**Dr. A. Senthil Vel, EM**

13<sup>th</sup> March, 2024  
O.A No. 153/2023 (CZ)  
PN

Reg. No. - COOP/2022/JAIPUR/203739

BRN - 8005220065001036



## नाहरगढ़ वन एवं वन्यजीव सुरक्षा एवं सेवा समिति



29, शंकर कॉलोनी, हीदा की मोरी, रामगंज बाजार, जयपुर (राज.)-302003  
66-ए, तिवाड़ी भवन, गुर्जर घाटी, भैरू मीणा का बाग, आमेर रोड़, जयपुर - 302002

अध्यक्ष राजेन्द्र तिवाड़ी मो. - 9214886314	मंत्री हेमराज मीणा मो. - 9672000092	कोषाध्यक्ष ओमप्रकाश मीणा मो. - 9887567836
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क्रमांक - एफ .(01)/एनजीटी/आदेश /पालना/2024/37-38 दिनांक -27-03-2024

सेवामें,

- 1- श्रीमान् कलेक्टर महोदय,  
जिला जयपुर एवं अध्यक्ष महोदय  
नाहरगढ़ E.S.Z मोनेटरिंग कमेटी जयपुर।
- 2- श्रीमान् उप वन संरक्षक  
वन्य जीव चिडियाघर जयपुर एवं सचिव महोदय  
नाहरगढ़ E.S.Z मोनेटरिंग कमेटी जयपुर।

विषय :- ओरिजनल एप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इण्डिया में माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल के आदेश दिनांक 13-03-2024 की पालना करवाने बाबत।

महोदय,

विषयान्तर्गत निवेदन है कि ओरिजनल एप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इण्डिया ने माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल द्वारा प्रकरण का निस्तार करते हुए दिनांक 13-03-2024 को विस्तृत आदेश पारित किये गये हैं आदेशानुसार माननीय माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल द्वारा उक्त आदेश की पालना हेतु आपके कार्यालय/नाहरगढ़ वन्य जीव अभ्यारण्य के ईको सेन्सेटिव जोन (E.S.Z) अधिसूचना में अधिसूचित मोनेटरिंग कमेटी को नामांकित किया है उक्त E.S.Z कमेटी में आपका कार्यालय अध्यक्ष पद से नामांकित है तथा उप वन संरक्षक वन्य जीव चिडियाघर जयपुर का कार्यालय सचिव पद से नामांकित है। तात्पर्य है कि माननीय एन.टी.जी के आदेश दिनांक 13-03-2024 की पालना आप दोनों ही कार्यालय द्वारा सयुक्त रूप से किया जाना है।

महोदय आदेश के बिन्दु संख्या 1 (एक) में स्पष्ट रूप से लेख किया गया है कि ग्राम नाहरगढ़ तह. जयपुर के खसरा नम्बर 134 व 135 नाहरगढ़ वन्य जीव अभ्यारण्य की सीमा में आता है तथा उक्त खसरा नम्बर 134 व 135 में नवरत्न अग्रवाल, मनोज अग्रवाल, कृष्ण अग्रवाल, श्रीमती प्रीति अग्रवाल एवं मुकेश अग्रवाल द्वारा संयुक्त रूप से एक विशाल व्यवसाय होटल निर्माण किया जा रहा है जो कि वन एवं वन्य जीव संरक्षण अधिनियम 1972 एवं नाहरगढ़ E.S.Z अधिसूचना 9 मार्च 2019 का स्पष्ट उल्लंघन माना गया है। आदेश के बिन्दु संख्या 4 में स्पष्ट लेख किया गया है कि उक्त खसरा नम्बर 134 व 135 में स्थित होटल को ध्वस्त / UNDON किया जावे। तथा आदेश के बिन्दु संख्या 8 में यह भी आदेश दिये गये हैं कि नाहरगढ़ वन्य जीव अभ्यारण्य क्षेत्र में किसी भी प्रकार की गैर वानिकी गतिविधि न हो तथा वन एवं वन्य जीव संरक्षण अधिनियम व E.S.Z अधिसूचना का उल्लंघन न हो। इस हेतु E.S.Z अधिसूचना में गठित कमेटी का उत्तरदायित्व निर्धारित करते हुए स्पष्ट आदेश दिये गये हैं।

मान्यवर माननीय माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल द्वारा प्रकरण के आदेशानुसार ग्राम नाहरगढ़ तह. जयपुर के खसरा नम्बर 134 व 135 में स्थित निर्माणाधीन होटल को ध्वस्त किया जाना है जिसकी फोटो, सपुरइन्फोज, व आदेश की प्रति संलग्न है।

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महोदय निर्माणकर्ता होटल संचालक द्वारा माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल के आदेश दिनांक 13-03-2024 के उपरान्त भी अपनी होटल का निर्माण निरन्तर चालू / जारी कर रहा है। जिसके क्रम में जरिए व्हाट्स-एप आपको व उप वन संरक्षक वन्य जीव विडियाघर जयपुर को दिनांक 16-03-2024 व 17-03-2024, 24-03-2024 को सूचित किया गया था। परन्तु मौके पर कोई कठोर कार्यवाही आप दोनों ही कार्यालय द्वारा नहीं की गई। जो कि स्पष्ट रूप से माननीय एन.जी.टी के आदेश दिनांक 13-03-2024 की अवमानना की श्रेणी में आता है। महोदय प्रकरण के सन्दर्भ में जरिए फोन श्रीमान् उप वन संरक्षक वन्य जीव विडियाघर जयपुर एवं ई.एस.जेड कमेटी सचिव से फोन पर दिनांक 24-03-2024 को वार्ता की गयी तो उनके द्वारा बताया गया कि आदेश में हमारे कार्यालय को कोई निर्देश जारी नहीं है। आदेश की सम्पूर्ण पालना जयपुर कलेक्टर कार्यालय द्वारा की जानी है हमने पत्र लिख दिया है। हम कार्यवाही करने में असमर्थ है। उप वन संरक्षक वन्य जीव विडियाघर जयपुर का उक्त कथन माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल के आदेश दिनांक 13-03-2024 की अवमानना की श्रेणी में आता है क्योंकि माननीय एन.जी.टी के आदेश में पालना हेतु ई.एस. जेड मोनेटरिंग कमेटी को नामांकित किया है जिसमें जयपुर कलेक्टर कार्यालय (अध्यक्ष) व उप वन संरक्षक वन्य जीव विडियाघर जयपुर (सचिव) कार्यालय पद से नामांकित है। सचिव कार्यालय यह कहकर पल्ला नहीं झाड़ सकता है कि आदेश में सचिव कार्यालय को नामांकित नहीं किया है। जहां पर सम्पूर्ण ई.एस. जेड कमेटी व अध्यक्ष कार्यालय को नामांकित किया है वहां पर सचिव कार्यालय स्वतः ही नामांकित हो जाता है इसलिए उक्त आदेश की पालना दोनों ही कार्यालय द्वारा एवं सम्पूर्ण ई.एस.जेड कमेटी द्वारा संयुक्त रूप से की जानी है।

यह कि महोदय होटल का निर्माण वर्तमान में भी चालू है जब तक ध्वस्तीकरण की कार्यवाही प्रारम्भ नहीं हो जाती तब तक उक्त होटल निर्माण को रूकवाना आप दोनों ही कार्यालय का उत्तरदायित्व है।

अतः श्रीमान् से निवेदन है कि माननीय नेशनल ग्रीन ट्रीब्यूनल सेन्ट्रल जोन भोपाल के आदेश दिनांक 13-03-2024 की पालना तत्काल सुनिश्चित करवाते हुए कठोर कार्यवाही करवाने का कष्ट करें। तथा जब तक होटल ध्वस्तीकरण की कार्यवाही अमल में नहीं लायी जाती तब तक होटल निर्माण को तत्काल रूकवाने तथा होटल में लगी डेरीक क्रेन को हटवाने की व्यवस्था सुनिश्चित करने का कष्ट करें।

धन्यवाद

संलग्न - उपरोक्तानुसार

भवदीय

हेमराज मीणा (मंत्री)  
नाहरगढ वन एवं वन्य  
जीव सुरक्षा एवं सेवा समिति  
दिनांक -27-03-2024

क्रमांक - एफ .(01)/एनजीटी/आदेश /पालना/2024/39-43

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

- 1- श्रीमान् प्रधान मुख्य वन संरक्षक (हॉफ) अरण्य भवन झालाना डूंगरी जयपुर को आवश्यक कार्यवाही हेतु प्रेषित जहै।
- 2- श्रीमान् प्रधान मुख्य वन संरक्षक एवं मुख्य वन्य जीव प्रतिपालक अरण्य भवन झालाना डूंगरी जयपुर को आवश्यक कार्यवाही हेतु प्रेषित है।
- 3- श्रीमान् मुख्य वन संरक्षक वन्य जीव जयपुर। अरण्य भवन झालाना डूंगरी जयपुर को आवश्यक कार्यवाही हेतु प्रेषित है।
- 4- श्रीमान् सहायक वन संरक्षक वन्य जीव नाहरगढ जयपुर जयपुर को आवश्यक कार्यवाही हेतु प्रेषित है।

भवदीय

हेमराज मीणा (मंत्री)  
नाहरगढ वन एवं वन्य  
जीव सुरक्षा एवं सेवा समिति

69

Annex A/3

कार्यालय उप वन संरक्षक वन्यजीव, चिडियाघर जयपुर  
रामनिवास बाग जयपुर

फोन नम्बर: 0141-2617319  
क्रमांक: एफ ( ) FCA/जू/2021-22/

ई-मेल dcfwl.zoo.forest@rajasthan.gov.in  
दिनांक

**बैठक कार्यवाही विवरण**

माननीय राष्ट्रीय हरित प्राधिकरण बेंच भोपाल के ऑरिजनल ऐपलिकेशन संख्या 153 / 2023(CZ)के आदेश दिनांक 13.03.2024 की पालना हेतु दिनांक 02.04.2024 को प्रस्तावित बैठक के संबंध में जिला कलक्टर महोदय, जयपुर की अध्यक्षता में दिनांक 02.04.2024 को साय: 4.00 बजे आयोजित की गई। उक्त बैठक में निम्नलिखित सदस्य उपस्थित रहे हैं:-

1. श्री सुरेश नवल, अतिरिक्त जिला कलक्टर प्रथम
2. श्री जगदीश चन्द, गुप्ता, उप वन संरक्षक वन्यजीव चिडियाघर जयपुर
3. श्री बजरंग लाल स्वामी उप खण्ड अधिकारी आमेर
4. श्री विजय शर्मा, क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदुषण नियंत्रण बोर्ड, जयपुर
5. श्री अरविन्द झा, उप वन संरक्षक जैव विविधता बोर्ड जयपुर

माननीय राष्ट्रीय हरित प्राधिकरण बेंच भोपाल के ऑरिजनल ऐपलिकेशन संख्या 153 / 2023(CZ)के आदेश दिनांक 13.03.2024 के पैरा संख्या 35 में निम्न निर्देश जारी किये गये हैं।

1. Khasra no. 134 and 135 of village Nahargarh are integral part of the Nahargarh Wildlife Sanctuary.
2. The commercial establishment of hotels and resorts are enumerated at serial no.12 of the list of activities prohibited or to be regulated and as per serial no.12 and 13 on new commercial hotels and resorts shall be permitted within the protected area up to the extent of eco-sensitive zone.
3. Any construction within the khasra no 134 and 135 of village Nahargrah is violative of eco-sensitive zone and Wild life Sanctuary act1972 and violation of the rules.
4. The respondents are directed to strictly follow the guidelines and the provisions contained in the ESZ notifications pertaining to the respective areas with regard to prohibited activities regulated activities and permissible activities and any construction raised in violation of notification shall be immediately undone according to the rules by the monitoring committee and any matter arising out of the actions be placed before the monitoring committee to decide it and to take immediate action and to enforce the rule of law.
5. The monitoring committee quoted above is directed to strictly follow the guidelines and take necessary action according to rules and to ensure that there should not be violation of environmental laws.
6. Activities within the area should be regulated in accordance with guidelines issued and we further direct that while granting environmental clearances/forest clearances for project activities in eco-sensitive zone the District Administration and state shall strictly follow provisions contained in the office memorandum dated 17.05.2022 issued by the moEF&CC. the matter of dispute coming within the provisions of forest act and other acts shall be placed before settlement officer (forest) for demarcation and identification of land and the settlement officer (forest) shall decide the matter in accordance with the rules and anyone aggrieved by the order of settlement officer forest has a right to appeal or revision according to the rules.
7. The monitoring committee as constituted in section 17 of the notification issued by the Deputy Commissioner of Forests shall periodically monitor and to ensure that the guidelines issued by the Supreme Court are strictly complied with in accordance with the rules.



Signature valid

Digitally signed by Deputy Commissioner of Forests

Designation: Deputy Commissioner of Forests

Date: 2024.04.03 11:01:39 IST

Reason: Approved

70

8. Respondents District Collector Jaipur and the Chairman of the Monitoring Committee is directed to ensure that there shall not be any illegal and non-forest activities within Nahargarh Wildlife Sanctuary and also within eco-sensitive zone and operation of any commercial establishment in violation of eco-sensitivity zone Wildlife Sanctuary Nahargarh must be strictly taken into the records for proper necessary action.

माननीय राष्ट्रीय हरित प्राधिकरण बेंच भोपाल के ऑरिजनल ऐपलिकेशन संख्या 153 / 2023(CZ) आदेश दिनांक 13.03.2024 के निर्णय की पालना हेतु मॉनिटरिंग कमेटी के सदस्य के स्टाप अध्यक्ष महोदय द्वारा चर्चा की गई जिसमें सर्व सम्मति से निर्णय की पालना नगर निगम हैरिटेज से पालना 15 दिन में करवाने हेतु निर्णय लिया गया । तथा उक्त पालना हेतु आयुक्त नगर निगम हैरिटेज को निर्णय की प्रति पालना हेतु भिजवायी जावे।  
उक्त बैठक सधन्यवाद समाप्त हुई।

भवदीय

सदस्य सचिव मानीटरी कमेटी ईको सेन्सिटिव जोन एवं  
उप वन संरक्षक वन्यजीव चिडियाघर जयपुर  
दिनांक 03/04/2024

सम/क्रमांक 2979-82

प्रतिलिपि:-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. जिला कलक्टर जयपुर।
2. सदस्य सचिव जैव विविधता बोर्ड जयपुर।
3. उप खण्ड अधिकारी आमेर।
4. क्षेत्रीय अधिकारी राजस्थान राज्य प्रदुषण नियंत्रण बोर्ड जयपुर।

सदस्य सचिव मानीटरी कमेटी ईको सेन्सिटिव जोन एवं  
उप वन संरक्षक वन्यजीव चिडियाघर जयपुर

Signature valid

RajRaj Ref  
6456169Digitally signed by Jagdish Chand Gupta  
Designation : Deputy Conservator Of  
Forest

Date: 2024.04.03 11:49:15 IST

Reason: APPROVED

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Annex. A/4

o.-coop/2022/JAIPUR/203739

BRN.NO.-8005220065001036

## नाहरगढ़ वन एवं वन्यजीव सुरक्षा एवं सेवा समिति



29, शंकर कॉलोनी, हीदा की मोरी, रामगंज बाजार, जयपुर (राज.)-302003  
66-ए, तिवाड़ी भवन, गुर्जर घाटी, मैरू मीणा का बाग, आमेर रोड, जयपुर - 302002

अध्यक्ष राजेन्द्र तिवाड़ी मो. - 9214886314	मंत्री हेमराज मीणा मो. - 9672000092	कोषाध्यक्ष ओमप्रकाश मीणा मो. - 9887567836
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क्रमांक एफ(01)/एन.जी.टी/आदेश/पालना/स्मरण पत्र/2024/207-209 दिनांक 10.06.24

सैंवामें,

1. श्रीमान् प्रकाश राज पुरोहित कलेक्टर महोदय, जिला जयपुर एवं अध्यक्ष महोदय, नाहरगढ़ वन्यजीव अभयारणय E.S.Z.मोनिट्रिंग कमेटी जयपुर ।
2. श्रीमान् जगदीशचंद गुप्ता उपवन संरक्षक वन्यजीव चिड़ियाघर जयपुर एवं सचिव महोदय, नाहरगढ़ वन्यजीव अभयारणय E.S.Z.मोनिट्रिंग कमेटी जयपुर ।
3. श्रीमान् अभिषेक सुराणा आयुक्त महोदय नगर निगम जयपुर हेरिटेज मुख्यालय ।

विषय:- माननीय नेशनल ग्रीन ट्रिब्यूनल सैंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालन सुनिश्चित करवाने बाबत्।

सन्दर्भ:- इस कार्यालय का पत्र क्रमांक एफ (01)/एन.जी.टी/ आदेश/ पालना/2024 /37-38 दिनांक 27.03.2024 एवं मोनिट्रिंग कमेटी E.S.Z बैठक दिनांक 020.04.2024 के निर्णय दिनांक 03.04.2024 एवं सचिव मोनिट्रिंग कमेटी E.S.Z कार्यालय उपवन संरक्षक वन्य जीव चिड़ियाघर जयपुर के पत्र क्रमांक 2997 दिनांक 03.04.2024 की पालना कार्यालय आयुक्त नगर निगम जयपुर हेरिटेज मुख्यालय द्वारा नहीं करने एवं एन.जी.टी के आदेश दिनांक 13.03.2024 की पालन तत्काल प्रभाव से किये जाने बाबत्।

Mem Raj Meena

13

मान्यवर,

सन्दर्भित प्रकरण में निवेदन निम्न प्रकार से है:-

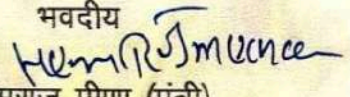
1. यह कि महोदय माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 द्वारा श्रीमान जयपुर जिला कलेक्टर एवं अध्यक्ष नाहरगढ़ वन्यजीव अभयारण्य E.S.Z.मोनिट्रिंग कमेटी जयपुर को स्पष्ट रूप से निर्देशित किया गया है कि नाहरगढ़ वन्य जीव अभयारण्य के खसरा नम्बर 134 व 135 ग्राम नाहरगढ़ तहसील जयपुर जिला जयपुर जलमहल के सामने आमेर रोड जयपुर में नवरत्न अग्रवाल व अन्य द्वारा निर्माणाधीन बहुमंजीला होटल को तत्काल प्रभाव से ध्वस्त किया जावे।
2. यह कि महोदय उक्त आदेश की पालना हेतु इस कार्यालय के पत्र क्रमांक एफ (01)/एन.जी.टी/ आदेश/ पालना/2024 /37-38 दिनांक 27.03.2024 द्वारा आप सभी के कार्यालयों को सूचित करते हुए निवेदन किया गया था कि माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल के आदेश दिनांक 13.03.2024 की पालना तत्काल प्रभाव से सुनिश्चित करवाई जावे।
3. यह कि महोदय श्रीमान् कलेक्टर जिला जयपुर एवं अध्यक्ष महोदय नाहरगढ़ वन्यजीव अभयारण्य E.S.Z.मोनिट्रिंग कमेटी जयपुर की अध्यक्षता में बैठक का आयोजन दिनांक 02.04.2024 को सांय 4:00 बजे आयोजित की गई जिसमें माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालना में चर्चा की गई एवं सर्वसहमति से निर्णय लिया गया कि उक्त आदेश की पालना कार्यालय आयुक्त नगर निगम जयपुर हेरिटेज मुख्यालय द्वारा करवाया जाना है इस संदर्भ में कार्यालय उपवन संरक्षक वन्य जीव चिडियाघर जयपुर एवं सदस्य सचिव मोनिट्रिंग कमेटी हेतु E.S.Z. जोन जयपुर द्वारा अपने कार्यालय के पत्र क्रमांक 2997 दिनांक 03.04.2024 द्वारा श्रीमान आयुक्त महोदय नगर निगम जयपुर हेरिटेज मुख्यालय जयपुर को स्पष्ट रूप से निर्देशित किया गया कि माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालना में मोनिट्रिंग कमेटी द्वारा लिए गए निर्णय दिनांक 02.04.2024 के अनुसार उक्त आदेश की पालना एवं होटल के ध्वस्तीकरण की कार्यवाही आपके कार्यालय द्वारा 15 दिवस में सुनिश्चित की जानी है साथ ही उक्त पत्र के साथ बैठक विवरण, एन.जी.टी आदेश व जे.डी.ए पत्र भी संलग्न किया गया है।
4. यह कि महोदय आपके कार्यालय द्वारा प्रेषित पत्र एवं माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालना कार्यालय आयुक्त नगर निगम जयपुर हेरिटेज मुख्यालय द्वारा आज दिवस तक भी पूर्ण नहीं की गई है जो कि स्पष्ट रूप से माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल के आदेश एवं आपके कार्यालय द्वारा जारी आदेशों की अवमानना की श्रेणी में आता है। जो कि एक गंभीर विषय है।

Hemraj Meena



अतः श्रीमान से निवेदन है कि माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालना तत्काल प्रभाव से सुनिश्चित करवाने का कष्ट करे तथा विलम्ब के लिए जिम्मेदार अधिकारी एवं कर्मचारी के विरुद्ध आवश्यक एवं कठोर कार्यवाही भी सुनिश्चित करवाने का कष्ट करे।

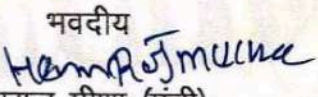
धन्यवाद

भवदीय  
  
 हेमराज मीणा (मंत्री)  
 नाहरगढ़ वन एवं वन्य जीव  
 सुरक्षा एवं सेवा समिति।

क्रमांक एफ(01)/एन.जी.टी/आदेश/पालना/स्मरण पत्र/2024/210-215 दिनांक 10.06.2024  
 प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. श्रीमान सुरेश नवल जिला कलेक्टर प्रथम को प्रेषित कर निवेदन है कि प्रकरण में पालना कार्यवाही तत्काल प्रभाव से सुनिश्चित करवाने का कष्ट करे।
2. श्रीमान बजरंगलाल स्वामी उप खण्ड अधिकारी आमेर को प्रेषित कर निवेदन है कि प्रकरण में पालना कार्यवाही तत्काल प्रभाव से सुनिश्चित करवाने का कष्ट करे।
3. श्रीमान विजय शर्मा क्षेत्रीय अधिकारी राजस्थान राज्य प्रदुषण नियंत्रण बोर्ड जयपुर को प्रेषित कर निवेदन है कि प्रकरण में पालना कार्यवाही तत्काल प्रभाव से सुनिश्चित करवाने का कष्ट करे।
4. श्रीमान अरविंद झा, उपवन संरक्षक जैव विविधता बोर्ड जयपुर को प्रेषित कर निवेदन है कि प्रकरण में पालना कार्यवाही तत्काल प्रभाव से सुनिश्चित करवाने का कष्ट करे।
5. श्रीमान कृष्ण शर्मा एवं वैभव पंचोली एडवोकेट राजस्थान हाईकोर्ट एवं समिति अधिवक्ता को मूल पत्रावली प्रेषित कर निवेदन है कि प्रकरण में माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोन भोपाल ओरजिनल ऐप्लीकेशन नम्बर 153/2023 हेमराज मीणा बनाम यूनियन ऑफ इंडिया व अन्य में पारित आदेश दिनांक 13.03.2024 की पालना नहीं होने की स्थिति में माननीय एन.जी.टी के समक्ष अवमानना कार्यवाही किये जाने का कष्ट करे।
6. गार्ड पत्रावली।

धन्यवाद

भवदीय  
  
 हेमराज मीणा (मंत्री)  
 नाहरगढ़ वन एवं वन्य जीव  
 सुरक्षा एवं सेवा समिति।

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ER179544954IN (VR:6982179544954)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:BAJIRANG SHAWI,  
 PIN:302028, Amer S.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544985IN (VR:6982179544985)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:REGIONAL ADHI,JAIPUR  
 PIN:302013, Vishwakarma Industrial Area S.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544891IN (VR:6982179544891)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:ARVIND JHA,  
 PIN:302004, Jawahar Nagar H.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544945IN (VR:6982179544945)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:GURESH MAHAL ,BANI PARK  
 PIN:302016, Shastri Nagar H.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544931IN (VR:6982179544931)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:ARHISHIK SURANA,JAIPUR  
 PIN:302002, Tripulia Bazar S.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544928IN (VR:6982179544928)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:UP VAN SANKASHAK,JAIPUR  
 PIN:302001, Jaipur S.P.O.  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

ER179544914IN (VR:6982179544914)  
 SP TRIPULIA BAZAR S.O (302002)  
 Counter No:1,10/06/2024,12:38  
 To:PRAKASH RAI PURNITH,JAIPUR  
 PIN:302016, Shastri Nagar H.O  
 From:RAJENDRA TIWARI,JAIPUR  
 Wt:24gms  
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> (Wear Masks, Stay Safe)

Amr x r A/5 o/c

(76)

KRISHAN SHARMA  
VAIBHAV PANCHOLY  
ADVOCATES

178 OLD BUILDING  
RAJASTHAN HIGH COURT JAIPUR

RESIDENCE

PLOT NO 9, JAIN GARDAN  
BADANPURA JAIPUR

M. 9982765049

**Legal notice for willful and deliberate non-compliance**  
**of final order dated 13/03/2024 passed by Hon'ble**  
**National Green Tribunal in Original Application**  
**No.153/2023 titled as Hemraj Meena Versus Union of**  
**India and Others.**

**VERSUS**

1. District Collector Jaipur District Jaipur cum Chairman  
Monitoring Committee, Eco Sensitive Zone of Nahargarh Wildlife  
Sanctuary, Collecterate Campus Banipark Jaipur.
2. Deputy Conservator of Forests, Wildlife, Zoo Jaipur cum  
Secretary Monitoring Committee, Eco Sensitive Zone of  
Nahargarh Wildlife Sanctuary, Ramniwas Bagh, Jaipur-  
302004(Rajasthan)
3. Commissioner, Jaipur Nagar Nigam Heritage, Old Police  
Headquarter, Tripolia Bazar, Jaipur.
4. Deputy Commissioner, Amer Hawamahal Zone, Jaipur Nagar  
Nigam Heritage Near Chaugan Stadium, Gangauri Bazar, Jaipur.  
Sir's


I hereby serve upon legal notice on behalf of my client Mr. Hemraj Meena son of Shri Ramphool Meena, aged about 40 years, resident of 134/20-A Defence Colony, Gurjar Ghati Amer Road Jaipur, (Rajasthan) as under-

1. That Government of Rajasthan had issued an order under Section 20 of Rajasthan Forest Act, 1953, on 21/11/1961 and acquired the land of Nahargarh Village to be the Reserve Forest with effect from 15/01/1962.

**KRISHAN SHARMA AND ASSOCIATES**  
Advocate  
Rajasthan High Court, Bench Jaipur.  
9, Jain Garden, Badanpura, Jaipur-302002  
Mob. 9982765049

(77)

2. That Government of Rajasthan had further issued a notification No.F-11(39) Rajasthan 8/80 on 22/09/1980 under Section 18 of Wildlife Protection Act, 1972 by which the reserve forest declared by Order dated 21/11/1961, has declared to be Nahargarh Wildlife Sanctuary. It is submitted that at the time of issuance of notification dated 22/09/1980 the Boundaries of Sanctuary got decided.
3. That Govt. of India has also issued a gazette notification on 08/03/2019 by which the Eco- Sensitive Zone of Nahargarh Wildlife Sanctuary got declared. It is also submitted that Eco- Sensitive Zone shall be from 0-13 Kms. around the Sanctuary Boundaires of Nahargarh Wildlife Sanctuary. It is also submitted that by the way of notification dated 08/03/2019, some essential activities for local residents were allowed and rest of the commercial activities were prohibited. It is submitted that the bare perusal of the notification dated 08/03/2019 goes to reveal that there are three classes of activities mentioned therein, the A Clause is about Prohibited Activities, B Clause is about Regulated Activities and C Clause is about Promoted Activities.
4. That my client had filed an original application and raised the grievances of illegal construction of commercial structure within the boudaries of Nahargarh Wildlife Sanctuary in which Notices were issued to all the respondents and their replies were taken on record.
5. That Hon'ble National Green Tribunal had constituted a joint committee and called a factual report and in furtherance of directions issued by Hon'ble Tribunal joint committee had submitted its report and same was also taken on record by Hon'ble National Green Tribunal.
6. That Hon'ble National Green Tribunal vide order dated 13/03/2024 had allowed the Original Application No.153/2023 and directed the respondents to strictly adhere guidelines set out by the Notification of Eco Sensitive Zone and it has been categorically held that Khasra No. 134 and 135 of Village Nahargarh are integral part of Nahargarh Wildlife Sanctuary and Construction raised upon these Khasra No's is illegal and deserves to be demolished and it has further been directed that construction already raised upon these Khasra No's be undone immediately but so far no fruitful action has been taken in order to remove the illegal construction and thus respondents are flouting the verdict of Hon'ble National Green Tribunal which is clearly contemptuous.
7. That Meeting of Monitoring Committee was organized in the chairmanship of District Collector Jaipur on 02/04/2024 and after discussion it has been decided that Nagar Nigam Heritage will ensure the compliance of order dated 13/03/2024 within the period of 15 days and in furtherance of discussion in the meeting the relevant record was

  
**VISHWAN SHARMA AND ASSOCIATES**  
 Advocates  
 Rajasthan High Court, Bench Jaipur  
 Jain Garden, Badangpura, Jaipur-302002  
 Mob. 9982763049



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sent to Commissioner Jaipur Nagar Nigam Heritage for compliance but nothing has been done so far by Nagar Nigam in order to get the order dated 13/03/2024 complied with and thus conduct of Jaipur Nagar Nigam is contemptuous.

Therefore I hereby serve upon you this legal notice and it is expected from all of you that Appropriate exercise be done in order to get the directions of Hon'ble National Green Tribunal complied with within the period of 7 days and it is further expected from Nagar Nigam that they shall act upon towards the directions issued by Hon'ble National Green Tribunal qua immediate demolition of illegal construction within abovementioned time frame failing which my client would be compelled to initiate proper legal action against all of you before National Green Tribunal Central Zonal Bench Bhopal and you all would be jointly and severally responsible for all consequences arising out of litigation.

Jaipur Dated 18/04/2024

*cr. bel*  
**KRISHAN SHARMA AND ASSOCIATES** 18/04/24  
 Advocate  
 Yours Faithfully  
 (Vishav Pancholy)  
 Rajasthan High Court, Bench Jaipur  
 9, Jain Garden, Badanpur, Jaipur-302002  
 Mob. 9982765049

✓ Note- The copy of this reply has been kept in my office so that it may be treated as evidence.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CENTRAL ZONAL BENCH BHOPAL (M.P.)**

**EXECUTION APPLICATION NO. ....../2024**

**IN**

**ORIGINAL APPLICATION NO. 153/2023 (CZ)**

**APPLICANT** : HEMRAJ MEENA

**VERSUS**

**RESPONDENTS** : UNION OF INDIA & OTHERS

**AFFIDAVIT IN SUPPORT OF DOCUMENTS**

I Hemraj Meena son of Shri Ramphool Meena, aged about 40 years, resident of 134/20-A Defence Colony, Gurjar Ghati Amer Road Jaipur, (Rajasthan) do hereby solemnly affirm on oath as under:-

1. That, applicant is well acquainted with the facts of present case and the application is drafted by counsel for Applicant on my instructions and contents thereof, have also been explained to me.
2. That Annexure-A/1 is web-copy of order dated 13.03.2024 and Annexure-A/2 to Annexure-A/5 are correct Photocopies of originals & they are correct and true to best of my knowledge.

3. That, affidavit is executed in support of documents annexed with present execution application.



*I identified by*  
*Idr*

*Hemraj Meena*  
**Deponent**

**VERIFICATION**

I, above Deponent do hereby verify that the contents from paragraph 1 to 3 are true to best of my knowledge.

Signed & verified on \_\_\_\_\_ at Bhopal.

*Hemraj Meena*  
**Deponent**

**ATTESTED**

**NOTARY  
JAIPUR (RAJ) INDIA**

12 JUL 2024

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## अभिभाषक-पत्र

(ऑर्डर 3 रूल 4 जाब्ता दीवानी)

न्यायालय National Green Tribunal C-2, Bhabal M.P. (संज्ञस्थान)  
 संख्या बाद Execution A.H. No. — /2024 सन् 17 तारीख प्रस्तुती  
O. A. No. 153/2023 वादी/अभियोगी  
Hemraj Meena आवेदक/अपीलाण्ट  
विरुद्ध  
Union of India & Ors. प्रतिवादी/अभियुक्त  
 प्रतिपक्षी/रेस्पोंडेन्ट

### वाद/अपील

मैं/हम Hemraj Meena S/o. Sh. Ramphool Meena, R/O-134/20 A  
Defence Colony Gurpur Choti Amer Road Jaipur.

इस वाद ने अभिभाषक द्वारा समर्थन करना स्वीकार है। मैं/हम Keisham Sharma, J.N. Sharma  
Pavon Sharma, Vaibhav Panchoy Adv. Pre Bone Case रूपये शुल्क पर

अभिभाषक नियुक्त कर प्रतिज्ञा करता हूँ/करते है कि उक्त अभिभाषक वाद-वादोत्तर अपील आवेदन-पत्र पुनरावलोकन, पुनः विचार पुनः स्थापना संशोधन व अभियोग पत्रिका पर हस्ताक्षर करें और पेश करें। प्रमाणित प्रतिलिपि लें, उत्तराधिकारी होने का प्रमाण-पत्र प्रस्तुत कर समर्थन करें, संयुक्त व्यापार समिति की राय पुस्तांकन करावें, शपथ-पत्र प्रस्तुत करें, समझौते प्रतिभूति देकर प्रमाणीकरण करावें। कोष न्यायालय व अन्य विभाग से रूपया लेकर प्रमाणित करावें व पंच निश्चय कर और पंचायती निर्णय प्रमाणीकरण करावें। किसी डिग्री का परिवर्तन करावें और प्रमाण-पत्र घोष विक्रय लें निरीक्षण पत्र संग्रह करें अन्य अभिभाषक प्रतिनिधि निश्चित शुल्क पर पक्ष समर्थन के लिए नियत करें व अन्य कार्यवाही अभिभाषकजी जो करें वह अपने स्वयं के द्वारा की गई कार्यवाही के समान स्वीकार होगा।

दिनांक 11/07/2024

टिप्पणी : वाद के बीच में हानि व व्यय जो प्रतिपक्ष से मिले वह अभिभाषक जी का होगा।

निश्चित तिथि तक पूरा शुल्क न मिलने पर अभिभाषकजी को अधिकार होगा कि पक्ष का समर्थन करें न करें व न्यायालय शुल्क अभिभाषक पत्र के साथ है, हस्ताक्षर सुन व समझ कर किये।

साक्षी:-

(1) [Signature] R/895/2000 हस्ताक्षर (1) Hemraj Meena  
 (2) [Signature] R/167/1967 (2) \_\_\_\_\_  
 (3) [Signature] R/13864/19 (3) \_\_\_\_\_

अभिभाषकता स्वीकार

[Signature] R/15/23