

(2018) 06 UK CK 0147
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 99 of 2013

Prem Singh Rawat

APPELLANT

Vs

National Tiger Conservation authority & others

RESPONDENT

Date of Decision : 18-06-2018

Acts Referred:

Wild Life Protection Act
Forest (Conservation) Act, 1980 — Section 27, 28, 35(8)

Citation : (2018) 06 UK CK 0147

Hon'ble Judges : RAJIV SHARMA, J; LOK PAL SINGH, J

Bench : Division Bench

Advocate : C.D Bahuguna, J.P Joshi, D.S. Patni, M.S Pal, Amir Malik

Final Decision : List tomorrow (19.06.2018)

Judgement

LOK PAL SINGH, J.

[PER: HON'BLE RAJIV SHARMA, .J]

According to the averments made in the petition, 10 Kms. of new road has been constructed in the Corbett Tiger Reserve, partly funded by the State

Government and partly by the owners of the Leisure Hotel.

Counter affidavit has been filed by the State Government. The case of the State is that no road has been constructed in the Corbett Tiger Reserve.

The road was primarily used by the officers/officials of the Forest Department.

Mr. C.D Bahuguna, Sr. Advocate (Amicus Curiae) has vehemently argued that in *T.N. Godavarman Thirumulpad v. Union of India* case, an

application was filed in larger public interest. The matter was referred to C.E.C. The C.E.C has found the construction of the road in the Corbett

Tiger Reserve in breach of The Wild Life Protection Act more particularly Section

27, 28 & 35 (8) of The Forest (Conservation) Act, 1980. It is a serious matter. How the road could be constructed in a park of international fame i.e. Corbett Tiger Reserve. Prima facie, the road could not be constructed without the connivance and collusion of the officers/officials of the Forest Department including the Director of the Corbett Tiger Reserve.

The Ministry of Tourism, Government of India has got the scientific study on impact of tourism on tigers and other wild life in Corbett Tiger Reserve.

According to the findings of the Committee, the rapid growth of tourism whether in terms of number of tourists and infrastructure is unsustainable another scientific. It can be safely concluded that current form of tourism is a serious threat to the wild life.

However, before we proceed with the matter, we appoint Mr. M.C Pant, Advocate along with Mr. Gopal K. Verma, Advocate to visit the spot and

file the report within 24 hours. The report shall depict the length and width of the road and whether it is used by the villagers or the forest

officer/officials alone. The Commission shall also specifically ascertain whether the road leads to any private resort. The Director, Corbett Tiger

Reserve shall supply the details of the amount spent from the public money in constructing this road. The Director, Corbett Tiger Reserve shall also

supply all the records of this road to the learned Commission. The State Government is directed to pay fee of Rs.50,000/- each to the Court

Commissioners. The S.S.P. Nainital is directed to provide adequate protection to the Advocate Commission forthwith.

Â

The State Government shall provide boarding and lodging to the Advocate Commission.

The Director, Corbett Tiger Reserve, shall remain present in the Court tomorrow at 02.00 PM Sharp.

List tomorrow (19.06.2018).

The Bench Secretary of this Court shall supply uncertified copy of this order to the learned counsel for the parties today itself.