

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

Original Application No. 132 of 2013 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S.Rao
(Expert Member)**

BETWEEN:

Ashish Gautam
S/o Shri Chhaju Ram Sharma,
Aged 32 years,
R/o 49, Near Higher Secondary School,
Khaniya, Agra Road,
Jaipur (Rajasthan)

.....Applicant

Versus

1. The State of Rajasthan
Through the Chief Secretary,
Government of Rajasthan,
Secretariat,
Jaipur (Rajasthan).
2. The Secretary
Urban Development & Housing Department,
Government Secretariat,
Jaipur (Rajasthan).
3. The Secretary
Department of Forests,
Government Secretariat,
Jaipur (Rajasthan).
4. The Chief Executive Officer
Jaipur Municipal Corporation,
Jaipur (Rajasthan).

5. The Circle Superintendent
Department of Archaeology & Museums,
Hawa Mahal, Jaipur (Rajasthan).
6. The Director
Department of Archaeology & Museums,
Hawa Mahal, Jaipur (Rajasthan).

...Respondents

Counsel for Applicant : - **Shri Dharamvir Sharma, Adv. for
M.S. Kachhawa, Advocate**

Counsel for Respondents :

Shri Sachin K. Verma, Advocate - **Respondent No. 1 to 3**
Shri Om S. Shankar, Advocates - **Respondent No.4**

Dated : November 5th, 2014

Delivered in the Open Court by
Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. This Original Application was originally filed as DB Civil Writ Petition (PIL) 855/2013 before the Hon'ble Rajasthan High Court, Bench at Jaipur and came to be transferred to this Tribunal vide order dated 23.09.2013 passed by the Hon'ble Rajasthan High Court for transferring this matter to the National Green Tribunal, CZB at Bhopal. Accordingly, after receipt of the record, notices were issued to the parties in pursuance of which the Applicant and the Respondents put in their appearance.
2. The petitioner (Applicant herein) in the Writ Petition alleged that the Sisodiya Rani Garden situated in Jhalana, falls within the Reserved Forest Area and accordingly, all non forest activities which are

impermissible in Forest Areas including holding functions like marriage ceremonies, parties which also include illumination, fireworks, playing loud music, laser lighting as well as allowing huge traffic to flow in the area causes in pollution adversely affecting the wildlife as well as the forest and such activities are impermissible in forest areas and as such need to be stopped with immediate effect. The relief claimed *inter alia* was that direction be issued to the Respondents to take proper steps for the safety and security of the wildlife in the forest area and further direction to the Respondents not to allow such functions involving use of laser lighting, loud music, fireworks in the Sisodiya Rani Garden situated at Ghat ki Guni, Agra Road, Jaipur (Rajasthan).

3. During the course of hearing the petition, this Tribunal framed the following questions seeking the response of the Respondents:
 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 Reserved 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.*
4. After the opportunity was given to the Respondents, the Respondents 1 State of Rajasthan and Respondent No. 3 Secretary, Department of Forests, Rajasthan have submitted their reply so also Respondent No. 5 & 6 Department of Archeology and Museums, Govt. of Rajasthan.
5. Since, the reply of the Respondent State of Rajasthan and Department of Forests, Government of Rajasthan is very clear that the Sisodiya Rani

Garden is located within the Forest Area adjacent to the Forest Block 'Band Ki Gadi Amagarh 92' and as per the stand of the Government, since the area in question i.e. Sisodiya Rani Garden is a part of the Forest Land and no separate land has been allotted in the name Sisodiya Rani Garden. 'This implies that the Garden is a forest land'. It has further been stated in the reply of the State as follows:

"According to the Hon'ble Supreme Court's order dated 12.12.1996 in Writ Petition 202/95 T.N.Godaverman Vs. Government, any land recorded as Forest in any Government Record is Forest land. Since the land of Sisodiya Rani Garden is recorded in the name of Forest Department in revenue record hence comes in the category of Forest Land."

6. On the basis of above, the State in its reply has very categorically stated as follows:

"That in the interest of wildlife, the Forest Department has requested the Department of Archeology, State of Rajasthan not to give permissions to organise social functions, etc. at the Rani Sisodia Garden."

7. In view of the above stand of the State of Rajasthan and the Forest Department, Government of Rajasthan, we are of the opinion that the Application can be disposed of as the relief which is being sought by the Applicant in terms of banning the activities which are impermissible as per the Hon'ble Supreme Court's order *supra*, the State has categorically stated in its reply that it would direct the Department of Archaeology and Museums, Rajasthan not to grant any permission for holding functions, parties, fireworks, etc. as well as other activities which are impermissible in the forest area.

8. We would accordingly direct that the Respondent No. 5 Circle Supdt., Department of Archaeology and Museums as well as Respondent No. 6 Director, Department of Archaeology and Museums, Jaipur, Rajasthan who are at present in possession of the Sisodiya Rani Garden and Archaeological Monuments and under whose management the aforesaid monument is protected and maintained at present, shall not grant any permission for organizing social functions such as marriages, parties, etc. use of fireworks, loud music, fireworks and such other activities which may not be conducive and are impermissible in Forest Areas.
9. In view of the above directions, the Original Application No. 132 of 2013 stands disposed. No order as to costs.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

Bhopal;
November 5th, 2014

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