

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.652 of 2019

Sashipriya Sahu

....

Appellant

Mr. Chittaranjan Pattanaik, Advocate

-versus-

Union of India & others

....

Respondents

Mr. Bhabanishankar Rayaguru, C.G.C. for

Respondent No.1

Mr. Ishwar Mohanty, ASC for the State

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

ORDER

17.11.2022

Order No.

04. 1. Admittedly, the site on which the appellant sought to set up a Stone Crusher Unit, was within 4.74 kilometers from the Hadgarh Wildlife Sanctuary and, therefore, fell within the Eco sensitive zone.
2. In the counter affidavit filed in the present writ appeal, it has been stated in paragraph-6 by the Respondent-authorities as under:

“6. That in reply to the averments made in Paragraph-8 of the Writ Appeal, it is humbly submitted that, during the 21st meeting of the Indian Board for Wildlife held on 21st January, 2002, the National Wildlife Action Plan was adopted. This Plan envisaged declaring the identified area around the ‘Protected Area’ and corridors as ecologically fragile under the Environment Protection Act of 1986, wherever necessary. The Board thereafter adopted a Wildlife Conservation Strategy, 2002, wherein it was envisaged that the forest land falling within 10 kms of the boundaries of the National Parks or Wildlife Sanctuaries should be notified as ‘Eco-Fragile Zones’ under Section

3(v) of the Act of 1986 and Rule 5(5) of the Rules of 1986 framed thereunder. XXXX x XXXXX”

3. The above stipulation has been approved by the Supreme Court of India by order dated 4th December, 2006 in Writ Petition No.460 of 2004 (*Goa Foundation v. Union of India*).

4. There is also an Office Memorandum dated 8th August, 2019 issued by the Ministry of Environment, Forest and Climate Change setting out the detailed procedure for consideration of developmental projects located within 10 kilometers.

5. In the circumstances, the Court is not inclined to interfere with the impugned order of the learned Single Judge rejecting the challenge by the appellant to the order dated 12th July, 2019 declining permission for establishing the Stone Crusher Unit.

6. The writ appeal is, accordingly, dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

MRS/Laxmikanta