

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 132/2013 (CZ) (THC)

Ashish Gautam Vs. State of Rajasthan & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Ashish Gautam, Advocate
Respondent No. 4 : Shri Om Shankar Shrivastav, Advocate
Respondent No. 1 to 3 : Shri Sambhav Sogani, Advocate for
Dr. M.S. Kachhawa, Advocate**

Date and Remarks	Orders of the Tribunal
Order no.3 25th February, 2014	<p>The Learned Counsel for the Respondents are directed to file an affidavit indicating on the following issues :</p> <ol style="list-style-type: none">1. Whether Sisodiya Rani Garden in Jaipur is situated within the notified Reserved Forest of Jhalana or any other Reserved Forest.2. In view of the fact that it is a protected monument and located within the Reserve Forest whether any permission for entry or use of the premises as alleged by the Applicant, on conditions to be imposed by the Forest Department, are being sought by persons who hire the place from the Department of Archaeology & Museums, Rajasthan, Jaipur. <p>From the documents placed on record particularly the report of the Dy. Superintendent of Police of the year 2010, it reveals that the area is surrounded by forest and as a result of playing of loud music as well as lighting fireworks and use of extensive lighting with flood lights with floodlights the habitat of the wild animals and birds gets disturbed and sometimes the wild animals come out onto the road leading to accidents and which also endangers their life.</p> <p>Department of Archaeology & Museums, Rajasthan, Jaipur shall also specify whether allowing the garden to be used for celebrating parties and marriages is permissible in accordance with provisions of the Act of 1961 and rules framed thereunder. The aforesaid affidavit be filed by the Respondent within four weeks.</p> <p>In the meanwhile, the Respondents are directed to ensure</p>

observance of the provisions of the Environment Protection Act, 1986 relating to noise and emission levels of the Diesel Generator sets as well as of the music and observance of the timings with regard to the same. As far as the use of fire crackers is concerned, the Forest Department shall take preventive action and inform the Department of Archaeology & Museums, Rajasthan, Jaipur on their stand in this regard, looking to the fact that the area falls within the Reserved Forest. The conditions with regard to the above shall be imposed by the authority granting permission to prospective persons taking the premises of Sisodiya Rani Garden on rent. The aforesaid directions shall be implemented forthwith. The affidavit on the issues highlighted above shall be filed within four weeks.

List the matter on **15.04.2014**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

