

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

OA No. 163/2024

Rasikh Rasool Bhat

.....Applicant

Versus

Govt of UT of J&K and others

.....Respondents

Impleadment and Amendment in the Memo of Parties thereof.

MOST RESPECTIFULLY SHOWETH:-

1. That the Original Application above mentioned was listed before the Hon'ble Tribunal on 25th of April 2024, when the court was pleased to pass the following order:-

1. In this original application, grievance of the applicant is in respect of violation of the environmental norms and extraction of gravel from the stream of local Talri Nallah at village Chalpor of Rajwar forest area of Kupwara in the execution of the work on Handwara-Bangus road project (state-highway).

2. Applicant has alleged that authorities have allowed extraction of gravel from local stream and lush green forest trees have been cut/uprooted and big mountains have been blasted and that there is no information available in respect of the environmental clearance. More than 14 hectared of forest land is being used to construct the road.

3. Tribunal on 21.02.2024 had issued notice to the respondents. Applicant has filed affidavit of service but proof of service has not been filed. Applicant present in person submits that he will serve unrepresented respondents by registered post. Hence, he is directed to file fresh affidavit of service along with proof of service.

4. Report on behalf of Department of Forest, Ecology and Environment, Government of J&K has been filed making reference to the report of the PCCF, J &K which discloses as under:-

" III. That it is respectfully stated and submitted that the office of PCCF, J&K, vide its communication No. PCCF/Lit/2/0A/2024/1073-74 dated 22.04.2024 (Copy attached as Annexure-I), forwarded a report in the matter mentioning therein as under:-

(i) That on the basis of Cabinet Decision No. 178/11/2017 dated 03.10.2017 and State Administrative Council Decision No. 189/19/2019 dated 30.07.2019, sanction has been accorded vide Government Order No. 281-FST of 2019 dated 24.09.2019, for the use of 14 hectare of forest land passing through Compartments 2,3a, 3b,4,5,6,10,11,12,13,14,15,16,24,25,26/Rajwar of Rajwar Forest Range for the construction of road from Handwara to Bangus Phase-I in order to convert the destination into major tourist attraction similar to Gulmarg with much wider meadows and vast majority of flora and fauna, which will benefit a population of eighty thousand.

(ii) That under and in terms of Government Order (supra), 1023 Deodar/Kail/Fir trees of different dia-classes, including poles/saplings were to be handed over to Forest Development Corporation with the further mention in Government Order (supra) that marking of tree felling shall be done in consultation with the User Agency and efforts shall be made to save maximum number of trees/poles/saplings.

(vi) That in so far as the issue regarding environmental clearances is concerned, it is stated that obtaining of the requisite clearances under any law in vogue before commissioning the project is the responsibility of the User Agency under and in terms of Forest Government Order No. 281-FST of 2019 dated 24.09.2019

5. Above report discloses illegal felling of trees and illegal earth cutting.

6. Learned Counsel for Forest Department of J&K is directed to supply a copy of the report to the applicant within three days. It will be open to the applicant to file objection to the report within two weeks thereafter, if required.

7. Applicant is also directed to implead Jammu & Kashmir, Pollution Control Committee (J&KPCC) through its Member Secretary and serve the newly added respondent within 10 days.

8. Learned Counsel appearing for Forest Department, J&K has submitted that further report reflecting the position of environmental clearance and extraction of gravel will be filed within four weeks.

9. Report on behalf of Geology and Mining Department, Kupwara has been filed but no material has been disclosed in that report.

10. Newly added respondent will file the report within a period of five weeks covering all the point including the issue of grant of environmental clearance, extraction of gravel, cutting /damaging the trees and causing other environmental violations in the execution of the project.

11. List on 07.08.2024.

2. That in-compliance to the above mentioned Hon'ble Tribunal's order, applicant is impleading the Member Secretary, J&K. Pollution control Committee as party Respondent in the above mentioned Original Application.

PRAYER

It is, therefore, most respectfully prayed that:-

Memo of the Parties may please be amended to add new Respondent at serial 10 with below mentioned Address, email and contact number.

Member Secretary ,Jammu and Kashmir Pollution Control committee Preivesh Bhawan, Glandi Forest complex ,Transport Nagar Jammu 180006 or Shiekh-ul-Alam complex ,silk factory Road Rajbagh Srinagar 190008. Phone No; 0191-2476925 email, membersecretaryjkspcb@gmail.com membersecy.pcb@jk.gov.in

Place: Handwara J&K

Dated: 30th May 2024



Rasikh Rasool Bhat

Applicant in person

R/O Ahgam Rajwar Handwara J&K 193221 .

email.rasikhrasool@gmail.com Mobile No. 9103097097