



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

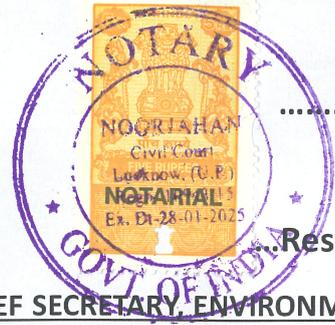
Original Application No. 529 of 2023

IN THE MATTER OF:

Sharad Gupta

Versus

Union of India & Ors.



.....Applicant

.....Respondent(s)

AFFIDAVIT ON BEHALF OF THE ADDITIONAL CHIEF SECRETARY, ENVIRONMENT, FOREST & CLIMATE CHANGE, UTTAR PRADESH IN COMPLIANCE OF THE ORDER DATED 06.11.2023 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL

I, **Manoj Singh** aged about 58 years, S/o late Shri Survyay Singh, presently posted as Additional Chief Secretary, Environment, Forest & Climate Change Department, U.P do hereby solemnly affirm and state on the oath as under;

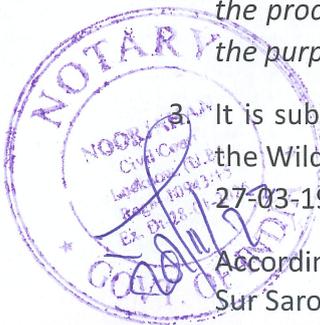
1. That the deponent is presently posted as Additional Chief Secretary, Environment, Forest & Climate Change Department, U.P. and in its capacity, the deponent is well conversant with the facts and circumstances of the case and is authorized to swear this affidavit.
2. That in the present case the Hon'ble National Green Tribunal was pleased to pass the following order vide its order dated 06.11.2023 deposed herein under;

"5. In the circumstance of the case, we direct ACS, Forest State of Uttar Pradesh to file his affidavit within three weeks disclosing the timebound programme for completing the process leading to issuance of final notification under Section 26-A of the Act for the purpose of declaring the entire stipulated area to be a part of the bird sanctuary."

3. It is submitted that Sur Sarovar Bird Sanctuary was constituted under Section 18 of the Wildlife (Protection) Act 1972, vide Government Order No. 764/14-3-49/90 dated 27-03-1991 of Section-3, Forest Department, Uttar Pradesh.

According to the "Schedule" mentioned in the Government Order, the boundary of Sur Sarovar Bird Sanctuary is described as follows:-

- North – Outer boundary of village Singna.
- East – Outer boundary of village Runakta.
- South – Limit of National Highway No. 2.
- West - Boundaries of village Nagla Bhopla.



According to the "area" mentioned in the Government Order, the details of the area included in Sur Sarovar Bird Sanctuary are as follows: -

92.49 hectares + 310.60 hectares

Total – 403.09 hectares or 4.030 square kilometers

4. That in compliance to the order passed by the Hon'ble National Green Tribunal, New Delhi on 01-06-2021 in OA No. 189/2014 and OA No. 41/2015 (Uma Shankar Patwa vs. Union of India and others), para 21 of the Central Empowered Committee (CEC) Report No. 17/2021 (IA NOS. 196157-196159/2019) mentioned in the judgment passed by the Hon'ble Supreme Court, New Delhi, dated 23-09-2022, order passed by the Hon'ble National Green Tribunal, New Delhi in OA No. 529/2023 (Dr. Sharad Gupta vs. Union of India and others) dated 24-08-2023, the Government of Uttar Pradesh issued instructions vide Letter No. 1251/81-4-2023, dated 30-10-2023, to put up the complete proposals for rationalisation of the boundaries and areas of Sur Sarovar Bird Sanctuary, Keetham, Agra.
5. That in accordance of the order of the Hon'ble Supreme Court dated 23-09-2022 and the order of the Government dated 30-10-2023, the proceeding of rationalisation of the boundaries of Sur Sarovar Bird Sanctuary, has to be done in 03 parts (403.09 ha + 15.415 ha + 380.558 ha = 799.063 ha) and afterward, final notification under the provisions of section 26 of Wildlife (Protection) Act, 1972 it has to be issued by the Government.
6. Details of proceedings for the final notification of the Sur Sarovar Bird Sanctuary, Keetham, Agra are as follows:-

(A) 403.09hectares

- a) The proceedings of Section 18 of Wildlife (Protection) Act 1972 have been completed.
- b) Proceedings from Section 19 to Section 25 of Wildlife (Protection) Act 1972 have also been completed.
- c) In compliance with the order dated 23-09-2022, passed as per I.A. No. 196157, 196158, and 196159 filed in Writ Petition (Civil) No. 13381/1984 in the Hon'ble Supreme Court, the survey of 403.09-hectare land of Sur Sarovar Bird Sanctuary is under process. The survey will be completed after describing the boundary in terms of boundary pillar along with their forward-backward bearing on East, West, North and South of the proposed Sur Sarovar Bird Sanctuary.
- d) Thereafter, it would be sent to the Government for the final notification.



Myh

(B) 15.415 hectares

- a) In compliance with the order dated 23.09.2022 passed by the Hon'ble Supreme Court of India, a new proposal has to be made for the notification of Section 18 of Wildlife (Protection) Act 1972, the survey work is under process.

(C) 380.558 hectares

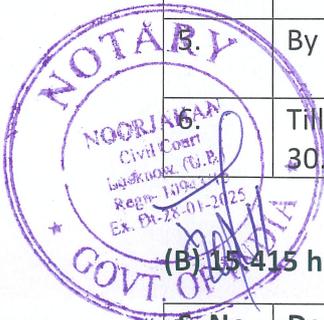
- a) It is a reserved forest adjacent to the Sur Sarovar Bird Sanctuary.
 b) It has been notified under Section 20 of the Indian Forest Act 1927.
 c) To notify the sanctuary a proposal is being prepared in compliance with Section 26A (b) and Section 66(4) of the Wildlife (Protection) Act 1972.

Since the legal status of these three parcels of land is different, the sanctuary notification proceedings will be different for each of these land parcels.

7. As per the discussion in the District Magistrate level meeting dated 10-11-2023 and Additional Chief Secretary level meeting dated 21-11-2023, the proposed timeline is decided for each area parcel as follows:-

(A) 403.09 hectares

S. No.	Date	Description
1.	By 15.11.2023	Formation of a District Level Committee for survey by the District Magistrate.
2.	By 31.12.2023	Completion and dispatch of report by the District Level Committee to the District Magistrate
3.	By 31.01.2024	After detailed examination of the report of the District Level Committee, dispatch of the proposal by the District Magistrate.
4.	By 29.02.2024	Preparation and dispatch of the proposal from the level of Deputy Conservator of Forest.
	By 15.03.2024	Review and dispatch of the proposal from the Headquarter, Forest, Uttar Pradesh, Lucknow.
6.	Till 30.06.2024	Final notification of Section 26A of Wildlife (Protection) Act 1972 by the Government.

**(B) 15.415 hectares**

S. No.	Date	Description
1.	By 15.11.2023	Formation of a District Level Committee for survey by the District Magistrate.
2.	By 31.12.2023	Dispatch of report by the District Level Committee to the District Magistrate.

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S. No.	Date	Description
3.	By 31.01.2024	After detailed examination of the report of the District Level Committee, dispatch of the proposal by the District Magistrate.
4.	By 15.02.2024	Dispatch of the proposal of section 18 of Wildlife (Protection) Act 1972 from the level of Deputy Conservator of Forest.
5.	By 29.02.2024	Review of the proposal at Headquarter, Forest, Uttar Pradesh, Lucknow.
6.	By 15.06.2024	Final notification of Section 18 of Wildlife (Protection) Act 1972 by the Government level.
7.	Thereafter	Settlement proceedings under Section 19 to 25 of Wildlife (Protection) Act 1972 will be done by the Collector which involve legal processes.

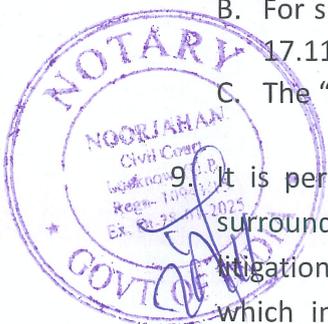
(C) 380.558 hectares

S. No.	Date	Description
1.	By 30.11.2023	The proposal prepared, in consonance with Section 26 A (b) and Section 66(4), will be dispatched from the level of Deputy Conservator of Forest.
2.	By 31.12.2023	Review of the proposal at Headquarter, Forest, Uttar Pradesh, Lucknow.
3.	By 31.03.2024	Government notification will notify it as a Sanctuary.

8. That the action taken in compliance with the order passed in OA No. 529/2023 by the Hon'ble National Green Tribunal dated 06-11-2023 is as follows: -

- A. A District Level Committee for the survey has been constituted by the District Magistrate on 15.11.2023, to organize the boundaries and bounded areas of the Sur Sarovar Bird Sanctuary, Keetham, Agra.
- B. For survey work, 03 surveyors have been deployed by the Forest Department on 17.11.2023 to work along with Revenue Department team.
- C. The "Time Bound Strategy" has been decided on 21.11.2023.

9. It is pertinent to mention that the Sur Sarovar Bird Sanctuary, Keetham, Agra is surrounded by populated areas and it is very sensitive from the point of view of litigation. It is also worth mentioning that the year 2024 is a parliament election year which involves complete engagement of administrative machinery in the works related to preparation and conduct of elections. In case of any unforeseen and unexpected adverse situation, there may be a change in the timelines for execution of the aforementioned proceedings. Therefore, timely execution of all the



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proceedings mentioned above will depend upon and will be bounded by these circumstances.

The above facts are being placed for kind consideration of the Hon'ble Tribunal.

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Deponent

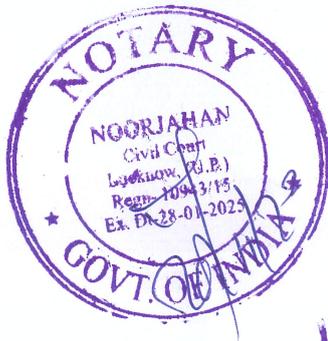
VERIFICATION

I, the above-named deponent, do hereby verify that the contents of the above affidavit are true to my personal knowledge on the basis of the concerned documents. No part of this is false and nothing material has been concealed.

VERIFIED ON THIS THE 28th DAY OF NOVEMBER, 2023 AT
.....

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Deponent



Sworn and Verified
before me

Handwritten signature
NOORJAHAN
Advocate, Notary
Civil Court, Lucknow
Registration No. 10943/15

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I know & identify the deponent/Executor
who has signed/ put his T.I. before me

15/Nov/23 - 3807908