

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

Original Application No. 37/2014/EZ

Deohoiso Kri Vs. State of Arunachal Pradesh & Ors.

CORAM: **Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member**
 Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: **Applicant** **: Md. Akram, Advocate**
 Respondent Nos. 1 to 15 **: None appeared.**

Date & Remarks	Orders of the Tribunal
Item No. 1 3rd December 2014	<p>Heard the counsel appearing for the Applicant, Shri. Deohoiso Kri, a permanent resident of Village Danglat who claims to be the Executive Member of a Youth Club named Danglat Youth Club of Tezu in Lohit District of Arunachal Pradesh. The applicant has challenged the illegal and unauthorised activities like mining of minor minerals and stone crushing in Reserve Forest Area in violation of Air Act 1981 and Forest (Conservation) Act 1980 and its subsequent amendments leading to air pollution and forest diversion. He has also stated about indiscriminate and illegal collection of RMS/Sands/Shingles/Boulders from River bed of river Lohit-Digaru and Sukha Nallah river affecting the river ecosystem and its biodiversity in violation of The Water Act 1974.</p> <p>The applicant would further submit in the application that the Judicial Magistrate First Class of Lohit District in M.J. Case No. 01/2011 issued order on 19.05.2011 to vacate the encroachment of Reserve Forest land by some Shri Nirju Towang, who is a party respondent no. 15 in the present case, within 45 days. This was not complied with even after 3 years. The Judicial Magistrate again in his order dated 27th October 2014 directed to remove the encroachment within 45 days. The counsel of the applicant submits that the party is yet to vacate the encroachment.</p> <p>It is also found from the record that the DFO of Lohit Forest Division on a RTI reply admits that the site opposite of BRTF Camp at Digaru falls within Digaru RF and Stone Crushing in the area is unauthorised. A notification issued by the Deputy Commissioner, Lohit District under Mines and Minerals Act 67 of 1957 reveals that three proposed quarries namely Lasapani, Lohit and Tezukhola are in</p>

Reserved Forest Area.

Considering the submissions made and having perused the documents on record, we are inclined to admit the application. The application is admitted. Issue notice to the party respondents to submit reply by four weeks and rejoinder by one week thereafter. Registry to act accordingly.

Considering the prayer of the applicant for interim relief, we are of the view that the balance of convenience is in favour of the applicant. Therefore as interim relief we issue following direction till further order.

- i) The respondents no. 11-15 shall not undertake any illegal activities like mining of minor minerals and operation of Stone Crushing Units inside the Reserve Forest in violation of Forest Conservation Act and its amendment and The Air Act 1981 and also collection of sand and boulders from River bed of Lohit-Digaru and Sukha Nallah river without EC/consent in violation of The EP Act 1986/EC Regulation 2006.
- ii) The Forest Department of Govt. of Arunachal Pradesh and State Pollution Control Board of Arunachal Pradesh shall submit a status report of the illegal activities like mining of minor minerals and operation of Stone Crushing Units inside the Reserve Forest, collection of sand and boulders from River bed of Lohit-Digaru and Sukha Nallah river undertaken by the Respondents no. 11-15 by 15.01.2015.
- iii) The Forest Department of Govt. of Arunachal Pradesh and State Pollution Control Board of Govt. of Arunachal Pradesh shall stop all illegal activities by the respondents in the Reserve Forest Area and the river bed if such activities are violating the provision of Air Act 1981 and Forest (Conservation) Act 1980 and its subsequent amendments, EP Act 1986 and Environmental Clearance Regulations 2006 and they will submit report on action taken.

Affidavit of service filed be kept with the record.

Stand over to 15th January 2015.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM



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

**Original Application No. 15/2014/EZ
&
M.A. No. 22/2014/EZ**

Madan Lal Vs. Union of India & Ors. & Ors.

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant	: Mr. Madan Lal (in person)
Respondent No. 1	: Ms. K. Shah, Advocate
Respondent No. 2	: Mr. Gora Chand Roy Choudhury, Advocate
Respondent Nos. 3 & 4	: Mr. Surendra Kumar, Advocate
Respondent No. 5	: Ms. Arpita Chowdhury, Advocate
Respondent No. 6	: Ms. Moushumi Mukherjee, Deputy Magistrate, Nadia
Respondent No. 7	: Mr. Achintya Banerje & Sk. Faridullah, Advocate
Respondent No. 8	: Ms. Ananya Neogi
Respondent Nos. 9 to 11	: None appeared.

Date & Remarks	Orders of the Tribunal
Item No. 2 3rd December 2014	<p>Heard the applicant in person as well as learned advocates appearing for the parties and the representative of respondent no. 6, District Magistrate, Nadia, Ms. Moushumi Mukherjee, Deputy Magistrate, Nadia.</p> <p>In pursuance of our earlier order dated 14.11.2014 in O.A. 15/2014/EZ, impleadment of Ranaghat Municipality was allowed as added respondent. Accordingly, Mr. Achintya Banerjee, learned advocate appears on behalf of added respondent no. 7 by filling Vakalatnama on behalf of added respondent. Hence M.A. No. 22/2014/EZ stands disposed of.</p> <p>Learned advocate appearing for West Bengal State Pollution Control Board prays for time to file Status Report and reply as directed by us in our earlier order dated 14.11.2014. Having regard to the prayer made by her, 7 days time is granted to file reply and status report on the issue in question.</p> <p>Learned advocate appearing for respondent no. 7, Ranaghat Municipality undertakes to file comprehensive report disclosing the steps and measures to be taken by them in respect of sewerage</p>

treatment and solid waste management within one month. He submits that no further time would be prayed for. His prayer is allowed.

Learned advocate appearing for respondent no. 1, Ministry of External Affairs submits that a negotiation with Bangladesh Government is under process and she requires one month time to file affidavit and reply.

Ms. Moushumi Mukherjee, Deputy Magistrate representing District Magistrate, Nadia undertakes to file affidavit. She is directed to file affidavit within a week by Registered post. Copies be served to all the respondents and applicant.

Having regard to the prayer made by the learned advocates appearing for West Bengal State Pollution Control Board, one week time is allowed to file reply & report. Copy of the same be served upon all the respondents and applicant as well.

Learned advocate appearing for the respondent no. 1, Ministry of External Affairs is directed to file reply in the form of affidavit disclosing the steps and measures taken by them on the issue in question with regard to the pollution of river water by one month.

Affidavit of service filed today be kept in record.

Amendment application filed by the applicant is posted on **10th December 2014.**

Original Application is fixed for hearing on **7th January 2015.**

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM