

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,**  
**BHOPAL**

**Original Application No. 136/2013 (CZ) (THC)**

**Surendra & Anr.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 Shantanoo Saxena, Advocate**

**RSPCB & State of Rajasthan : Shri Sandeep Singh, Advocate**  
**Respondent No. 5 & 6 : Shri Kedar Solanki, Advocate**  
**Sh. Jagdish Prasad, ACF, TP Sariska**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 6</b> <b>6<sup>th</sup> March, 2014</b>	<p>Heard learned counsel for the parties.</p> <p>Shri Sandeep Singh, Advocate appearing on behalf of the State of Rajasthan has submitted that an identical issue has been fixed before the Hon'ble Supreme Court by way of I.A. in the case of T.N. Godavarman which is to be taken up by the Hon'ble Supreme Court on 11<sup>th</sup> March, 2014. As such this matter may be ordered to be listed after hearing in that case.</p> <p>The learned counsel also placed before us for our perusal a letter dated 5<sup>th</sup> March, 2014 issued by the Deputy Conservator of Forest, Tiger Reserve, Sariska wherein the distance with regard to Khasra No. 1196/1260 from various points including (1) critical tiger habitat/core area (2) Sariska Tiger Reserve (3) Proposed National Park and (4) Buffer Zone have been indicated. It has also been brought to our notice that as of now on the website of the MoEF, Government of India it has been notified that some of the States including Rajasthan have not submitted their proposals despite repeated reminders for declaration of eco-sensitive zones around National Parks and Wildlife Sanctuaries.</p> <p>Taking note of above, a letter No. 1-9/2007-WL(I) dated 31<sup>st</sup></p>

July, 2013 was issued by the MoEF (Wild Life Division), Government of India wherein the decision of the MoEF, Government of India not to extend further the time limit for submission of the proposals/draft notifications for notifying eco-sensitive zones by the States was taken and it was provided further by way of deeming clause in the absence of proposals being submitted by the State Governments an area of 10 km. from the boundary will be eco-sensitive zone of such protected areas where proposals have not been forwarded. The aforesaid restriction of 10 km. eco-sensitive zone shall remain in-force till eco-sensitive zone is finally notified.

That being the position as far as the State of Rajasthan is concerned, since no proposals are said to have been forwarded to the MoEF, Government of India by the State Government for notifying the eco-sensitive zones, the deeming clause of distance of 10 km. is deemed to have been put in place as a result of the aforesaid letter dated 31<sup>st</sup> July, 2013 in view of the decision taken by the Government of India.

We are, therefore, conscious of the fact that the several existing mining leases which are located within the 10 km. distance and falling within the deemed eco-sensitive zone and therefore running counter to the directions of MoEF, Government of India and would have to be accordingly shut down. Before any further orders are passed in this behalf, we would like to have the facts placed before us by the State Government itself.

We would, therefore, direct that the matter being sensitive and of great importance, the Secretary, Forest, Government of Rajasthan shall personally appear before this Tribunal and file an affidavit on the above facts as also the learned counsel for the

State of Rajasthan shall file the information as directed by this Tribunal on the previous date with regard to the distances of the existing mines in the area in dispute around Sariska Tiger Reserve.

List the matter on **12<sup>th</sup> March, 2014** as the matter requires urgent attention.

.....JM  
(DALIP SINGH)

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

