

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 614 of 2022

Petitioner :- Sandesh Foundation, Through Its President And Another

Respondent :- Union Of India Through Its Secretary, Ministry For Environment Forest And Climate Change And Others

Counsel for Petitioner :- Santosh Kr. Yadav Warsi

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Saurabh Srivastava,J.

This Public Interest Litigation raises a genuine concern relating to non-implementation of the provisions of the Compensatory Afforestation Fund Act, 2016 (herein after referred to as "the Act, 2016") in the State of Uttar Pradesh and inadequate and non-satisfactory functioning of the State Compensatory Afforestation Fund Management and Planning Authority and the Steering Committee and the Executive Committee of the said State Authorities constituted under sections 10 and 11 of the Act, 2016.

Submission of the learned counsel for the petitioners is that though the State Compensatory Afforestation Fund under section 4 of the Act, 2016 has been established and various agencies are making deposit as well in the said fund in lieu of non-forestry activities carried out by them, however, the fund is not being appropriately utilized; neither the State Authority and its Steering Committee and Executive Committee are functioning. It has further been stated by the learned counsel for the petitioners that on account of inadequate functioning of the State Authority and its Steering and Executive Committees, on one hand the fund even after having been created is not being utilized and on the other hand, on account of non forestry activities, people of State are being deprived of green cover.

Having regard to the importance of the matter raised in this petition, we call upon the Additional Chief Secretary/Principal Secretary Forest, Government of U.P. to file his personal affidavit furnishing therein the following information in addition to paragraph-wise reply to the averments made in the writ petition:

(i) as to when the State fund as envisaged under section 4 of the Act, 2016 in the State of U.P. was established.

(ii) as to whether the State Compensatory Afforestation Fund Management and Planning Authority under section 10 of the Act, 2016 has been created and if yes, then since when is this Authority functioning.

(iii) as to whether the Steering Committee and Executive Committee of the State Authority as provided under section 10 of the Act, 2016 have been constituted and if yes, as to whether the said Committees are functioning and discharging their duties.

(iv) as to whether the State Authority has evolved any policy as to the utilization of the State fund established under section 4 of the Act, 2016.

(v) the total amount in the State fund collected up to date and details of its yearwise utilization.

As observed above, the affidavit in response to this order shall be filed personally by the Additional Chief Secretary/Principal Secretary in the Department of Forest, Government of U.P., who apart from furnishing the information as sought above, shall also make his reply to the paragraph-wise averments made in the writ petition. The affidavit under this order shall be filed by the next date of listing.

List this case on 18.10.2022 as fresh.

Order Date :- 14.9.2022

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