
(2018) 08 CHH CK 0294
In the Chhattisgarh High Court
Case No : WPIL No. 33 Of 2012

Nitin Singhvi

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0294

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Saurabh Dangi, Y.S. Thakur, R.S. Baghel

Final Decision : Disposed Of

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the parties.
2. There cannot be any argument either on the necessity to preserve and protect the Tigers in the core area, which is integral to the survival as well as their breeding etc. There are series of orders already in place passed by the Hon'ble Apex Court and even legislations are in place. To that extent, the issue raised by the petitioner in the present PIL can not be doubted or questioned.
3. It also emerges that the plans are afoot to relocate about 19 villages in the coming years away from the core area as part of the policy and advice given by the National Tiger Conservation Authority (NTCA).
4. Since the relocation of the villages is going to be a little long-drawn out affair, due to the requirements which are needed to be put in place, which includes clearances and funding, we do not want to deprive the present inhabitants of the forest area of having a decent roof over their head even if it

means as a temporary reprieve. The construction which is being funded by the Central Government through Pradhan Mantri Awas Yojna is meant for

the people who are really on the fringe and have spent all their life living in sub human conditions or a dwelling house which can hardly be called so. It

also emerges that the 277 people have already been released the first installment for construction of the basic accommodation and they have done

work after demolishing their hutment on the same piece and parcel of the land and the same location. This may be permitted to be done provided it is

made clear to them that this in no way will create a right to continue living in the core area, after the scheme for their relocation and the modality

thereof is finally put in place.

5. However, they cannot be allowed now to be subjected to vagaries of nature, the order of restrain which we had initially passed on 12.07.2018 is

hereby recalled under the clear assurance given by the State that the materials and construction which are being done by the beneficiaries will be such

which will be reused at the time of relocation and that the facility so extended to them is not in any manner any assurance of any right being created in

their favour to stay on in the core area beyond the time for which the relocation plans are being worked out.

6. The State, however, is directed that it will be in the interest of one and all that they expedite the relocation of the villages from the core area to the

identified places so that any issue of such kind will not be allowed to occur or reoccur, in future.

7. We also make it clear that this order has been passed in the given facts and circumstance as it exists now but this is not a license to the State

authority to sanction or authorize construction of such houses under the Pradhan Mantri Awas Yojna in other core areas of Tiger reserve which may

be in existence in the State. The scheme may not be expanded further to other areas where the benefit has not been extended so far.

8. This PIL now stands disposed off with above observation.