

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 14/2014/EZ  
With  
MA 318/2017/EZ

RAM LAKHAN SINGH  
VS  
STATE OF JHARKHAND & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

**PRESENT:**

<b>Applicant</b>	: Mr. Anil Kumar Singh
<b>Respondent No. 1 to 3</b>	: Mr. Soumitra Sen, Sr. Advocate Mr. Binod Kumar Gupta, Advocate Ms. Aishwarya Rajyashree, Advocate
<b>Respondent No. 4</b>	: None
<b>Respondent No. 5</b>	: Mr. Gora Chand Roy Chowdhury, Advocate Ms. S. Ray, Advocate

Date & Remarks	
<b>Item No. 1</b> 23 <sup>rd</sup> January, 2018.	<p style="text-align: center;">In our order dated 19.7.2017, we had reproduced the stand of the State Govt. taken in their affidavit in respect of various Govt. structures and establishments existing within the protected forest areas in the Dumka district.</p> <p style="text-align: center;">In the affidavit, the State Respondents have conceded that various government establishments and structures were either in existence from before or had been raised in the forest area without clearance being sought for under the Forest (Conservation) Act, 1980.</p> <p style="text-align: center;">As the MOEF had not been impleaded in the case though a necessary party having an important role</p>

to play, order was passed impleading them as Respondent No. 5 with a direction to examine the matter and to take appropriate steps in the matter.

In the affidavit filed on 20.9.2017 by the State Respondents No. 1 to 3, said to be in compliance with the orders dated 11.1.2017, 19.7.2017 and 11.8.2017 of this Tribunal, it has been specifically stated that the user agency i.e., Executive Engineer, Building Deptt. Dumka and District Welfare Officer, have submitted an on-line proposal for approval in respect of 34.21 acres of forest land encroached upon. However, the affidavit filed on behalf of the MOEF on 11.12.2017 surprisingly expressed ignorance of the extent of encroachment and that the Ministry had written a letter dated 28.11.2017 to the State Govt. to specify the status of such encroachment, a copy of which has been filed with the affidavit.

Be that as it may, we expect the State Respondents to respond to this letter notwithstanding the on-line application having already submitted by them to the MOEF as revealed in the affidavit taken on record on 17.7.2017.

We make it clear that this order shall also be applicable to the other districts where similar encroachments may be in existence.

It is submitted by Mr. Gora Chand Roy Chowdhury, Ld. Advocate for the MOEF, Respondent No. 5 and Mr.

Anil Singh, appearing on behalf of the Applicant that copy of the supplementary affidavit of the State containing the averment of the on-line application having been submitted to the MOEF, has not been served upon them. If that be the case, let copies of the supplementary affidavit be served upon them as prayed for in order to enable them to take appropriate steps.

The State Respondents and the MOEF shall file their responses to the same by the next date.

**List on 5.3.2018.**

Justice S.P.Wangdi, JM  
23-1-2018



