
(2018) 06 UK CK 0164
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 47 Of 2016

Vishvanath Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 14-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0164

Hon'ble Judges : Rajiv Sharma, J; Lok Pal Singh, J

Bench : Division Bench

Advocate : S.S. Chauhan

Final Decision : Disposed Off

Judgement

Rajiv Sharma, J

1) Neither the petitioner is present in person in the Court, nor is he represented by any counsel. The apparent reason of the non-appearance of the

petitioner before this Court is that as per the counter affidavit filed by the State he is in illegal occupation of the Quarter no. B-134, New Colony,

Kalagarh and has not filed any rejoinder affidavit to the counter affidavit filed by the State deliberately.

2) We proceed with the matter taking into consideration the question of great public importance involved in the present writ petition (PIL).

3) The challenge laid by the petitioner is to the impugned Notification dated 26.02.2010 vide which core area of 821.99 sq. km. and Buffer area of

466.32 sq. km., total area of 1288.31 sq. km. of Corbett National Park situated in the State of Uttarakhand is declared as "Tiger Reserve" as

intended by National Tiger Conservation Authority vide letter dated 09.11.2009. This is a private litigation in the garb of Public Interest Litigation. The

Court cannot be privy to such like petition. It is also intriguing to note that the petitioner who is found to be a rank encroacher has not been vacated till

date. This cannot happen without the collusion and connivance of the State functionaries. The State machinery must protect its property. The

notification has been issued strictly as per the mandate of Wild Life Protection Act, 1972.

4.) There is no averment in the petition how the notification dated 26.02.2010 is in violation of Wild Life Protection Act, 1972.

5) The petitioner himself is an un-authorized occupant of Quarter no. D-134, New Colony, Kalagarh. It is submitted by the learned counsel appearing

for the State that number of employees, even after their retirement, have not vacated the government accommodation. In other words, they are in un-

authorized occupation of the government accommodation. The Honâ??ble Supreme Court after accepting the report, vide order dated 2nd

December, 2013, has directed the authorities to evict the unauthorized occupants from the government accommodation at Kalagarh. Similar directions

were also issued by the National Green Tribunal in its order dated 21st September, 2017.

6) It is shocking that till date the State Government has neither implemented the directions issued by the Honâ??ble Supreme Court or by the

National Green Tribunal. The persons are still in un-authorized occupation of the government accommodation. In Tiger Reserves, these un-authorized

occupants are threat to the Wildlife. The possibility of their involvement in poaching cannot be overlooked.

7) It is being highlighted repeatedly in the newspapers that more than 8 tigers have died in the State in the year 2018 alone. It is an alarming situation.

It is required to be arrested forthwith. The court in earlier Public Interest Litigation has directed the State Government to constitute the Tiger Reserve

Force. Learned Chief Standing Counsel was put a query whether Tiger Reserve Forests has been constituted or not. He apprised the Court after

seeking instructions that the process has commenced and the same will be completed within a period of 45 daysâ??.

8) The possibility of the tigers being killed by poachers cannot be ignored. The State Government is required to install state of art equipment for

surveillance i.e. drone, CCTV camera in order to protect the Wildlife in the National Parks including Corbett National Park and Rajaji National Park

from poaching and to detect the illegal mining.

9) We have noticed non-compliance of the directions issued by this Court, issued in larger public interest from time to time by the State functionaries.

10) We direct the authorities, to whom the directions have been issued in PILs, to apprise the Registrar General of this Court about the

implementation of the judgments/orders punctually to maintain rule of law.

11) Accordingly, the present writ petition is disposed of with the following mandatory directions:-

A. The Chief Secretary to the State of Uttarakhand is directed to take all necessary steps for the eviction of un-authorized occupants from the government buildings at Kalagarh including the petitioner within a period of three weeks from today.

B. The respondent / State is also directed that in case of the unnatural death of the tigers, the Sub Divisional Magistrate concerned shall conduct inquiry of the circumstances leading to tiger's death.

C. The Directors, Tiger Reserve, Corbett National Park and Rajaji National Park are directed to preserve the viscera of the dead tigers to ascertain the cause of death. The entire exercise of conducting postmortem on the dead body of the tiger is ordered to be video-graphed.

D. The State Government is directed to deploy the drones and CCTV cameras in order to detect poaching/illegal mining in the Corbett National Park and Rajaji National Park within three months from today.

E. The exemplary cost of Rs. 5,00,000/- (rupees five lakh only) is imposed upon the petitioner for gross misuse of the process of the Court. The cost shall be deposited by the petitioner in the Registry of this Court within a period of one month, failing which the District Magistrate, Pauri Garhwal shall recover the same by way of arrears of land revenue.

12) Let copy of the order be supplied to learned counsel for the State today itself on payment of usual charges.