

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

**Original Application No. 27/2019(CZ)  
(I.A. No. 46/2019)**

Jagdish Gujjar

Applicant(s)

Versus

Assistant Forest Conservator & Ors.

Respondent(s)

Date of Hearing: **11.08.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Ousaf Ahmed Khan, Adv.

For Respondent(s):

None.

**ORDER**

1. The issue raised in this application is encroachment on the forest land Khasra No. 1164, Village Bihar, Tehsil Sikar in Rajasthan by non applicant No. 3 by way of encroachment and constructing a house. The matter was taken up by this Tribunal on 13.07.2020 and a committee consisting representative of Forest Department, representative of Collector, Sikar, Rajasthan and representative of State Pollution Control Board was constituted with the direction to submit a factual and action taken report.
2. In compliance thereof, the committee has submitted a report with the facts that through inspection by the forest personnel, it was found that there was an encroachment on Khasra No. 953 (present no.1164), on the forest land and report was submitted to take action under Section 91 of Rajasthan Land Revenue Code, 1953 and case was filed in the Forest Court, Sikar, Rajasthan. Later on, another case no. 56 of 2018 and 69 of 2018 were filed in the Court of Civil Judge, Neemkathana.

Order passed by Forest Officer was challenged before the Court of Collector vide Appeal No. 93/2018 and there was some interim order, which was later on vacated.

3. Aggrieved by the order, Appeal No. 76/2019 was filed which is said to be pending before the Revenue Appellate Authority. It has further been reported that another matter is also pending in High Court of Jaipur, Rajasthan (Appeal no. 12506/2019).
4. In light of the above facts, the proceedings are going on and the matter is subjudice. The Forest Department has measured it, surveyed it and incase of encroachment, has taken necessary legal action and the matter is pending for disposal and decision before the Competent Court.
5. In light of the above facts, it is not desirable to proceed or pass any order. We direct the Forest Authorities to proceed and to protect the forest land in accordance with law. Further, proceeding shall be subject to the decision taken by the Competent Court.
6. Accordingly, the **Original Application No. 27 of 2019** alongwith **I.A. No. 46/2019** are finally disposed of.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

August 11<sup>th</sup> 2021  
O.A. No. 27/2019(CZ)  
(I.A. No. 46/2019)  
PN