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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 23rd August, 2021

+ W.P.(C) 8729/2021

GAURAV KUMAR BANSAL Petitioner

Through Petitioner in person

versus

NATIONAL TIGER CONSERVATION
AUTHORITY

..... Respondent

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

CM APPLS. 27182/2021 & 27185/2021 (Exemptions)

Allowed, subject to all just exceptions.

Applications are disposed of.

CM APPL.27183/2021 (Exemption from filing notarized affidavit)

For the reasons stated in the application and in view of the present prevailing situation, the present application is allowed. However, the applicant is directed to file duly signed and affirmed affidavit within a period of one week from the date of resumption of regular functioning of the Court.

Application is disposed of.

CM APPL.27184/2021 (Exemption from filing court fees)

For the reasons stated in the application and in view of the present prevailing situation, the present application is allowed. However, the applicant is directed to file the requisite Court fee within a period of 72 hours from the date of resumption of regular functioning of the Court.

Application is disposed of.

W.P.(C) 8729/2021 & CM APPL. 27181/2021 (Direction)

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“A. Issue a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction to National Tiger Conservation Authority to use its power under section 38 (O) (b) of the Wildlife Protection Act and to disallow the illegal construction of bridges and walls within Tiger Breeding Habitat of Corbett Tiger Reserve as the same is in violation of Section 38 (O) (g) of the Wildlife Protection Act – 1972.

B. Pass any other directions or orders as deemed fit by this Hon'ble Court.”

2. The principal grievance highlighted in the present petition is the alleged illegal construction of bridges and walls within the Tiger Breeding Habitat of Corbett Tiger Reserve and that too, without the approval from the Respondent herein under Section 38 (O) of the Wildlife Protection Act, 1972. Petitioner, thus, seeks intervention of this Court to protect and conserve the Biological Diversity, flora and fauna as well as the ecology of the Corbett National Park.

3. The Petitioner submits that a legal notice was sent to the Respondent on 11.08.2021 to take necessary action and stop the illegal construction activities, however, there has been no response or action.

4. We have heard the Petitioner. Looking to the averments in the writ petition and the provisions of the Wildlife Protection Act, 1972, more particularly, Section 38(O)(b) thereof, we deem it appropriate, at this stage, to direct the Respondent to treat this writ petition as a Representation and look into the issues flagged and highlighted by the Petitioner. Needless to state that in case the Respondent finds merit in the issues raised, necessary action shall be taken by the Respondent, in accordance with law, keeping in mind the provisions of the Wildlife Protection Act, 1972 and the necessity of conserving the flora and fauna as well as the ecology of the National Park. For the purpose of taking a decision and consequential action, if any, it is open to the Respondent to call for an inspection report, in order to verify the factual status with respect to the allegations made in the writ petition. The exercise shall be carried out by the Respondent as expeditiously as possible and practicable.

5. In case the Petitioner is still aggrieved by the decision taken, it is open to the Petitioner to resort to appropriate remedies available in law.

6. With these observations, writ petition along with pending application is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 23, 2021/rk