

Item No.1

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.210/2024(WZ)

Sunil Ramchandra Shinde & Anr.

.....Applicants

Versus

State of Maharashtra & Ors.

....Respondents

Date of hearing: 25.10.2024

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

Applicant : Mr. Tushar Kumar, Advocate

ORDER

1. The submissions of the learned counsel for applicants are that Matheran, a hill station in Maharashtra, is part of an Eco-Sensitive Zone (ESZ) declared by the Government of India in the year 2003. With its pristine environment, Matheran has faced serious environmental degradation due to the excessive use of horses for tourism and goods transportation. The present application highlights that there are 460 horses and 200 ponies operating daily, which is resulting in over 3 tonnes of horse dung being dumped across the valley, damaging the ecology. This resulted in air, water and land pollution, which, in turn, affects health of the people.

2. The main prayer in this application is to direct respondent Nos.1 to 4 to reduce plying of horses in Matheran ESZ, in order to save the environment of Matheran ESZ from further deterioration and suggest

alternative therefor to provide eco-friendly transportation, such as battery operated vehicles etc.

3. The learned counsel for applicants has further relied on the order dated 13.03.2023 passed by the Principal Bench of this Tribunal in **Original Application No.187/2023 (Shailendra Kumar Yadav vs. State of H.P.)**, in which the Tribunal, in para nos.5 & 6, has observed as follows:-

“5. It is said that as per knowledge of applicant, Kufri was first place in in India to be developed for alpine skiing sport by the Britishers. Country’s first winter sports club was established here. This was because of lush deodar forest around made it possible for the area to have lots of snowfall during winter months starting from late November till end of February. This not only ensured adequate water supply and moisture required for Rees and forest fauna in the area but also continuous recharging of many natural sources of water in the area. However, due to callous attitude of State Authorities, rising number of horses and other local reasons, snowfall in the area is continuously declining for the last two decades. As a consequence thereof, water resources are drying. Shimla town itself remains devoid of any snow for most of the winter season. In order to encourage skiing activities in the area and for augmenting tourism, several steps were taken but this also adversely affected ecological balance in the area. Presently, there are about 700-800 horses functioning in a small area of 8-10 Sq. Kms, in and around the tourist village of Kufri, which is at the edge of reserve forest and catchment. Uncontrolled movement of horses has irreparably damaged flora and fauna of this eco-system. It has damaged food chain in the area. Continuous plying of horses has severely damaged beautiful forest trail and causing further damage to tree roots. The local administration has made available a huge area as parking area for horses in the prohibited area of forest. After the day's plying, the owners of these horses let the horses into the adjoining forests causing severe damage to deodar tree roots along with flora and fauna therein. One can see naked tree roots and drying trees and shrubs with heaps of stinking horse dung all over the area. Forest at a particular patch about one km from Kufri on the ChailKufri Road has been severely damaged by the horse owners by making an illegal

road applying a JCB machine which was in the knowledge of the forest authorities but they have not taken any action in the matter.

6. It is said that continuing degrading situation demands immediate action in the area as the forest and ecology of the area and has been will be severely damaged.”

4. Considering the averments made in the present application, we *prima facie* find that substantial question relating to environment has been raised and therefore, we admit this Original Application.

5. Issue Notice to the respondents, returnable within four weeks.

6. Applicants/Registry are/is directed to take necessary steps for service of notice to the respondents by both ways and also on available email.

7. Applicants are directed to supply the copy of the application and relevant documents to the respondents within a week and after compliance of service of notice, applicants have to submit an affidavit that the notice and copy of the application have been served upon the respondents.

8. Respondents are directed to submit their reply/counter affidavits through e-filing portal of NGT, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, within 6(six) weeks.

9. In view of the submissions made in the present Original Application, we deem it appropriate to constitute a Joint Committee consisting of:

- i. One representative of the Ministry of Environment, Forest & Climate Change (MoEF&CC);

- ii. One representative of the Matheran Hill Station Municipal Council; and
- iii. One representative of the Maharashtra Pollution Control Board (MPCB).

10. The Maharashtra Pollution Control Board shall be the Nodal agency of the said Committee for coordination and logistic support.

11. The aforesaid Joint Committee is directed to visit the site in question; assess the environmental damage caused by movement of horses; and recommend measures for minimizing impact thereof on environment.

12. The Committee will be free to hire services of any expert organization and the cost therefor will be borne by MPCB from EDC funds available with MPCB. The Committee shall submit its report within 6(six) weeks by e-mail ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

13. Applicants/Registry are/is directed to supply a copy of this order along-with the required documents and copy of the present application to the Members of the Joint Committee and the respondents within a week, for compliance.

14. List this matter for further consideration on 23.12.2024

Sheo Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 25, 2024
Original Application No.210/2024(WZ)
P.Kr & NPJ