

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

ORIGINAL APPLICATION NO.260 OF 2024

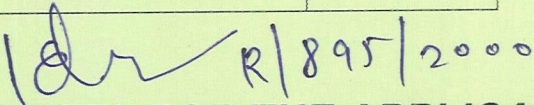
HEMRAJ MEENA

VERSUS

UNION OF INDIA & OTHERS

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R/895/2000
COUNSEL FOR THE APPLICANT

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ADDITIONAL AFFDAVIT

I Hemraj Meena S/o Shri Ramphool Meena, Aged About 40 Years, R/o-Plot No.134/20A Defence Colony Gurjar Ghati Amer Road Jaipur as under-

1. That I am applicant in present case and filed the instant original application for stoppage of illegal and activities of construction of commercial nature and I also filed the stay application along-with the original application.
2. That Learned Counsel Mr. Shoeb Hasan Khan had accepted the notice on behalf of the State-Respondents, however no reply has been filed by the state so far.
3. That Applicant had alleged that Respondent No.14 Damodar Agarwal is raising construction of commercial nature within the periphery of Nahargarh Wildlife Sanctuary without obtainment of requisite permissions and this Hon'ble Tribunal had also issued notice of stay application to him despite the fact construction is going on and State Respondents are not taking any action against the Respondent No.14 and as such the notices upon the respondents has duly been served by registered post.
4. That this Hon'ble Tribunal had directed the respondents to ensure that no illegal construction shall be carried on within the periphery of Nahargarh Wildlife Sanctuary vide order dated 16/12/2024 in OA No.97/2022(CZ) titled as Kamal Tiwari Versus Union of India and Others and said directions are within the knowledge of the respondents as they are being represented by same counsel in both the matters and



Hemraj Meena



applicant had also apprised the State-Respondents about the order dated 16/12/2024 (Supra) but they are not taking any action against the illegal construction activities which are being carried on by Respondent No.14 and therefore the directions are required to be issued to State-Respondents qua stoppage of illegal construction in the light of order dated 16/12/2024 (Supra) passed by this Hon'ble Tribunal. The Photocopy/web-copy of order dated 16/12/2024 is annexed herewith and marked as **Annexure-A/1**.

5. That inaction of the respondents in said matter is contemptuous and derogatory to the directions issued by this Hon'ble Tribunal in case of Kamal Tiwari (Supra).

Identified by
[Signature]

Hemraj Meena
Deponent

VERIFICATION

I Hemraj Meena S/o Shri Ramphool Meena, Aged About 40 Years, R/o-Plot No.134/20A Defence Colony Gurjar Ghati Amer Road Jaipur do hereby state on oath and verify that the contents of my above additional affidavit are true and correct to the best of my knowledge, belief and legal advice and nothing material has been concealed therein and no part of it is false. So God Help Me.

Hemraj Meena
Deponent

Bhopal

Dated-07/01/2025

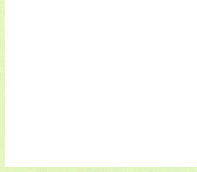


मैं इसका आज दिनांक 07 माह 01 वर्ष 2025
जो श्री Hemraj Meena (R/o-Plot No.134/20A Defence Colony Gurjar Ghati Amer Road Jaipur) द्वारा प्रमाणित किया गया है कि यह सत्य है और इसमें कोई छिपी हुई बात नहीं है।
[Signature]
अद्वैत कुमार
आयुक्त, पणपति

IDENTIFIED BY ME

[Signature] R/895/2000
Keishan Sharma
Ad'gor Applicant

Item No. 04 & 05



A m m x - A / 1

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

**Original Application No.97/2022(CZ)
(I.A.No.103/2024)
(I.A.No.113/2024)**

Kamal Tiwari

Applicant(s)

Vs

Union of India & Ors.

Respondent(s)

WITH

Execution Application No.06/2024(CZ)

Kamal Tiwari

Applicant(s)

Vs

Union of India & Ors.

Respondent(s)

Date of Hearing: **16.12.2024**

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

For Applicant (s):

Mr. Vaibhav Pancholy, Adv.

For Respondent(s):

Mr. Dharamvir Sharma, Adv.

Mr. Shoeb H. Khan, Adv.

Mr. Om Shankar Shrivastava, Adv.

Mr. Arvind Soni, Adv.

Mr. Shiv Narayan Bohra, Adv.

Mr. Iskandh Sharma, Adv.

ORDER

1. When the law protector becomes the law violators, how law will be protected. The basic principle of rule of law is to follow rule/ law and not to break or violate it. For the negligence of those to whom public duties have been entrusted can never be allowed to cause public mischief. Public servants if committing wrong in discharge of statutory functions and later on if it was found not be in accordance with law

within the knowledge of the officer concerned then it cannot be said to be the work and duty within the definition of State Act. The present applications are picture of fragrant violation of law and rules made by the State by the executive functionaries in violating rules.

2. 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.
3. 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.
4. 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.
5. To settle the controversy, it was thought 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.

6. The matter was taken up on 26.09.2024 and the Tribunal constituted a committee as follows :-

- 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.

7. Original application no. 97/2022 (CZ) titled as Kamal Tiwari Vs. Union of India & Ors. was disposed of by this Tribunal vide order dated 01.11.2023 with the observation on the basis of the report of the joint committee as follows :-

“The committee is of the opinion that any activity proposed on any parcel of land of RIICO which falls under the Nahargarh Wildlife Sanctuary, a prior intimation an necessary approvals under the prevailing rules must be obtained from the State Forest Department.

- (i) *State Forest department shall ensure that no construction, levelling or any other non-forest activity is done on the forest land of Khasra No.10 and the existing construction of drains upon this Khasra No.10 be demolished being in violation of Forest Conservation Act, 1980 and Wildlife Protection Act, 1972.*

(ii) *Waste water reaching to the forest land through the drains constructed by RIICO needs to be treated and diverted to gainful purposes ensuring no discharge on forest land.*

(iii) *The RIICO must immediately prepare a detailed plan incorporating treatment of industrial and domestic effluent being generated from the industrial area along with plan for re-use of the treated waste water in industrial units or for other gainful purposes.*

(iv) *That RIICO should ensure that no treated or untreated effluent be allowed to reach the forest land.”*

8. The questions arose in these applications and other various applications pending before this Tribunal are that there are regular encroachment and construction in the Nahargarh Wildlife Sanctuary without any restriction on the part of the forest department or the officers concerned and when a committee was constituted consisting three senior most officer of forest department and wildlife, including one senior officer of the Revenue Department, then they submitted a report with following recommendations :-

i. *“The committee is of the opinion that since there is no clear demarcation of Nahargarh sanctuary boundary on ground resulting into number of disputes between various parties and the government including the present case, authentic map of the Nahargarh wildlife sanctuary be prepared at the earliest for which task be assigned to the concerning district level authorities from revenue and Forest Department.*

ii. *The sanctuary was notified in year 1980, however,*

authentic map of the sanctuary does not exist yet. Till the time, any authentic map is not prepared, dispute regarding Khasra no. 10 cannot be resolved. For the purpose of preparation of map of the sanctuary, a joint committee of district level representatives of Forest Department and Revenue Authorities need to be constituted.”

9. We are surprised that the Tribunal constituted a committee consisting senior most officers of Forest Department, Wildlife, Zoo and the Revenue Department including one officer from MoEF&CC, Govt. of India and representative of the State Pollution Control Board. In spite of all the authorities who are responsible to protect the forest land and the Nahargarh Wildlife Sanctuary are shifting their responsibility to other junior officers and directly or indirectly involved in the construction and encroachment of the forest land or Nahargarh Wildlife Sanctuary. Actually, they have no control over all or intentionally permitting and helping for construction activities within the Nahargarh Wildlife Sanctuary and that is why they are not taking any steps to demarcate or identify land since 1980.
10. The action and construction is not only disregard to the law but it is negation of the authority of the State by the public official doing the act and expending the budget in accordance with their wishes. An action specifically punitive action does lie for doing what the legislature has authorized if it is done negligently carelessly and in violation of the law. Under our Constitution sovereignty vests in the people. Every limb of the constitutional machinery is obliged to be people oriented. No functionary in exercise of statutory power can claim immunity, except to the extent protected by the statute itself. Public authorities acting in violation of constitutional or statutory provisions oppressively are

accountable for their behaviour before authorities created under the statute like the commission or the courts entrusted with responsibility of maintaining the rule of law. Each hierarchy in the Act is empowered to entertain a complaint by the consumer for value of the goods or services and compensation. Any act by any officer in violation of the rules is abuse of power, deliberate maladministration, and perhaps also other unlawful acts causing injury. The servants of the government are also the servants of the people and the use of their power must always be subordinate to their duty of service. A public functionary if he acts maliciously or oppressively and the exercise of power results in harassment and agony then it is not an exercise of power but its abuse. No law provides protection against it. He who is responsible for it must suffer it. Compensation or damage as explained earlier may arise even when the officer discharges his duty mala-fidely and not in accordance with the guidelines, when it arises due to arbitrary or capricious behaviour then it loses its individual character and assumes social significance. Harassment of a common man by public authorities is socially abhorring and legally impermissible. It may harm him personally but the injury to society is far more grievous. Crime and corruption thrive and prosper in the society due to lack of public resistance. Nothing is more damaging than the feeling of helplessness. An ordinary citizen instead of complaining and fighting succumbs to the pressure of undesirable functioning in offices instead of standing against it. Therefore the award of compensation for harassment by public authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook.

11. Absence of arbitrary power is the first essential of the rule of law upon

which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The Rule of Law means that the decisions should be made by the application of known principles and rules, such decisions should be predictable and the citizens should know where he is. If decision is taken without any principle or without any rule, it is unpredictable and such decision is the anti-thesis of a decision taken in accordance with the Rule of Law. Even where there is no ministerial duty as above, and even where no recognised tort such as trespass, nuisance, or negligence is committed, public authorities or officers may be liable in damages for malicious, deliberate or injurious wrong-doing. There is thus a tort which has been called misfeasance in public office, and which includes malicious abuse of power, deliberate maladministration, and perhaps also other unlawful acts causing injury.

12. An ordinary citizen or a common man is hardly equipped to match the might of the State or its instrumentalities. That is provided by the rule of law. It acts as a check on arbitrary and capricious exercise of power. The servants of the government are also the servants of the people and the use of their power must always be subordinate to their duty of service. A public functionary if he acts maliciously or oppressively and the exercise of powers results in harassment and agony then it is not an exercise of power but its abuse. No law provides protection against it. He who is responsible for it must suffer it.
13. As was held in *Shimnit Utsch India (P) Ltd. Vs. W.B. Transport Infrastructure Development Corpn. Ltd.*, the Government was entitled to change its policies with changing circumstances and only on grounds of change a policy does not stand vitiated. It was further held that the

Government has the discretion to adopt a different policy, alter or change its policy to make it more effective. The only qualifying condition is that such change in policy must be free from arbitrariness, irrationality, bias and malice and must be in conformity with the principle of Wednesbury reasonableness.

In the case reported in S.G. Jaisinghani. Vs. Union of India AIR 1967 SC 1427, Hon'ble Supreme Court held that absence of arbitrary power, is first essential of 'rule of law' upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law.

In the case reported in (2009) 10 SCC 388, Shanti Zenith Metal Pvt. Ltd. Vs. State of Maharashtra, Hon'ble Supreme Court held that in case an applicant approaches the Court, complaint against statutory authority alleging arbitrariness, bias or favouritism, the Court being the custodian of law must examine the allegation as to whether there is any substance in those allegations. Hon'ble Supreme Court reiterated the principle laid down in the case of S.G. Jaisinghani (supra) and ruled that State action must be bona fide and not be arbitrary or suffering from favouritism.

14. In the case reported in AIR 1975 SC p. 2260, Hon'ble Supreme

Court interpreted the rule of law as under:

"205. Rule of Law postulates that the decisions should be made by the application of known principles and rules and in general such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule, it is not predictable and such such decision is the antithesis of a decision taken in accordance with the rule of law."

94. In the case reported in (2011) 6 SCC 508: NOIDA Entrepreneurs Association. Vs. NOIDA and others, Hon'ble Supreme Court while emphasising for maintenance of rule of law in the country observed that public bodies or the State instrumentalities are trustees of the public property and their action must be in conformity with the Statutory provisions and also should be just and fair, to quote relevant portion:

"38. The State or the public authority which holds the property for the public or which has been assigned the duty of grant of largesse etc., acts as a trustee and, therefore, has to act fairly and reasonably. Every holder of a public office by virtue of which he acts on behalf of the State or public body is ultimately accountable to the people in whom the sovereignty vests. As such, all powers so vested in him are meant to be exercised for public good and promoting the public interest. Every holder of a public office is a trustee.

39. State actions are required to be non-arbitrary and justified on the touchstone of Article 14 of the Constitution. Action of the State or its instrumentality must be in conformity with some principle which meets the test of reason and relevance. Functioning of a "democratic form of Government demands equality and absence of arbitrariness and discrimination". The rule of law prohibits

arbitrary action and commands the authority concerned to act in accordance with law. Every action of the State or its instrumentalities should neither be suggestive of discrimination, nor even apparently give an impression of bias, favouritism and nepotism. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is antithesis to the decision taken in accordance with the rule of law.

40. The Public Trust Doctrine is a part of the law of the land. The doctrine has grown from Article 21 of the Constitution. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides, as it would only be a case of colourable exercise of power. The Rule of Law is the foundation of a democratic society. (Vide: M/s. Erusian Equipment & Chemicals Ltd. v. State of West Bengal & Anr., AIR 1975 SC 266; Ramana Dayaram Shetty v. The International Airport Authority of India & Ors., AIR 1979 SC 1628; Haji T.M. Hassan Rawther v. Kerala Financial Corporation, AIR 1988 SC 157; Kumari Shrilekha Vidyarthi etc. etc. v. State of U.P. & Ors., AIR 1991 SC 537; and M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu & Ors., AIR 1999 SC 2468)."

95. A country should not be ruled by men but should be ruled by law. It means, the State action must conform to statutory provisions. The power must flow from Rules, Regulations and statutory provisions. In absence of powers conferred by the statutory provisions, State or its instrumentalities cannot divest a person from his or her property or abridge or dilute the right protected by Articles 14 and 21 of the Constitution of India safeguarding life, liberty livelihood or quality of life."

15. The instructions issued by the department are binding on the authorities for the reason that the issuing a circular/instruction is intimately conversant not only with the policy of legislation for the

purposes of the provisions of the Act but also familiar with the nature and qualities of the commodities and also their use from time to time, therefore, such notifications/circulars/executive instructions in fiscal statutes are binding. Apart from the fact that circulars of the Board are binding on the tax department, they are in the nature of contemporanea expositing furnishing legitimate aid the construction to the relevant provisions. More so, it is necessary to issue such circulars to give effect to internal complexity of fiscal adjustment of diverse elements. [Vide *State of Orissa Vs. M/s. Dinabandhu Sahu & Ors.*, AIR 1976 SC 1561; *K.P. Vergese Vs. I.T.O. Ernakulam & Ors.*, AIR 1981 SC 1922; *M/s. Keshavji Ravji & Co. Vs. CIT.*, AIR 1991 SC 1806; *Commissioner of Income Tax Bangalore Vs. Vasudeo V. Dempo*, 1993 Supp (1) SCC 612; *Collector of Central Excise Bombay Vs. Jayant Dalal (P) Ltd.*, (1997) 10 SCC 402; *Bengal Iron Corporation & Anr. Vs. Commercial Tax Officer & Ors.*, AIR 1993 SC 2414; *Ranadey Micronutrients Vs. CCE*, (1996) 10 SCC 387; *Poulose & Mathen Vs. CCE & Anr.*, (1997) 3 SCC 50; *British Machinery Supplies Co. Vs. Union of India & Ors.*, (1996) 9 SCC 663; and *CCE Vs. Usha Martin Industries*, (1997) 7 SCC 47; and *Commissioner of Central Excise Vs. Pandit D.P. Sharma*, (2003) 5 SCC 288).

16. Statutory rules are required to be observed. It is settled law that when the action of the State or its instrumentalities is not as per the rules or regulations and supported by a statute, the Court must exercise its jurisdiction to declare such an act to be illegal and invalid.

In Sirsi Municipality Vs. Cecelia Kom Francis Tellis, AIR 1973

SC 855, the Supreme Court observed that “the ratio is that the rules or the regulations are binding on the authorities.”

17. Similar view has been taken by the Supreme Court in *Ambica Quarry Works etc. Vs. State of Gujarat & Ors.*, AIR 1987 SC 1073; and *Commissioner of Police, Bombay Vs. Gordhandas Bhanji*, AIR 1952 SC 16. In both the cases, the Apex Court relied upon the judgment of the House of Lord in *Julius Vs. Lord Bishop of Oxford*, (1880) 5 AC 214, wherein it was observed as under:-

“There may be something in the nature of thing empowered to be done, something in the object for which it is to be done, something in the title of the person or persons for whose benefit the power is to be exercised, which may couple the power with a duty, and make it the duty of the person in whom the power is reposed, to exercise that power when called upon to do so.”

In Dr. Meera Massey Vs. Dr. S.R. Mehrotra & Ors., AIR 1998 SC 1153, the Apex Court observed as under:-

“If the laws and principles are eroded by such institutions, it not only pollutes its functioning deteriorating its standard but also exhibits.....wrong channel adopted.....If there is any erosion or descending by those who control the activities all expectations and hopes are destroyed. If the institutions perform dedicated and sincere service with the highest morality it would not only up-lift many but bring back even a limping society to its normalcy.”

The Hon’ble Supreme Court has taken the same view in *Ram Chand & Ors. Vs. Union of India & Ors.*, (1994) 1 SCC 44, and held that “the exercise of power should not be made against the spirit of the

provisions of the statute, otherwise it would tend towards arbitrariness.”

A Constitution Bench of the Hon'ble Supreme Court in *Ajit Singh (II) Vs. State of Punjab & Ors.*, (1999) 7 SCC 209 held that any action being violative of Article 14 of the Constitution is arbitrary and if it is found to be de hors the statutory rules, the same cannot be enforced.

18. Therefore, it is evident from the aforesaid judgments of the Hon'ble Apex Court that whenever any action of the authority is in violation of the provisions of the statute or the action is constitutionally illegal, it cannot claim any sanctity in law, and there is no obligation on the part of the Court to sanctify such an illegal act. Wherever the statutory provision is ignored, the Court cannot become a silent spectator to such an illegal act, and it becomes the solemn duty of the Court to deal with the persons violating the law with heavy hands. (*Vide R.N. Nanjundappa Vs. T. Thimmaiah & Anr.*, AIR 1972 SC 1767; *B.N. Nagarajan & Ors. Vs. State of Karnataka & Ors.*, AIR 1979 SC 1676; *Delhi Development Horticulture Employees' Union Vs. Delhi Administration, Delhi & Ors.*, AIR 1992 SC 789; *State of Orissa & Ors. Vs. Sukanti Mohapatra & Ors.*, AIR 1993 SC 1650; *Jawahar Lal Nehru Krishi Vishwa Vidyalaya, Jabalpur, M.P. Vs. Bal Kishan Soni & Ors.* (1997) 5 SCC 86; *State of Himachal Pradesh Vs. Nodha Ram & Ors.*, AIR 1997 SC 1445; *Ashwani Kumar & Ors. Vs. State of Bihar & Ors.*, AIR 1997 SC 1628; *State of M.P. & Anr. Vs. Dharam Bir*, (1998) 6 SCC 165; *Municipal Corporation, Bilaspur & Anr. Vs. Veer Singh Rajput & Ors.*, (1998) 9 SCC 258; *Nazira Begum Lashkar & Ors. Vs. State of Assam & Ors.*, AIR 2001 SC 102; *Mrs. Dr. Chanchal Goyal Vs. State of Rajasthan*, AIR 2003 SC 1713; *M.D., U.P. Land Development Corporation & Anr. Vs. Amar Singh & Ors.*, AIR 2003 SC

2357; *State of Haryana & Anr. Vs. Tilak Raj & Ors.*, AIR 2003 SC 2658; *Haryana Tourism Corporation Ltd. Vs. Fakir Chand & Ors.*, AIR 2003 SC 4465; *Sultan Sadik Vs. Sanjay Raj Subba & Ors.*, AIR 2004 SC 1377; and *A. Umarani Vs. registrar, Co-operative Societies & Ors.*, 2004 AIR SCW 4462).

19. In view of the above, we are of the considered opinion that every statutory provision requires strict adherence, for the reason that the statute creates rights in favour of the citizens, and if any order is passed de hors the same, it cannot be held to be a valid order and cannot be enforced. As the statutory provision creates legal rights and obligations for individuals, the statutory authorities are under a legal obligation to give strict adherence to the same and cannot pass an order in contravention thereof, treating the same to be merely decoration pieces in his office.
20. Many cases are being filed or pending before this tribunal with regard to encroachment in the Nahargarh Wildlife Sanctuary and when a report is called from the officers concerned or the forest department, their simple statement and the report are that it is not demarcated till date. Now the question is, who is the officer responsible for demarcating and identifying land and who are the persons responsible for protecting the Nahargarh Wildlife Sanctuary and the forest property. Since it is the property of the state/forest department in the form of wildlife sanctuary, the officers posted there are paid to protect the property of the state and not to shift their responsibility on the ground that it is not demarcated till date. The members of the committee belong to the forest department, department of wildlife and department of revenue and the demand or request by the committee is that some other authorities from revenue and the forest department should be assigned the work. Every

officer of the district are within their control and they are the head of the department.

21. The report submitted by the authorities are complete surrender of their power before the junior officers and it further shows that they failed to exercise their duty sincerely and fairly for protecting the Nahargarh Wildlife Sanctuary.
22. Learned counsel for the applicant and the State Pollution Control Board has submitted that there is no dispute with regard to identification or demarcation of land because it is already notified in the notification. The notification dated 08.03.2019, annexure-II-B is the map and annexure- III is the Geo Coordinate of prominent locations with longitude and latitude.
23. It is further submitted that in the notification dated 21.11.1961 under Section 20 of the Revenue Act the area of birpapad i.e. 1198.594 has been notified and vested in the State of Rajasthan as forest land. Similarly, in the same notification Block 54, Amer Range, Jaipur has been exactly measured through Jari and Kari from specific direction which is annexed as प्रपत्र /notification (Pg. No. 437 and 438). Similarly, vide notification राजस्व (ग्रुप) - 8, Jaipur dated 22.09.1980 Annexure - A-2 (Pg. No. 443). The North, East, South and West boundaries has been identified and demarcated in the notification. Thus, there is no dispute at all and everything has been notified by the State. Officers responsible for the protection of the forest land are either in confusion or creating confusion with the interpretation of the state notification.
24. Accordingly, we direct the registry and the member Secretary, State Pollution Control Board, Rajasthan as follows :-
 - i. Copy of the report with the recommendation of the committee with the details of names, constitution of the

committee and the matter in issue may be sent to Chief Secretary, Rajasthan to first take action against the officers who are responsible for not identifying and demarcating the land of eco-sensitive or Nahargarh Wildlife Sanctuary/forest land.

- ii. The Chief Secretary is directed and requested to please ensure the identification and demarcation of the Nahargarh Wildlife Sanctuary within a reasonable time, say within two months and to report to this Tribunal. The Chief Secretary, Rajasthan is further directed and requested to ensure that there should not be any further construction without the permission of competent authority within the Nahargarh Wildlife Sanctuary without identification and demarcation of the Nahargarh Wildlife Sanctuary.
- iii. It is further directed that any construction within the Nahargarh Wildlife Sanctuary in violation of environmental rules and the rules made therein should be removed immediately in due process of law. A show-cause notice be issued to the officers of forest department and wildlife constituting the committee to explain as to whether they are the officers of the forest department or not and how they failed to protect the Nahargarh Wildlife Sanctuary/Forest Land which is within their jurisdiction. Further action taken report be filed within two months.

25. A copy of the order with pages discussed above be forwarded to the Chief Secretary and the Member Secretary, State of Rajasthan, State Pollution Control Board for proper and necessary action and to ensure the finalization of boundaries of Nahargarh Wildlife according to the notifications.

List it on **19th February, 2025.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

16th December, 2024
O.A. No. 97/2022(CZ)
EA No. 06/2024(CZ)
PN