

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

(UNDER SECTION 18(1) READ WITH SECTIONS 14, AND 15  
OF THE NATIONAL GREEN TRIBUNAL ACT, 2010)

I.A. NO. **70** /2024

IN

ORIGINAL APPLICATION NO. 192 /2024

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

STATE OF ASSAM & ORS. ...RESPONDENTS

**INDEX**

<b>S. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>
1.	APPLICATION SEEKING INTERIM RELIEF WITH AFFIDAVIT	<b>1-5</b>
2.	PROOF OF SERVICE	<b>6</b>

FILED BY



**Madhav Bhatia, Adv.**

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**DATE:** 06.08.2024

**PLACE:** KOLKATA

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**APPLICATION SEEKING INTERIM RELIEF**

**MOST RESPECTFULLY SHOWETH:**

1. That the above-captioned Original Application has been filed to raise a substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010, to bring to the notice of this Hon'ble Tribunal, the environmental damage caused to Forests and Barak Bhuban Wildlife Sanctuary located in Cachar District, Assam due to the illegal construction of road leading to Bhuban Hill within the wildlife sanctuary, which is in violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and guidelines dated 29.12.2023 issued by the Central Government.
2. That the above-captioned Original Application has been filed on various grounds which are not being repeated herein for the sake of brevity and the same may be read as part and parcel of this application.



3. That the Respondents No. 1, 2, 4 and 5 (constituent departments) and have a positive duty for improvement of environment and safeguard of forests. The Respondent No 3 herein is Sh. MK Yadava, who has illegally and with *malafide* intent signed the letter dated 29.11.2022, issuing directions that led to illegal diversion of the forest land is currently posted as the Special Chief Secretary in-charge of forests and was the erstwhile Principal Chief Conservator of Forests and Head of Forest Force, Assam.
4. That the Respondent No. 3 has signed the letter dated 29.11.2022 issuing directions that led to illegal diversion of the forest land that has caused environmental damage to forests and Barak Bhuban Wildlife Sanctuary located in Cachar District, Assam due to the illegal construction of road in Bhuban Hill within the wildlife sanctuary. Further, the construction of a road within the Barak Bhuban Wildlife Sanctuary is being done without the prior approval of the Central Government as mandated by the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and guidelines dated 29.12.2023 issued by the Central Government.
5. That pertinently this is the third instance of blatant misuse and abuse of power by Respondent No. 3 - Sh. M.K. Yadava, the other two Original Applications are pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi bearing OA No. 61 of 2024 wherein the Hon'ble Tribunal took suo-motu cognizance of the news item titled "*Assam: PCCF MK Yadava accused of illegally clearing protected forest for Commando Battalion*" with respect to illegal diversion of 44 ha of protected forest land for a Commando



Battalion Headquarters in Barak Valley, bypassing the mandatory procedures under the Forest (Conservation) Act, 1980; and before this Hon'ble Tribunal bearing OA No. 105/2024 raising grievance with respect to 28 ha of reserve forest which has been illegally diverted for establishment of 2<sup>nd</sup> Commando Battalion in the Assam-Nagaland interstate border area of Geleky Reserve Forest located in Sibsagar District of Assam.

6. That the Applicant has a strong *prima facie* case since the Respondents have miserably failed to abide by the mandatory provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 or to obtain approval of the Central Government before starting illegal construction of road leading to Bhuban Hill within the Barak Bhuban Wildlife Sanctuary located in Cachar District, Assam. Further, a perusal of the minutes of the meeting dated 29.11.2022 that Respondent No 3- Sh. MK Yadava has blatantly misused his the power and position to illegally divert a large part of the forest area without obtaining the necessary approvals.
7. That an urgent directive is sought from this Hon'ble Tribunal to halt the ongoing illegal construction of a road within the Barak Bhuban Wildlife Sanctuary, located in the Cachar District of Assam, which if not stopped would lead to irreversible environmental degradation. Further, the balance of convenience lies in favour of the Applicant and against the Respondents as the continuation of this construction poses a severe and potentially irreversible threat to the environment. Immediate intervention is essential to prevent further degradation of

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the sanctuary's ecological balance of Barak Bhuban Wildlife Sanctuary which houses many endangered flora and fauna.

8. That the instant application is being filed in bona fide and in interests of justice.

### PRAYER

It is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Issue Order/ Direction for grant of stay of illegal construction, including the illegal construction of road to Bhuban Hill, within the Barak Bhuban Wildlife Sanctuary located in Cachar District, Assam;
- b. Issue appropriate Direction for constituting an appropriate committee to assess the extent of illegal diversions, and illegal constructions within the Barak Bhuban Wildlife Sanctuary located in Cachar District, Assam;
- c. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts of the present case;

FILED BY



**Madhav Bhatia, Adv.**

A-446, LGF, Defence Colony,

New Delhi-110024,

Mob:9910572585

**DATE:** 06.08.2024

**PLACE:** KOLKATA

Email: madhavbhatia@vertarilegal.com

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M.A. NO. /2024

IN

ORIGINAL APPLICATION NO. /2024

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan – 302023, aged about 37 Years, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the captioned matter and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying application that has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

7 AUG 2024

DEPONENT

**VERIFICATION**

Verified on this 7<sup>th</sup> day of Aug 2024 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

7 AUG 2024

DEPONENT



**ATTESTED**

NOTARY  
 JAIPUR (R. J.) INDIA  
 7 AUG 2024

## Advance Service of Interim Application - OA 192/2024 titled "Pradeep Singh Shekhawat vs State" filed before NGT

Apurv Yash <Apurvyash@vertarilegal.com>

Sat 14-09-2024 16:09

To:cs-assam@nic.in <cs-assam@nic.in>;hoff-assam@gov.in <hoff-assam@gov.in>;acs.envforest@gmail.com <acs.envforest@gmail.com>;secy-moef@nic.in <secy-moef@nic.in>;dc-cachar@nic.in <dc-cachar@nic.in>;mrdey@rediffmail.com <mrdey@rediffmail.com>;apu7law@gmail.com <apu7law@gmail.com>  
Cc:Litigation Team <LitigationTeam@vertarilegal.com>

 1 attachments (810 KB)

Interim Application along with affidavit.pdf;

Sir,

You are requested to kindly find attached Interim Application in the above-captioned matter. Please note that the OA along with the present IA is intended to be listed on 19.09.2024. Further, this mail shall be treated as proof of service for all purposes henceforth.

Regards

Apurv Yash

Associate

Vertari Legal

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