

(15)

No: WLP/32/B/10018-23/2016-17

Office of the  
Principal Chief Conservator of Forests  
Block No.B/1, Aranya Bhavan,  
Ch-3 Circle, Sector-10 A,  
Gujarat State, Gandhinagar.  
Date:14/03/2017.

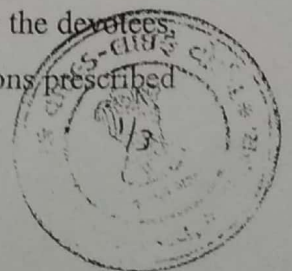
**Sub:** Permission under Section – 29 of Wildlife (Protection) Act, 1972 for use of 0.9885 ha land of Girnar Sanctuary for Construction of Datar Hill Sidi Road.

**Ref:**

1. Chief Conservator of Forests, Junagadh Circle, Junagadh's letter No. A/LND/T.12/1819-20 dated 15-09-2014.
2. Recommendation of the State Board for Wildlife, Gujarat circulated vide this office's letter no. WLP/28/A/185 dated 14-05-2015.
3. This Office's letter No: WLP/32/A/735-37 dated 27-07-2015 submitting proposal to Forest & Environment Department, Government of Gujarat.
4. Forest and Environment Department, Government of Gujarat's letter No. VPS/102015/1422/W dated 07-08-2015 to the Secretary MoEF&CC.
5. Recommendation of Standing Committee of National Board for Wildlife, circulated vide MoEF&CC, GoI's letter no. F.No. 6-159/2016/WL (40<sup>th</sup> Meeting) dated 13-02-2017.
6. Hon'ble Supreme Court of India's Order dated 05-10-2015 in I.As filed in reference to Writ Petition (Civil) 202/95.

1. A proposal was received vide reference no. 1 above for use of 0.9885 ha land of Girnar Sanctuary for Construction of Datar Hill Sidi Road by Chairman, Upla Datar Dargah Trust No. E-92 and District Collector, Junagadh.
2. The proposal was placed before the State Board for Wildlife (SBWL) in its 9th meeting held 25/02/2015 on for consultation. The SBWL has approved and recommended the proposal in its meeting vide reference no. 2 above with certain conditions.
3. The proposal was sent to Forest and Environment Department, Government of Gujarat vide reference no. 3 above for onward submission to MoEF&CC, GoI. The said proposal was submitted to MoEF&CC, GoI for consideration of Standing Committee of National Board for Wildlife (NBWL) vide reference no. 4 above. The proposal was discussed in 40<sup>th</sup> meeting of the Standing Committee of NBWL held on 03-01-2017 and the Standing Committee of NBWL recommended the proposal vide reference no. 5 above in its meeting with certain conditions as under:

"After discussions, considering the utility of road in facilitating the connectivity to the devotees, the Standing Committee agreed to recommend the proposal along with the conditions prescribed by State CWLW and SBWL".



4. Hon'ble Supreme Court of India has passed an order dated 05-10-2015 in reference to different I.As in Writ Petition (Civil) 202/95 vide reference no. 6 above. The order of the Hon'ble Supreme Court of India is reproduced as under:

*"All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 13.11.2000, 9.5.2002, 16.12.2002,, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors., reported in (2014) 6 SCC 590.*

*We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.*

*In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.*

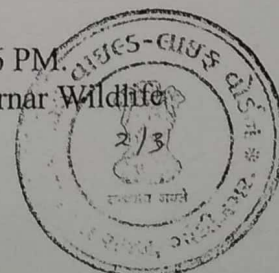
*If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).*

*With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned amicus curiae."*

5. Therefore in view of the references mentioned and explained above, the permission is hereby granted to the The Chairman Upla Datar Dargah Trust No. E-92 and District Collector, Junagadh for use of 0.9885 ha land of Girnar Sanctuary for Construction of Datar Hill Sidi Road (3243 mtr long and 3.048 mtr wide = 0.9985 ha). subject to following conditions:

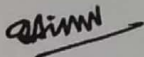
**Conditions:**

1. The User Agency shall not violate any regulatory provisions under Section - 9, 17 A, 27, 29, 30, 31 & 32 of Wildlife (Protection) Act, 1972.
2. The User agency shall not destroy wildlife habitat including fauna and flora of the Girnar Wildlife Sanctuary.
3. Approval under Forest Conversation Act, 1980, if required, shall be obtained separately for use of forest land.
4. The User Agency shall not establish any temporary or permanent labour camp in the Girnar Wildlife Sanctuary.
5. The work in the Sanctuary will be allowed only in the day time from 8 AM to 6 PM.
6. The User Agency or his contractor shall not create any fire places inside the Girnar Wildlife Sanctuary.





7. Any other conditions that may be imposed by the Chief Wildlife Warden / Government and or the Standing Committee of the National Board for Wildlife will be strictly complied with.

  
(G.K. Sinha)  
Chief Wildlife Warden  
Gujarat State, Gandhinagar.

To,

1. The Chief Conservator of Forests,  
Junagadh Circle, Junagadh.
2. The Chairman,  
Upla Datar Dargah trust No. E-92,  
and District Colector,  
Junagadh

**Copy Submitted to:** Additional Director General of Forests (WL), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Baug Rad, Ali Ganj, New Delhi for information.

**Copy Submitted to:** Additional Chief Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar for information.

**Copy to:** Additional Principal Chief Conservator of Forests, Land, Gujarat State Gandhinagar for information and necessary action.

**Copy to:** Deputy Conservator of Forests, Junagadh Division, Junagadh, for information and necessary action.

