

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M.A. NO 1076 OF 2013 TO M.A. NO 1078 OF 2013
IN
Original Application No. 137 of 2013**

Nand Kishore Vuttsya Vs. MoEF & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: **Applicant:** Mr. Chandra Shekhar, Advocate and Mr. Nand Kishore Vuttsya, Applicant in person.
Respondent No. 1: Mr. Vikas Malhotra, Adv. and Mr. M.P. Sahay, Advocate.
Respondent No. 2: Ms. Savitri Pandey, Advocate and Mr. Gaurav Bhatia, AAG, UP.
Respondent No. 3: Mr. Raman Yadav, Advocate and Mr. Aman Mishra, Advocate.

Date and Remarks	Orders of the Tribunal
Item No. 6 March 13, 2014	<p>We have heard the Learned Counsel appearing for the parties at some length. In this Original Application, Applicant prays that the Gursikaran forest at Aligarh is being wiped out by carrying on indiscriminate felling/cutting of trees which should be stopped and Authorities should be permitted to restore its pristine glory. Further it is prayed that the sports university which is sought to be constructed in the forest area should not be permitted and no residential complex should be permitted to come up in that forest area.</p> <p>The Learned Additional Advocate General appearing for the State submits that as far as sports university is concerned the apprehension of the Applicant is pre mature. The Government has not taken any decision as yet to establish any sports university. It is at the proposal stage and the State would even hear the Applicant before it takes any final view on the subject.</p> <p>As far as the forest area is concerned, it is stated that in terms of Judgment of the Hon'ble Supreme Court in TN Godavarman V/s Union of India & Ors. Writ Petition No. 202 of 1995, whatever area is forest the same shall not be</p>

disturbed without recourse to law. Further it is stated that presently the area stands in the name of Animal Husbandry Department and it was dereserved and leased for a period of 30 years term which has expired.

Having examined the statements made on behalf of the State and the grievances made by the Applicant, it can hardly be disputed that the area in question is a forest area for the reason of it having the tree density of more than 0.4 and by virtue of the Judgment of Hon'ble Supreme Court.

Thus, we dispose of this Application with a direction to the State that before it takes any final view with regard to the construction of the sports university in that area the Applicant would be heard by the State and all objections raised in the present Application would be taken into account by the Competent Authority. The Objections by the Applicant addressed to the Chief Secretary of the State may be filed within four weeks.

Further, we direct that the Forest Department shall supervise the forest area and ensure that no deforestation activity is carried on except in accordance with law and after seeking their permission. They shall also carry out afforestation and reforestation activity wherever it is necessary.

Applicant will also be at liberty to challenge the final view of the State Government on his objections in accordance with law.

This Original Application No. 137 of 2013 is disposed of with the above directions while leaving the parties to bear their own cost.

M.A Nos. 1076 of 2013 , M.A. No. 1077 of 2013 and M.A. No. 1078 of 2013 do not survive for consideration, in view of the fact that Original Application No. 137 of 2013 is finally disposed of by the Tribunal

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

.....,EM
(Dr. R.C. Trivedi)

