

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
(CZ) AT BHOPAL (MP)**

I.A. No. 113./2024

In

ORIGINAL APPLICATION NO. 97 OF 2022

IN THE MATTER OF:

KAMAL TIWARI

.....

APPLICANT

VERSUS

UNION OF INDIA & ORS.

.....

RESPONDENTS

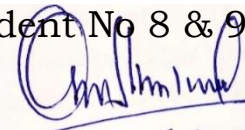
INDEX

S. No.	Particulars	Annexure	Page
1.	Application for modification of order with affidavit		01-06
2.	Copy of Order dated 26.09.2024 passed by this Hon'ble Tribunal in O.A. No. 97/2022	R-1	07-10

Date: 03/10/2024

Place: Bhopal

Filed By
[Applicant/Respondent No 8 & 9 RIICO]



(Om Shanker Shrivastava, Advocate)

OMSLAWHOUSE: R-52, Zone-II, MP Nagar
Bhopal -11 (MP) Ph:-7869911990/ Email:-
omslawhouse1@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
(CZ) AT BHOPAL (MP)**

I.A. No. 113/2024

In

ORIGINAL APPLICATION NO. 97 OF 2022

IN THE MATTER OF:

KAMAL TIWARI APPLICANT

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

**APPLICATION FOR MODIFICATION OF ORDER DATED
26.09.2024 PASSED BY THIS HON'BLE TRIBUNAL**

MOST RESPECTFULLY SHOWETH:

The humble Applicant/Respondent no. 8 & 9 RIICO, Rajasthan submits as follows: -

1. That, the instant application is filed before this Hon'ble Tribunal pending adjudication.
2. That, the Applicant/RIICO has previously preferred an I.A. No. 103/2024 before this Hon'ble Tribunal under Order 11 Rule 10 of CPC for discovery of the actual map of forest and Nahargarh Wildlife Sanctuary so as to ascertain the actual position with regard to the very question of alleged

encroachment if any. The I.A. preferred highlighted the dispute with regard to demarcation and identification of areas mainly at Khasra No. 3 and 10. This Hon'ble Tribunal vide its order dated 26.09.2024 has been pleased to constitute a committee to settle the dispute regarding land in question for just, fair and effective adjudication of this Original Application. The Hon'ble Tribunal in its order dated 26.09.2024, observed as follows:

“4. To settle the controversy, it is appropriate to direct the authorities concerned to finalize the identification/ measurement and demarcation of the land in question, so that proper determination of the matter involved in this O.A. may be ascertained.

5. Accordingly, we constitute the following committee to see the matter, examine it and submit the report :

i. One representative from the MoEF& CC,Rajasthan

ii. One representative from the Addl. Chief Secretary Forest and Wildlife, Govt. of Rajasthan, Rajasthan

iii. One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.

iv. One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.

v. One representative from the Rajasthan State Pollution Control Board, Rajasthan”

Copy of Hon'ble NGT (CZ) order dated 26.09.2024 is annexed as **ANNEXURE R-1**.

3. That, the humble Applicant / RIICO most respectfully submits that for any demarcation/identification of land map of both revenue as well as forest areas, along with the adjoining stake holders are required for lawful demarcation. Therefore, it is necessary that the committee so formulated must adequately involve representation of stake holders, who shall be affected by the outcome of such identification/demarcation or settlement process. Therefore, by law of land and natural course, the revenue department forms an integral part of any such demarcation /identification exercise, is therefore subject to inclusion in the committee formulated by this Hon'ble Tribunal. Further, the titleholders of adjoining land of the area in dispute/controversy, RIICO also form indispensable party being directly affected by the demarcation/identification exercise and therefore is entitled to be adequately represented for just and fair demarcation / identification process.
4. That, it is humbly submitted that the central dispute, as also acknowledged by this Hon'ble Tribunal in its order dated 26.09.2024, is between land belonging to the Applicant / RIICO and land belonging to the Forest Department, in the adjacent to Nahargarh Wildlife Sanctuary. Therefore, it is most respectfully submitted in

light of Para Supra, that the Committee constituted by this Hon'ble Tribunal warrants adequate representation of officials from District Revenue Department and the Applicant/RIICO in the interest of justice, fairness and equity.

5. That, an affidavit is also being filed in support of the application.

PRAYER

In view of the above facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to allow the modification application and direct inclusion/representation of District Revenue Department and the Applicant / RIICO in the committee as directed in Para 5 of the order dated 26.09.2024, being necessary to fairly decide the present matter, in the interest of justice.

Date: 03/10/2024

Place: Bhopal

Filed By
[Applicant/Respondent No 8 & 9 RIICO]



(Om Shanker Shrivastava, Advocate)

[Counsel for RIICO]

OMSLAWHOUSE: R-52, Zone-II, MP Nagar

Bhopal -11 (MP) Ph:-7869911990/

Email:- omslawhouse1@gmail.com

Note: Copy of the I.A. has been served to the other parties.

1006

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CZ BENCH AT BHOPAL (M.P.)

I.A. No. / **113-2024**

In

O.A. No. 97 of 2022

APPLICANT **KAMAL TIWARI**

VERSUS

RESPONDENT(S) **UNION OF INDIA & ORS.**

AFFIDAVIT

I, K.K. Kothari, S/o Shri. Patel Lal Age 56 Years, Sr. Dy. General Manager, RIICO, Jaipur (North), VKI Area, Jaipur do hereby solemnly affirm on oath and state as under:

1. That, the deponent being OIC is authorized on behalf of RIICO for filing the instant application and is well acquainted with the facts of the case.
2. That, the application is drafted on deponent's instructions by deponent's Counsel. The deponent has read and understood the same, which are true and correct. Para 1 to all of the accompanying submission and prayer clause are true to the best of the deponent's personal knowledge.
3. That, this affidavit is executed in support of the application filed herewith.



ATTESTED

NOTARY PUBLIC
(Raj.)

VERIFICATION

I, the above deponent, do hereby verify that the contents of this affidavit from paragraphs 1 to 3 are true based on available documents on record and to my personal knowledge and belief. Signed and verified on this **30** day of September 2024 at Jaipur.

[Signature]
DEPONENT
Sr. Dy General Manager
RIICO V.K.I.A.
JAIPUR (NORTH)

[Signature]
DEPONENT
Sr. Dy General Manager
RIICO V.K.I.A.
JAIPUR (NORTH)

Item No. 05 & 06

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

Original Application No.97/202(CZ)

Kamal Tiwari Applicant (s)
Vs.
Union Of India & Ors.. . Respondent(s)

WITH

Execution Application No.06/2024(CZ)

Kamal Tiwari Applicant(s)
Vs.
State of Rajasthan & Ors. Respondent(s)

Date of Hearing: 26.09.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s): Mr. Vaibhav Pancholy, Adv.
Mr. Kamal Tiwari- in person
For Respondent(s): Mr. Dharamvir Sharma, Adv.
Mr. Shoeb H. Khan, Adv.
Mr. Om Shankar Shrivastav, Adv.
Mr. Arvind Soni, Adv.
Mr. Shiv Narayan Bohra, Adv.

ORDER

1. The main question involved in this application is encroachment on the forest land in Nahargarh village which has been notified as Wildlife Sanctuary and Eco Sensitive Zone

and Khasra No. 10 is recorded in the name of forest department as “*Gair Mumkin*”. The contention of the Applicant is that there are encroachments on Khasra No. 10 by the RIICO.

2. The Applicant/Respondent No. 8 & 9 has filed I.A. No. 103/2024 with the prayer that the land of Khasra No. 3 *Bir Papad* total area 131 *begha* 09 *Biswa* allotted by the State Government on 30.01.1971 in favour of the RIICO for industrial purposes and some of the industrial units are operating from that time. Khasra No. 10 and Khasra No. 3 are adjacent and there is some dispute with regard to demarcation and identification of the area.
3. It is further alleged that since no demarcation of the forest or revenue land in question have been done by the Respondent authorities, thus, the question of boundaries and encroachments raised from time to time. It is further alleged that without demarcation it is difficult to ascertain the area falling under the forest or revenue land adjacent to Nahargarh Wildlife Sanctuary.
4. To settle the controversy it is appropriate to direct the authorities concerned to finalize the identification/measurement and demarcation of the land in

question, so that proper determination of the matter involved in this O.A. may be ascertained.

5. Accordingly, we constitute the following committee to see the matter, examine it and submit the report :

- i. One representative from the MoEF&CC, Rajasthan
- ii. One representative from the Addl. Chief Secretary Forest and Wildlife, Govt. of Rajasthan, Rajasthan
- iii. One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.
- iv. One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.
- v. One representative from the Rajasthan State Pollution Control Board, Rajasthan

6. The committee may examine the facts as narrated by the RIICO that it is government organization and the land was allotted in the year 1971 and more than 300 units are operating there. The committee may also examine the matter in light of the decision taken by Settlement Officer of the Forest in accordance with provisions under Section 20 of Forest ACT 1927.

7. The Member Secretary, Rajasthan State Pollution Control Board is directed to provide the copy of the I.A. along with application and relevant documents to the members of the committee for ready reference. Report may be filed within six weeks.

List it on **16th December, 2024.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

26th September, 2024
O.A. No. 97/2022(CZ) & E.A. No. 06/2024(CZ)
K

IA In OA No 97 of 2024

1 message

Adv Om Shrivastava <omslawhouse1@gmail.com>

Thu, Oct 3, 2024 at 5:25 PM

To: Ad Krishan Sharma <advocatekrishana@gmail.com>, shoeb khan <shoebkh@gmail.com>, arvindsoni_lawyer@yahoo.com

Bcc: jaipurnorth@riico.co.in, shashikant@riico.co.in

PFA for IA In subject matter for information

--

Om Shanker Shrivastava, Advocate**(Counsel For RIICO)**

OMSLAWHOUSE

R-52, Shivlok Parishar

MP Nagar, Zone-II, Bhopal (MP) PIN: 462011

Reach@7869911990/ 9300803211

[This communication contains information which is confidential and may also be legally privileged. It is for the exclusive use of the intended recipient/s. If you have received this communication in error, please delete the email and destroy any copies of it.]

कृपया इस ई-मेल के प्रिंटिंग से पहले पर्यावरण पर विचार करें, जब तक अति आवश्यक ना हो इस ई-मेल का प्रिंट ना ले, पेपर बचाए, वृक्ष बचाए।

 **IA in OA 97 of 2022 Application for Modification.pdf**

863K