

ORDER & copy of the Petition in Original Application No. 1304/2024

न्यायिक अनुभाग Judicial Section <judicial-ngt@gov.in>

Mon, 25 Nov 2024 2:14:55 PM +0530

To "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "National Green Tribunal, Eastern Zone Bench, Kolkata" <ngtjudicial-kolkata@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the Order dated 19/11/2024 passed in Original Application No. 1304/2024 News Item titled "large portion of forest areas in Kamrup (M) under encroachment: Govt appearing in the Assam Tribune dated 06.11.2024. for your kind perusal & necessary action. It is also intimated have that, henceforth no pleadings/ report/ documents etc in pending case will be accepted except through E-filing module of NGT. Pleadings/ report/ documents, etc. filed through E-mail will not be taken on record, unless otherwise directed.

भवदीय / Regards

परामर्शदाता (न्यायिक) / Consultant (Judicial)

राष्ट्रीय हरित अधिकरण / National Green Tribunal

प्रधान न्यायपीठ / Principal Bench

नई दिल्ली / New Delhi - 110001

 2 Attachment(s) • Download as Zip • Add To >large portion of forest areaspdf
111.4 KB • OA NO 1304 of 2024 Suo Mo....pdf
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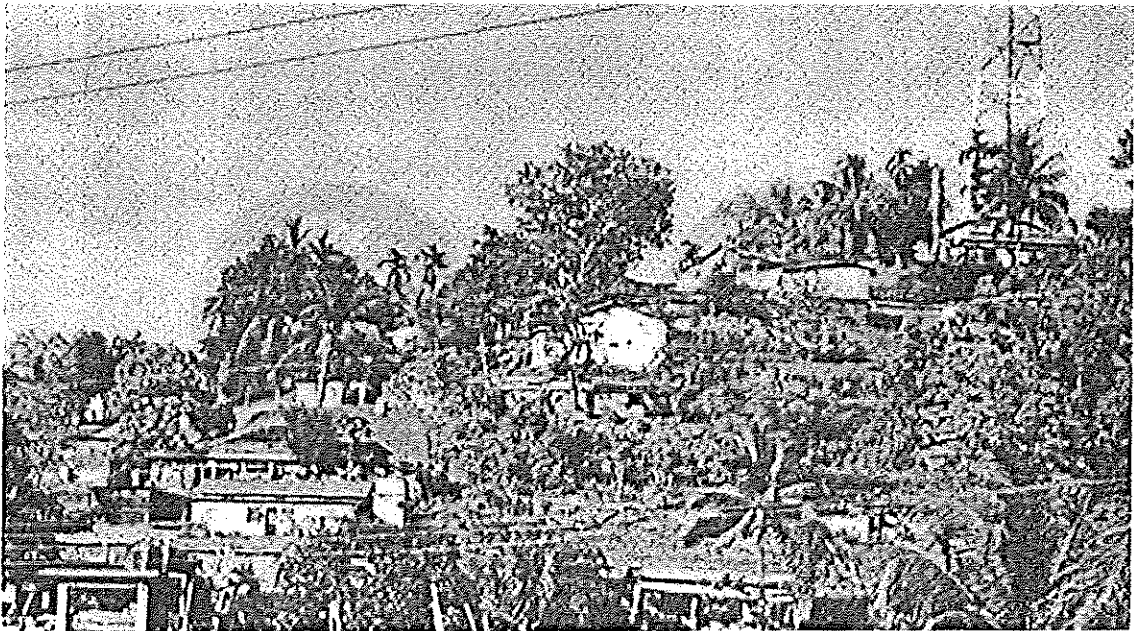
The Assam Tribune

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GUWAHATI

Large portion of forest areas in Kamrup (M) under encroachment: Govt

By The Assam Tribune - 6 Nov 2024 11:35 AM



AT Photo (File)

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Guwahati, Nov 6: At a time when citizens of Guwahati, particularly students, are agitating to protect the trees along the banks of Dighalipukhuri, encroachment of the forests has also become a cause of major concern.

Also Read - Delay hits Assam govt's report on Guwahati waterlogging solutions

According to Government records, Assam has a forest cover of 34.21 percent of the total geographical area of the State, but a large portion of the forests have been encroached upon. Though the Government launches eviction drives from time to time, that is not enough to deal with the problem. Due to the encroachment of the forests, the man-animal conflict is increasing in several parts of the State, which has become a major cause of concern. Forest encroachments have also increased air temperature and this year, Assam faced the hottest September month ever.

Also Read - ULFA Pro-Talk submits Rs 300 Cr rehabilitation plan to Centre for senior cadres

According to official records, Kamrup (Metro) district has 16 reserved forests covering an area of more than 35,329 hectares and a substantial portion of the forests are under encroachment. The hills falling under reserved forests like Fatasil, South Kalapahar, Jalukbari, Gotanagar, Hengrabari, Sarania, Garbhanga, etc, are largely under encroachment and so far, no Government over the years have taken any effective step to evict the encroachers. Similarly, in Kamrup district, according to official records, more than 130 hectares of forest land are under encroachment but the actual scenario must be much worse.

Also Read - GNB Flyover to land between Rabindra Bhawan & District Library: Assam CM

Though the Government has been launching eviction drives on far, no such drives are seen inside the city for reasons best known to the authorities concerned.

Giving details of the eviction drives launched in the reserved forests, sources said that in the last couple of years, more than 113 drives were launched. In the year 2022-23, 402.32 hectares of forest land were cleared during eviction drives and in 2023-24, an area of 564.58 hectares of forests were cleared. But official sources admitted that that is not enough as much more area is still under eviction and regular drives have to be carried out to clear all the forests from the grip of the encroachers. Moreover, in some forests, people are staying for years and it may be difficult to evict them. Forests along the inter-state boundaries are also under encroachment by the neighbouring states and those can be cleared only after the boundary disputes are completely settled, sources added.

It may be mentioned here that eviction drives often turn into political issue and that also causes problems in launching such drives.

-By Ramanuj Dutta Choudhury

The Assam Tribune

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

Original Application No. 1304/2024

News Item titled "large portion of forest areas in Kamrup (M) under encroachment: Govt appearing in the Assam Tribune dated 06.11.2024

Date of hearing: 19.11.2024

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

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "large portion of forest areas in Kamrup (M) under encroachment: Govt" appearing in the Assam Tribune dated 06.11.2024.

2. The matter relates to the issue of forest encroachment in the Kamrup (Metro) district of Assam. As per the article, Kamrup (Metro) has 16 reserved forests covering more than 35,329 hectares, but a substantial portion of these forests has been encroached upon. The encroachment includes ecologically important hills like Fatasil, South Kalapahar, Jalukbari, Gotanagar, Hengrabari, Sarania, and Garbhanga.

3. The news item highlights that though the Government launches eviction drives from time to time but that is not enough to deal with the problem. Due to the encroachment of the forests, the man-animal conflict is increasing in several parts of the State, which has become a major cause of concern. Forest encroachments have also increased air temperature and this year, Assam faced the hottest September month ever. The article states that in the last couple of years, over 113 eviction drives were launched, clearing 402.32 hectares in 2022-23 and 564.58 hectares in 2023-24

4. Furthermore, it is asserted that in some forests, people are staying for years and it may be difficult to evict them. Forests along the inter-state boundaries are also under encroachment by the neighbouring states and those can be cleared only after the boundary disputes are completely settled.

5. The above matter indicates violation of the Forest Conservation Act, 1980 and the Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in the matter:

i. Principal Chief Conservator of Forest, Assam

Office of the Principal Chief Conservator of Forests, Assam Forest Department, Assam Secretariat (M), Dispur, Guwahati, Assam – 781006

ii. District Commissioner, Kamrup (Metropolitan)

Office of the Deputy Commissioner, Kamrup (Metro), District Administration Complex, Panbazar, Guwahati, Assam – 781001

9. Issue notice to the above respondents for filing their response/reply by way of affidavit before the Eastern Zonal Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files

the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

10. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.

11. List before Eastern Zonal Bench at Kolkata on 21.01.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 19, 2024..
O.A. No. 1304/2024
HB