

Factual and action taken report in the matter of Ram Sharma V/s Union of India&Ors. (OA No. 152/2023) as per the directions of Hon'ble NGT, Central Zone Bench, Bhopal

Background

In the case filed by Sh. Ram Sharma V/s Union of India &Ors. before the Hon'ble National Green Tribunal, Central Zone Bench, Bhopal, the applicant Sh. Ram Sharma has raised the issue that Khasra No. 5621 situated at Village Amer has been recorded as Gair Mumkin Pahad in the name of Forest Department and this land is an integral part of Nahargarh Wildlife Sanctuary and Vankhand Amer 54 and said land has been located between Pillar no. 371 of Nahargarh Wildlife Sanctuary. A notice was issued by the Forest Department to the Project Proponent/Respondent and in response to the notice no substantial ground was reported and Forest Department prepared a comprehensive factual report and found that there are encroachments upon all three places and activities found to be violative of section 2 of Forest Conservation Act, 1980.

Order

Hon'ble NGT Central Zone Bench passed an order dated 18.10.2023 which inter-alia says as under: -

"5. We further constitute a committee consisting of: -i. One representative from the Additional Chief Secretary, Forest & Wildlife, Govt. of Rajasthan, Rajasthan ii. One representative from Collector, Jaipur, Rajasthan. iii. One representative from the Central Pollution Control Board, Rajasthan. iv. One representative from Rajasthan State Pollution Control Board.

6. The Committee is directed to visit the place, examine the facts, take remedial measures, and submit the factual and action taken report within four weeks. The State PCB will be the nodal agency for coordination and logistic support."

Field Visit

Office order issued by RSPCB on 11.12.2023 (Copy enclosed **Annexure-1**) for the field visit. The following persons conducted the field visit on 13.12.2023 in connection with this case:

- (i) Sh. Sangram Singh Katiyar, Deputy Conservator of Forests, Wild Life (Zoo), Jaipur.
- (ii) Dr. Sarita Sharma, SDM Amer, Distt. Jaipur.
- (iii) Sh. Praveen Kumar Jain, Scientist-B, Regional Directorate (Central), CPCB, Bhopal.
- (iv) Sh. Vijay Sharma, Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North).

Observations

During the field visit and on perusal of records, it was observed that: -

- (i) Representative of the Forest Department identified and informed the committee members about the location of the encroachment as mentioned in the Hon'ble NGT order, however, the location of pillar number 371, in respect of which the encroachment was alleged and also mentioned in the order was not traceable.
- (ii) The location, as informed by the Forest Department representative as encroachment, was a house reported to be used for residential purposes and surrounded by so many other houses being used for residential purposes. (Photographs enclosed, **Annexure-2**)
- (iii) It has been informed by the representative of the Forest Department that an encroachment case has been registered by the Forest Department under section 34-A of the Wildlife Protection Act 1972 against the alleged encroachment. A copy of the FIR is enclosed in **Annexure 3**.

Conclusion

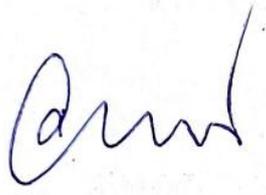
- (i) There are so many structures/houses being used for residential purposes in the area which may be treated as similar to the alleged encroachment.

Recommendation

- (i) The Forest Department should take appropriate action as per rules on the said encroachment after hearing the case under section 34-A of The Wild Life Protection Act, 1972.

Enclosures

- (i) Office order dated 11.12.2023 for field visit issued from RSPCB **(Annexure-1)**
- (ii) Photographs of the area taken during the site visit. **(Annexure-2)**
- (iii) Copy of the FIR U/s 34-A of the Wild Life Protection Act, 1972. **(Annexure-3)**

			
Vijay Sharma	Praveen Kumar Jain	Dr. Sarita Sharma	Sangram Singh Katiyar
Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North)	Scientist-B, Regional Directorate (Central), CPCB, Bhopal.	SDM, Amer, Distt. Jaipur	Deputy Conservator of Forests, Wild Life (Zoo), Jaipur



REGIONAL OFFICE (NORTH)
RAJASTHAN STATE POLLUTION CONTROL BOARD
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Office Order

F.No.RPCB/ROJP/N/Legal-180/1044-1047

Date: 11/12/2023

The Hon'ble National Green Tribunal in OA no. 152/2023. Ram Sharma V/s Union of India & Ors. has passed an order dated 18/10/2023 for constitution of a joint committee. Accordingly, nominations have been received from Central Pollution Control Board, Distt. Administration and Department of Environment and Climate Change, Govt. of Rajasthan. Following members of the joint committee are requested to join for field visit of the area scheduled on 13/12/2023:-

1. Sh. Praveen Jain, Scientist B, Regional Directorate (Central Zone), CPCB, Bhopal
2. Smt. Alka Bishnoi, ADM Jaipur City (North), Jaipur
3. Sh. Sangram Singh Katiyar, DCF, Wildlife (Chidiyaghar), Jaipur

The representatives are requested to make it convenient to reach RSPCB, Regional Office Jaipur (North), Opposite Road No.5, VKIA, Sikar Road, Jaipur at 10:30 AM along with available information and records in this regard.


 (Vijay Sharma)
 Regional Officer

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Copy to following for information:

1. P.A. to Member Secretary, RSPCB, Jaipur
2. Sh. Praveen Jain, Scientist B, Regional Directorate (Central Zone), CPCB, Bhopal
3. Smt. Alka Bishnoi, ADM Jaipur City (North), Jaipur
4. Sh. Sangram Singh Katiyar, DCF, Wildlife (Chidiyaghar), Jaipur


 Regional Officer

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॥ कार्यालय क्षेत्रीय वन अधिकारी नाहरगढ़ अभ्यारण जयपुर ॥

क्रमांक एफ (७) फीर / 2023-24 / 673

दिनांक 27.12.23

निमित्त :

श्रीमान् उपवन संरक्षक
वन्यजीव-विडियाघर
जयपुर

विषय :- फीर की तृतीय प्रति निम्नोक्त बाबत।

महोदय उपरोक्त विषयान्तर्गत निवेदन है कि कार्यालय अधिकारी
बागेश्वर में दूधे वन अपराध प्रकरण को मुकुटमा रजिस्ट्रार
में दर्ज कर फीर की तृतीय प्रति श्रीमान्जी के कार्यालय
प्रेषित है।

संलग्न :- उपरोक्तानुसार

2159/45
26/12/23

अबदीप

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क्षेत्रीय वन अधिकारी
नाहरगढ़ अभ्यारण
विडियाघर, जयपुर

वन विभाग, राजस्थान

अपराध की प्रारम्भिक सूचना

2159

तारीख प्रति

45

सूचना संख्या

पृष्ठ संख्या

- (1) तारीख रिपोर्ट 26-12-2023
- (2) शिकारी का नाम, पता एवं निवासस्थान करिन्द मीणा पुत्र श्री अरमनारायण मीणा बिकली गुर्जर आटी कोठेर रोड जयपुर
- (3) अपराध का विवरण अरमनारायण मीणा की वन भूमि पर अतिक्रमण कर शिकार निगाह व नै बॉर्डर पर अतिक्रमण करना।
- (4) शिकार का स्थान बीर - परशुराम हारा I वन क्षेत्र गुर्जर गुर्जर आटी
- (5) तारीख अपराध करने का 26-12-2023 से पूर्व
- (6) विधायक संज्ञाकार अपराध को पकड़ी गई व का कारंबाही का वृक्ष जीव अधिनियम 1972 की धारा 34A के अन्तर्गत अतिक्रमण एवं शिकार किया गया।
- (7) शिकारी सुपुर्देवी व पत्नी का
- (8) नाम शिकारी श्री अरमन अरमन व रं

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क.र.

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विभाग
राजस्थान वन विभाग
जयपुर

रिपोर्ट सुविधा को सूचना दिखने से 24 घंटे से अधिक दे
दुपचा रखावा करने चाहिए।

८८ आचार्य कल्याण नाका कागा मठोदे ॥

संख्यांक 63

दिनांक 26 ¹²/₂₃

निमित्तः

श्रीकांत श्रीकृष्णकाजी
नाथराव कल्याणराव

विषयः - F.I.R No - 2159/45 श्रीकृष्ण
श्री कल्याण कागा

नाथराव

श्रीकांत
नाथराव