

Judgment

(T. 17)

**Black Case No. 603/2553****Red Case No. 654/2559****In the monarchy****Central Administrative Court**

Date 17 May 2016

Anti-global warming association	1st	Prosecutor
Mr. Suphaphon Iamthawee	2nd	
Mr. Pornchai Srisoonthornthai	3rd place	
Mrs. Sirinthorn Chan Thong	4th place	
Mrs. Sompis Suthasuwan	5th	
Miss Sumalee Tokthong	At 8	
Mr. Sirichai Puananunanak	At 8	
Miss Wararat Mee Ngern	At 8	
Mr. Apichai Kaewmalang	At 8	
Mr. Viroj De Muenwai	10	
Mr. Boonluee Mee	11th	
Mr. Yanyong Sophon	12th	
Mrs. Phattira Sophon	13th	
Mr. Udomsak Intermediate term	14	
Ms. Supattra Bua-added	15th	
Mr. Sombat Charoen Suklertwithaya,	17	
Miss Pornphan Thongtanongsak	17th	
Ms. Pornnuch Sathapholsawat	17th	

Mrs. Kongkan Phutthasri	20
Mr. Ankun Suthasuwan	21
Mrs. Pian Siri Thep	22
Miss Jiraporn Sophon	23rd
Mrs. Saha Lui Phetsena	24th
Mr. Supatra Onratra	25th
Mr. Atthapol Rodsonia	28th
Miss Ratana Bunsri	28th
Miss Sujintanan Triarat	28th
Mr. Apichai Maikari	28th
Mr. Amornthep Kamolsakkhajorn	30
Miss Kantima Phetkong	31st
Miss Pornnipa Thongthanongsak	32th
Miss Saifon Khamphu	33
Miss Chutarat Buachum	No. 34
Miss Luckana Phiphattharawong	At 35
Miss Pattama Pornpoonmeesap	At 38
Miss Wasana Phromsena	At 38
Ms. Nuengrutai Nak Thonglang,	36th
Miss Nuengruedee Nak Thonglang,	36th
Miss Kanungnij Chueangnoennern	40
Ms. Boonsom Pho Dam	41
Mrs. Orapin Prasitnok	42
Mr. Adirek Chotisuengsing	43
Mr. Thawatchai Na Sengiam	44
Mrs. Charin Sueakhom	45

Miss Nitiya Phrasri	47th
Mr. Purinat Timngl	47th
Mr. Weera Tangchitkasem Suk	47th
Mr. Sister Jatupornpan Khibib	47th
Miss Piyamat, clean skin	50
Mr. Prakhong Buakaew	51
Mrs. Phitharaporn Magic Carpet	52
Mr. Boonsong Sakcharoenkiat	53
Mr. Amporn Leevaweekiat	54th
Mrs. Somjai Ngamsuk	55

Mr. Kittipon Plumpan	59
Miss Laks Meikan Chanthabut	57
Miss Pavinee Leelaweekiat	59
Miss Sumita Santhiya Dam	59
Miss Mukda urged Pradung Thong	At 60
Mrs. Suda Kalita	71st
Mr. Krisada Pholthaweesakun	At 62
Mr. Bubpha Pichitporn	63
Miss Pawarisa Athipok	No. 64
Mrs. Srisangwan Panyapeng	65
Mrs. Wanwimol Melong	At 8
Miss Nonglak Duangchum	At 8
Miss Praphian Charoensuk	At 8
Miss Marisa Natejiboon	At 8
Miss Potala Thong	At 60
Ms. Pornsuda Chaichum	71st
Mrs. Nipaporn Nanta	At 62

Miss Aranat Weeraphongsuchart	63
Mr. Thawee Thongthai	No. 64
Nang Nuch Napatitpakdakul	65
Mrs. Amornphong Wichianroj	At 8
Miss Kamika Kanthongmas	At 8
Mrs. Chosima Wacharakupt	At 8
Mrs. Panida Leeraweekiat	At 8
Mrs. Supen Poonsri	At 60
Miss Suporn Rujirawan	71st
Miss Lamduan Ngob Sungnoen	At 62
Mrs. Arthit Srikaew	63
Miss Chotimaporn Anun Aek	at 64
Mrs. Kham Noi Bunton	65
Miss Panida Phiphattharawong	6
Mr. Krisada Sriwongsa	At 8
Prime Kruk Poonsri	At 8
Mr. Pranom Singto Kaeo	At 8
Nang Natya Thong Non Thai	At 60
Mrs. Sunisa Yuencharoen	71st

Mrs. Kanok Karnyasim	At 62
Mr. Burachat Siangsai	63
Mr. Somphot Thienchai Kerd Sin, 64,	
Miss Usa Sineewthong	65
Nang Nuan Pae Ngao Suk	At 8
Ms. Ratanaporn Onala	At 8
Mrs. Sriprai Boonpeng	At 8
Mrs. Sirilak Infection	At 8

Mrs. Nanthana Kulpruetmetha	100
Miss Narumon Suebsri	101
Ms. Pann Umashachan	102
Mr. Sophon Khun In	103
Mr. Triraphon Pholsawat	No. 104
Miss Waricha Boonchuaysuwan at 105	
Mrs. Sriporn Tang Donprai	108
Mr. Charin Triphachanalert	108
Mr. Bunthol Vechul	108
Miss Orathai Phosrisueng	108
Mrs. Bunsuk Sangkhala	110
Miss Nanthakarn Promphol	111
Miss Yupawadee Sangkala	112
Mr. Somboon Jirachanchai	113
Mr. Jatuporn Intaratpracha	114
Miss Thawanrat Kulom	115
Miss Ratchanee Phimmanee	118
Mrs. Patcharee Chotrakul	118
Miss Kittiya Chai Chiang-em	118
Miss Supatra Supapornpanich	118
Ms. Saroch Dasaraporn	120
Mr. Thaphat Issara Phaiboon	121
Miss Ketsarin Nammontri	At 122
Mr. Olarn Singtakaew	123
Miss Wanthong Rattana Songkhram	124
Miss Kanda Poolsong	At 125
Mr. Phuriphong Petcharat	At 129

Mrs. Pinthira Resawana Sri At 129  
 That Lieutenant Yingwisa Tankhunthod At 129  
 That the second lieutenant Watsana Thongnak at 128  
 Ms. Teeranan Terdee 130

between the

Department of Highways 1st  
 Ministry of Transport The 2nd person being prosecuted

**Subject to** the dispute regarding the violation or other liability of the agency

Administrative means arising from the use of legal authority

One hundred and thirty lawsuits were filed and additional lawsuits were filed. Case 1

And 2nd, get together or approve Allow private companies to carry out the project to increase efficiency

National Highway No. 207 or Thanarat Road Which is the gateway to Khao Yai National Park

Natural world heritage From Highway No. 2 - to Khao Yai National Park

Nong Nam Daeng Sub-district Pak Chong District Nakhon Ratchasima Province, from km 2 + 000.00 to km 10 + 100.00

Distance of 8.00 kilometers, road construction is standard, expressway 4, traffic lane dividing direction

Traffic with a solid double yellow line, 0.10 meters wide. Traffic surface is asphalt concrete (AC).

Drain and electric lighting With the beginning of construction at the connecting point between different levels

Pak Chong West to Khao Yai National Park, budget 9,939,342 baht.

The project has cut the teeth, cut down to destroy the trees and the ground throughout the landscape both inside and outside the route.

Without permission from the Forest Department Causing damage to natural resources and

Biodiversity Environment And roadside ecosystems Which has restricted tree species

Large and small, rare species of 14 species of wood cause severe community impacts.

Originally, the road has a 2-lane roadway (8 meters wide).

Some ranges are 4 traffic lanes (there are 2 ranges in the community area, 1.5 km distance). Each side should be wide.

2.5 meters wide, 30 meters each side

Covered with thick and small trees Some large trees are restricted.

According to the law on forestry If there is a cut, permission must be obtained from the Royal Forest Department first. The survey of the Forest Industry Organization (Por.Or.) found that there are 14 types of wood. Some trees are older. 100 years with a radius of around 50 centimeters from the base of the stem to over 300 centimeters. Is a large flowering plant that is beautiful And flowering beautiful in season Large on both sides of the road, creating a shade for the sun to rain. Villagers, popular travelers, walking cyclist And car users over the period 50 years ago, the loss that occurred was invaluable in the sense of Thai people and loved ones. Environment and also have to lose tree tunnel That used to have trees on both sides of the curve Which has a distance of over 1 kilometer, can attract many investors who see the benefits of Many tourists come to travel. Therefore bought the land of traditional villagers Some of them go to build a hotel, resort, vacation home. In the area around the national park Khao Yai and even though there are many shops, hotels, resorts, but the villagers, entrepreneurs Or tourists are not invading, destroying or cutting trees along both sides of the road Because everyone knows that tree treatment Such plants Attract tourists to travel Come and experience the identity and beauty of the road. Including attracting rare butterflies Live and propagate until it can be observed throughout the two directions Traffic will directly and indirectly affect the ecological system of this world heritage forest. Inescapably From cutting a hundred-year-old tree that branches and has roots that hold water Underground to maintain moisture and provide shade throughout Which even the concerned parties claimed to plant trees The new replacement cannot be compensated because it will grow enough to restore the ecology. Which has been lost, it must take several decades, hundreds of years. There are a lot of vehicles traveling over the number. Inevitably the effects of exhaust pollution and Uncontrollable noise from the car, as well as the expansion of the road will cause more tourists. Too, resulting in the construction of accommodation for tourists Causing garbage pollution Toxic air, loud noise causing the prosecution and the villagers to be directly affected Various activities that will follow, including the opportunity to lose the traditional local community way and When lack of good control will inevitably lead to the entry of investors. Local community

The few remaining are difficult to maintain their lifestyle and resource base. Such roads in the past Prepared in a straight line from the old Mitrapap road before reaching Pak Chong district. With the main objective To accommodate tourists who prefer nature Ecologists and general villagers who travel in Go to experience the smell of nature in Khao Yai National Park. And traveling to play golf In the national park area of the former politicians and civil servants in the past In the government, Mr. Anand Panyarachun is the Prime Minister. Has approved the Cabinet to cancel Golf course in Khao Yai National Park Then improve and let the said area Resurrected into the original forest. Causing Khao Yai National Park to recover Have the same abundance Until finally, the government continued to see that there was abundance

And one of the most biodiversity in the world Therefore made a proposal to the Board of Directors  
 Protection of the UN World Heritage List is registered as a "World Heritage" in nature.  
 The World Heritage Committee announced the Khao Yai-Dong Phaya Yen area as a World Heritage Site on the 15th.  
 July 2006, creating pride for the Thai people Therefore have proposed measures  
 Reduce the impact that "Do not extend the road built before this registration." Project  
 Highway efficiency must be considered as a project that cuts through special areas.  
 Or have some specific characteristics The registration of natural areas in one area  
 As a World Heritage Site, there are conditions and agreements that must be managed appropriately and adequately.  
 Is a management plan And strictly follow the plan As collateral  
 That the world heritage site Will be maintained to be in good condition and suitable forever  
 The area of Khao Yai National Park must be organized. Strict compliance with the law that  
 With the national park And the area around that national park As a buffer line  
 (Buffer Zone) that preserves the park area to not be affected by various activities  
 Of human beings with the project or activity for the extension of Thanarat Road of the case 1  
 And second, there is a high risk that the World Heritage Committee will raise such issues to review  
 The declaration is registered as a World Heritage Site. Therefore, the implementation of projects or activities that cause  
 Severe impact on the community Natural resources and environment Including may affect  
 The World Heritage Site of Khao Yai National Park Whether in the process of requesting approval

The Cabinet for the development, improvement or expansion of such roads must present an analysis report.  
 Environmental Impact Assessment (EIA) to the Office of Natural Resources and Environmental Policy and Planning  
 Ministry of Natural Resources and Environment When such areas are sensitive  
 Natural resources and environment Including various conditions Related to being a heritage area  
 The world and the prosecution must prepare a Health Impact Analysis Report (HIA) as well.  
 Must have a process to listen to the opinions of people and stakeholders Including the organization  
 Independent, consisting of representatives of private and environmental organizations and representatives  
 Higher education institutions that provide education in the environment or natural resources or health  
 First opinion But the 1st case prosecutor dismissed the case 2 and the ministry  
 Natural resources and the environment as a unit that is directly related, not objecting or  
 Recommending warning Therefore problems arise Including the Prime Minister as Chairman of the Board  
 National Environment According to the law on promotion and preservation of environmental quality  
 National Institute, BE 2535 (1992), not inspecting government agencies to prepare impact analysis reports  
 Environment and compliance with the Constitution of the Kingdom of Thailand, Section 7, paragraph two  
 The case 1 and 2, the project or activity is not open to the public  
 And truly stakeholders covering all areas and areas, giving opinions or  
 Mutually beneficial suggestions Therefore is an act that is unconstitutional

In addition, the first case has proceeded with the project or activity first. Which is still not practical  
According to the law on forestry Law on promotion and preservation of environmental quality

National, 1992 and other related laws By the competent official or

Those involved cut down the destruction of various trees. Both small and large, including legal restricted trees

On the forest Along the line and outside of the road to a lot

Without receiving the consent letter Or documents showing permission to cut trees from the Royal Forest Department or

Other competent officials involved in such circumstances are therefore exercising power beyond

The law is considered to be an act of wrongful conduct. Which the prosecutor or the people and people with

The stakeholders, including other relevant government agencies, have tried to object. In order to delay

Review or suspend the project before But the prosecutor dismissed the contractor

Continue to carry out such activities or projects in the following areas Until the public sector Civil society

And other government agencies Have brought the matter to the media Until becoming news

To the whole country and the whole world The first and second cases were therefore investigated.

The prosecution or the public and stakeholders, by taking the media into the survey

Check in the area where the problem occurred. In which the prosecutor has submitted an open letter to the accused directly.

But the two prosecutors ignored And ordered in front of the media to continue the project

By not violating the objections The whole nation's sector began to reflect on the guidelines.

That oppose or oppose such projects or activities more strongly through information media

Online Facebook made the Prime Minister to temporarily suspend the project.

Case 1 and the Ministry of Natural Resources and Environment Bring such problems

Report for settlement at the cabinet meeting on 8 June 2010

But the Cabinet resolution did not bring the demand that was required to terminate or cancel the extension or

Improvement of such roads from km 2 + 0000 - km 10 + 100.00 Distance

8.10 km and then open the forum to listen to the opinions of the people and stakeholders

According to the second paragraph of Article 7 of the Constitution before being revised Restore the condition back to the same

Again, but the Cabinet resolved to cancel the extension or renovation of the said road.

10 to 16 kilometers instead and allow the prosecution to proceed with the project in kilometers

No. 2 + 000.00 - Km 10 + 100.00, the distance of 8.00 kilometers, further without any interest

Protesting against or opposing the prosecution or the people or stakeholders

Some live in the area along the road and nearby, with peace and openness, with a way of life.

As usual, happy according to the picture, along with the family, relatives, some lawsuits

As a tourist Be a conservationist Is a lover of natural resources and the environment

Who have seen and have the opportunity to travel to experience life along Thanarat Road or

In the late 1960s, however, such areas were violated by the order of the two prosecutors.

By undertaking projects and activities that may have a severe impact on the community Natural resources

And the environment Many prosecutors and villagers were affected by constitutional rights and received



The inevitable damage can not be utilized from the shade of wood.

Or tree tunnels along the two sides of the road Therefore filed a lawsuit against the court

Requesting the court to have a judgment or order as follows

1. The first and second cases are not allowed. About expanding or

Update Thanarat Road or late 2060 at the intersection of Highway 2 to the park area.

Khao Yai National Park, World Heritage Site between Km 2 + 000.00 - Km 10 + 100.00 Distance

8.10 kilometers temporarily, before being able to comply with the Constitution of the Kingdom

Section 7, paragraph two, the Promotion and Preservation of Environmental Quality Act BE2541

1992 Section 41 to Section 51

2. The case 1 and 2 shall be improved to restore the damage

That occurred throughout Thanarat Road or late 2060 to return to the same condition as before or

The most original Under the process of public participation under the law

By giving an opportunity to have a process to listen to the opinions of all people and stakeholders

In the first round, under the budget of both cases

3. The respondent 1 and 2 bring some trees that the prosecutor allowed or

Order the contractor or any other government agency Had dug in and brought out of the area to bring

Back to plant in the same area or area Along with bringing the living trees that have both types and types

The same size or similar to the tree that has been cut, cut down and then legally planted

Substitutes on the spot and the same area, ready to take care to grow every tree throughout the boundary of both

Thanarat Road, km 2 to km 10, no less than 10,000 trees by the budget of

Both prosecutors within a period of not more than 8 months

Both prosecutors testified that Highway enhancement project

2060 at the intersection of Highway 2 - towards Khao Yai National Park between

Km. 2 + 000.00 - Km 10 + 100.00 Distance 8.00 km. Original condition Highway

The line has a distance of 23.800 kilometers, starting at 0.000 km.

Nong Nam Daeng, Pak Chong District Nakhon Ratchasima End of km 23.700, Mu Si Sub-district

Pak Chong District Nakhon Ratchasima Is a route that many tourists use to travel

Entering Khao Yai National Park Which is a world heritage site Causing traffic jams, especially during Various festivals. The original condition is a 2-lane traffic standard. The fourth floor is a wide traffic surface 8.00 meters wide, with a shoulder width of 2.50 meters, 30.00 meters wide on each side There are trucks up to 16.41% from 6 wheels, with traffic jams and traffic jams.

๘,26 cars per day, Nakhon Ratchasima province has a book that milk 018.33 / 3572 dated 24 February 2009, requesting courtesy support for the first case to support the budget for Improve the traffic surface of the entrance to Khao Yai National Park. Highway 2060

At the intersection of Highway 2 - towards Khao Yai National Park To accommodate additional traffic More in line with the provincial development strategy for increasing the efficiency of the transportation system And transport to facilitate and secure users Case 1

Considered that Highway No. 2060 at the intersection of Highway No. 2 - Per District Khao Yai National Park, between km 2 + 000.00 - Km 10 + 100.00, distance of 8.00 km.

Is the last major restoration route in 1992. Life is 18 years in the year 2009, with an average traffic volume of 7,018 vehicles per day in accordance with the criteria Consider the implementation and budget allocation of highway efficiency improvement projects. Which is specified As follows: The main highway network and important lines with higher traffic volume 3,000 vehicles per day with frequent accidents, it is necessary to hurry to reduce danger points and increase Public safety Both residents and users There are traffic on trucks ranging from 8 wheels Up to an average of more than 10% or have a number of horizontal and vertical curves Has a long continuous community area Or intersections, many intersections near Causing traffic jams And promote and support The main tourism of the country and increase the potential for area development Which needs to be done New construction along the route But there are some problems Case 1 Has set guidelines for considering the construction model as follows: improvement of existing standards To improve the standard of the original way To increase capacity To support the increasing traffic volume, improve the area with dense community Is an improvement of highways and utilities within the highway area To fix the problem Suffering of people living in community areas or expanding highways to travel conveniently.

Between communities and communities Improvement of various intersections To be consistent and compatible with Main route To increase the capacity to resolve traffic congestion in the area Highway geometry intersection Improve the physical characteristics of the road To increase safety and reduce the risk of using routes Improvement of channels Passing Lane, improve the route during heavy traffic volume to receive Convenience, faster and safer Improve the way for heavy trucks (Climbing Lane) Improve the route during the steep slopes and hills for trucks. Can run to make way for other cars that can use speed easily and safely

Improve the highway to be 4 traffic lanes, economical as an expansion and increase in traffic lanes.  
 Routes that have heavy traffic over the capacity of the old route will  
 Can support effectively To be a four-lane parallel road using the island as a color  
 Divide the traffic direction in the fiscal year BE 2553, the person who filed the lawsuit 1, proposed a request to set  
 The budget for the second defendant appeared in the record at 0932.5 / 1636 dated 17th.  
 March 2009, the second defendant filed a request to set a budget to the Budget Bureau.  
 According to the most urgent record at Kor. 095.22 / 2173 dated 17 March 2009 which later  
 The Cabinet approved the bill for the annual budget.  
 2010, on 2 June 2009 and the House of Representatives approved the draft  
 The said Act on 28 August 2009 in the implementation of construction projects  
 The line Case 1 By the Office of Highway No. 6 (Nakhon Ratchasima)  
 According to the regulations of the Office of the Prime Minister on Electronic Procurement Procedures BE 2549  
 And has conducted a tender according to the parcel regulations by Ratchasima Boraworn (17) Company Limited  
 Is the lowest bidder The first person sued by the Nakhon Ratchasima Provincial Highway 2 has signed  
 In the contract for the project to increase the efficiency of highway No. 2060 at the intersection  
 Royal No. 2 - Continue Khao Yai National Park between km 2 + 000.00 -  
 Km 10 + 100,000 with Ratchasimawornworn Company Limited (17) Limited under the contract No. Nor 15/2553  
 Dated February 22, 2010, credit line 7, 939,342.01 baht  
 By the Highway Office No. 6 and the Nakhon Ratchasima Provincial Road No. 2 held a meeting to participate in receiving

Listen to public opinion on February 16, 2010 at 09.00 - 12.00 hrs.  
 At the Nong Nam Daeng Subdistrict Administration Organization Meeting Room Pak Chong District Nakhon Ratchasima  
 By attendees listening and expressing opinions, consisting of representatives from government agencies  
 Government Sector Relevant governing bodies, media, private entrepreneurs  
 People in the area The meeting agreed with the case No. 1 to proceed with the project.  
 Increase the efficiency of the highway Procedures in relation to trees  
 In the project area The first person sued by the Nakhon Ratchasima Provincial Road No. 2 has a letter  
 Requesting a tree survey By notifying the Director of the Forest Resources Office No. 6  
 According to the letter No. 092.2.2 / 1.1 / 2427 dated October 6, 2009 and notifying  
 Governor of Nakhon Ratchasima, according to the letter No. Kor Kor. 0923.2 / 1.1 / 2452 dated 14  
 October 2009 Mr. Atichat Boonyong, Deputy Director of Nakhon Ratchasima Highway District 2  
 (Engineering Department) joined the tree inspection Along with Mr. Surawut Jaikitsuwan, forest scholar  
 Mr. Rathi Luengthan, Senior Forest Officer Office of Natural Resources  
 And the environment, and Mr. Santi Sakeunphan, the head of Pa Sung Noen Office of Promotion and Development  
 Nakhon Ratchasima economic wood And jointly set a record dated December 24, 2009 which recorded  
 The said case, the first defendant, by the Nakhon Ratchasima Provincial Road No. 2, confirmed the request for a waiver.  
 Not taking advantage of such wood Planting trees in the area Case 1: by the District

Nakhon Ratchasima 2 has a letter requesting courtesy support to grow the area in the area.  
 Highway according to the letter No. 0923.2 / 1.1 / 139, dated 26 January 2010, woodwork  
 By the Forest Industry Organization (MOF), the Royal Forest Department has a letter to the provincial governor  
 Nakhon Ratchasima, according to the book, 1802.2 / 6041, dated 2 April 2010, in the case of  
 Forest Industry Organization requests permission to build timber on the land area of the national highway.  
 No. 2060 which will be constructed to expand the traffic route Nakhon Ratchasima Province, inform the manager  
 Nakhonratchasima Forest Conservation and Development Office to order the staff to start checking  
 Facts with Mr. Worawut Wongkhaem, forestry officer, working in the book  
 At Milk 1300.33 / Wor 1526, dated 3 May 2010, Representatives from Nakhon Ratchasima Provincial Highway 2  
 Bureau of Forestry Resources, 9 (Nakhon Ratchasima) Office of Natural Resources and Environment

Nakhon Ratchasima And the Office of Nakhon Ratchasima Economic Promotion and Development Get together to check  
 And consider that Because the wood that will be removed according to the project is large and very old  
 It is difficult to dig around trees. Less chance of surviving and prolonged use  
 There are limitations on the length of time according to the contract for road construction and budget constraints.  
 Therefore cannot dig around such trees According to the audit record dated 22 May  
 2010, Nakhon Ratchasima Province, has a letter to the Director of Nakhon Ratchasima Provincial Highway 2  
 According to the book, Milk 1300.33 / 10833 dated 2 June 2010, submitting the license documents  
 Ordinary restricted timber, in addition to teak in the woods and teak wood permits in Nakhon Ratchasima province  
 Royal Forest Department and Nakhon Ratchasima Forest Conservation and Development Office Forest Industry Organization  
 (Por Por.) Has coordinated with the request for permission to make wood in the highway area.  
 In order to carry out the wood according to the steps Because the first respondent has recorded the waiver of the woodwork  
 As mentioned above, when the APO cut the tree and dragged it together at the area Km. 17 + 300.00  
 Highway No. 2060 for the competent official to check, seal and calculate  
 Royalty before the Royal Decree on logging out after the mass disputed the construction Case 1  
 Has asked for cooperation with Ratchasima Boraworn Company (18) to limit the contractor to suspend construction before  
 Temporarily Subsequently, the Cabinet passed a resolution on June 9, 2010 that the project implementation  
 Increase Performance Highway No. 2060 (Thanarat Road) at the intersection of the highway  
 Number 2 - Continue to Khao Yai National Park Which has already been implemented, the 2nd defendant  
 Coordinate with the Ministry of Natural Resources and Environment and other related agencies  
 Accelerate the implementation of the landscape and ecological rehabilitation plan, such as planting trees to restore  
 Damaged area And the planting of vetiver grass to prevent soil erosion to be completed  
 As soon as the tree has been cut To be used for the benefit of the government only in the park area  
 National only And the second defendant to terminate the project operation as part of  
 Km 10 + 10000 And the Bureau of the Budget will accept to reduce the budget for the fiscal year  
 2011 prepared to allocate for the project implementation in accordance with the section

Implementation of highway construction and improvement projects and other routes The second defendant  
Coordinate with the Ministry of Natural Resources and Environment and other related agencies

Closely to be able to operate the project appropriately and legally

Relevant regulations and rules The Secretariat of the Cabinet has the most urgent letter.

At the temple, 0509-12604 dated 23 July 2010, informed that the Cabinet resolution on 8

June 2010, in accordance with the opinion of the second defendant that the first defendant

Must be conducted during the period of 2 + 000.00 - Km 10 + 100.00 Continue to complete and accelerate recovery

The next landscape The termination of the project will be terminated during the period following Km 10 + 10000 Go up only

After the project is completed, the highway is completed.

Nakhon Ratchasima II has planted trees for highway restoration on February 16.

2010 after the completion of the public participation meeting Together with the installation

Navigation hazards and traffic signs To facilitate traffic safety

The implementation of the above projects is the construction, restoration, expansion or change of standards.

Highway according to designated highway area (Desirable area) which is the same route that is the highway

The responsibility of the first defendant is that there is no land ownership or land expropriation.

Additional is the operation under the scope of authority, rights and responsibilities.

By law Together with the participation of people and

The comments received from the hearing were considered to be improved in accordance with the standards.

Academic In the area of logging The first defendant has no intention of requesting wood.

In the area and have confirmed the waiver to the Royal Forest Department. The first defendant is not involved.

With woodwork in any way And while the 1st case prosecutor performed the project

The national environment does not have any type of project or business announcement that may affect the community.

Severely in terms of quality, environment, natural resources and health under section 7

Second paragraph of the Constitution of the Kingdom of Thailand And on 23 August 2010

Had the 4th / 2010 meeting (special appointment) by the National Environment Board meeting

There are many types of projects or businesses that may have a severe impact on the community.

11 projects in which the Highway Highway Enhancement Project Do not qualify

Projects or businesses that may have a severe impact on the community as stated above.

Implementation under Section 8 paragraph two of the Constitution of the Kingdom of Thailand.

Implementation of the National Environmental Quality Promotion and Maintenance Act  
 1992 Section 48 stipulating that the highway project that cuts through the national park area  
 Must prepare an environmental impact analysis report In order to propose an opinion on the floor  
 Requesting approval or requesting permission for the project But because of the highway optimization project  
 Highway No. 2060 at the intersection of Highway No. 2 - towards Khao Yai National Park  
 The first case was conducted outside the national park area. In the case that it does not qualify  
 Prepare an environmental impact analysis report in any way. And according to the association regulations  
 Against global warming, BE 2550 (2007) Article 4 Objectives of the Association Article 4.2 ... including  
 Representatives in the prosecution to the court to claim compensation, damages and compensation to  
 People, communities and the public ... But in this case, it does not appear that the first case filed a lawsuit against the court.  
 To claim compensation for damages, compensation to the people, communities and the public  
 Any person and does not have a law to enforce that the 1st person has the power to sue the project.  
 Construction which is a legal status from the annual expenditure budget Prosecution of  
 The first case prosecutor therefore did not meet the objectives of the association. And does not appear from the regulations of  
 The person who filed the first case and the relevant laws, the 1st person who filed the lawsuit filed with various agencies to suspend  
 Project preparation, which is a budget spending according to the Budget Act  
 Annual expenditure Which has a legal status Or have the power to sue the agency or  
 Refrain from doing any act under the authority and duties in violation of Section 42 of  
 Act on Establishment of Administrative Courts and Administrative Procedures, BE 2542 (1999)  
 Therefore has no right to sue this case The No. 1 prosecutor and those who have not suffered damage due to not  
 Having a copy of the area in the dispute As claimed by the prosecution for protection of benefits  
 Public that affects the interests of the community or the public Which claims  
 Done for the whole, which the word community or people as claimed Will interpret that people  
 How much is it considered to be public? What is considered a community? Which acts instead  
 Must be a representation of a community or person according to the registered objectives  
 But did not appear the fact that the case No. 1 Who is authorized? Because as claimed  
 Trees in the path that are cut to the public All of which are the properties of the Thai people

Of 80 million people, if calculated as part of the prosecution with a total of 130 people claiming  
 The operation does not meet the needs of his own. The damage is likely to be only  
 130 in the 60 million people who will decide that the first case prosecutor is entitled to prosecute, so it is  
 Far beyond reason and article 4.4 The objective of the first case prosecutor is that "promote and grow  
 Preserve forests, preserve waterways and watersheds Preserve wild animals To make society aware of the problems and impacts from  
 The deterioration of natural resources and the environment in both urban and rural areas "  
 Which, according to the above statement, shows that According to the objectives of the case No. 1

Have been granted permission to register as a private organization under Section 8 of the Act Promoting and preserving the national environmental quality, 1992, according to the Forestry Act 1944 Section 4 (1) "Forest" means land that has not been acquired by persons

Land Law Section 4 (2) Wood means all teak and other types of wood. But the trees in this case Does not occur in the forest area or in the park area, but is the path of the first defendant who is not a forest.

The first case filed against this case did not meet the objectives. Therefore has no right to sue this case In addition, according to Section 7 Of the National Environmental Quality Promotion and Preservation Act, BE 2535

"To support the participation of people in promoting and maintaining quality Environment for private organizations which are legal entities under Thai law or laws Foreign countries that are directly related to environmental protection or conservation Natural resources And not having political objectives Or aim to profit from Engage in such activities Have the right to apply for registration as a private organization in protection Environment and natural resource conservation But when considering the lawsuit of the prosecutor Agreed that the lawsuit to request the suspension of the road construction project Which is a project According to the law and annual expenditure budget Effective as a legal administration In the preparation of public services and related to political administration Requesting a suspension Project by claiming that it is inappropriate Is related to politics, prosecution Of the 1st case prosecutor therefore is against the right to apply for registration as a private organization for protection Environment and Nature Conservation to the Ministry of Science and Technology The prosecution and those who did not claim that The operation of the project of the prosecutor is absent.

In the scope of the law But it is a claim that both cases are not authorized

The duties of both the prosecutor and the non-expropriated area or proceeding Construction into the forest area in any way The construction of the route according to the authority does not appear facts. That the action is unlawful Therefore there is no reason to cancel or suspend the construction according to the request At the end of the lawsuit is a request that cannot be enforced under Section 82, ie, the person who filed the lawsuit against them asking Both prosecutors suspended the renovation project on Thanarat Road in the late 2060 until Will comply with the Constitution of the Kingdom of Thailand Enhancement and Conservation of Environmental Quality Act, BE 2535 (1992).

The person who filed the lawsuit against them has the right to sue or not. Must consider according to the establishment law Administrative Court and Administrative Procedure, BE 2542 (1999), Section 8, Section 42 and Section 82 Essentially, the case No. 1 does not have a copy of the case in the dispute.

Not the case of community rights to sue government agencies In order to perform the duties under Section 7 paragraph three Of the Constitution of the Kingdom of Thailand And the project is not a business that may affect the community Severely in terms of quality, environment, natural resources and health under section 7

The second paragraph, the side effects of smoke dust is only a short distance. Does not cause any harm For accidents caused by the use of road vehicles, it is a normal accident that can occur for many reasons.

Which are all caused by the negligence of users who do not follow the law, not from  
 The implementation of this dispute project The two prosecutors are not agencies that have conservation functions or  
 Forest preservation according to the Act on Promotion and Preservation of Environmental Quality, BE 2535 (1992)  
 And they cannot claim any reason In this case to sue the two prosecutors The prosecutor with them  
 There is no right to land in the dispute project which is the public domain. Disputed project  
 Arranged in the area of the prosecution 1, the prosecution against them is not the victim (order  
 The Supreme Administrative Court 401/2545) The prosecution against them saw that they had suffered.  
 The damage from the project is therefore predictable and far beyond reason. The prosecutor with them  
 Therefore not those who have suffered or suffered damage, compared to the Supreme Administrative Court's order 3550/2545,  
 826/2545, the case against the prosecution Requesting the court to judge the case 1 and 2  
 Improve the damage of Thanarat road or in the late 2060s, the two prosecutors

Has a policy to plant replacement trees The prosecution claims that Not open to listen  
 The opinions of the people and all stakeholders, all around Both cases  
 Has proceeded under the terms of the said law If the person who filed the lawsuit against them  
 Saw that he was damaged in such cases, it was only a damage in the part  
 Opportunity for participation only And still not considered a victim, which causes this lawsuit  
 Compared with the judgment of the Supreme Administrative Court, 20/2545, both requests for the prosecution  
 Some trees are planted in the same area or the same spot and take care to grow every tree throughout the boundary.  
 On both sides of Thanarat Road, km 2 to km 10, no less than 10,000 trees  
 By the budget of both prosecutors within the period of not more than 8 months, the respondent  
 Both have ideas for planting trees along the path. The first defendant, even without a duty  
 In the treatment plant And conservation, but realized and implemented this concept forever  
 In many areas The implementation of this project does not appear that the first defendant has taken action.  
 Unlawful Requesting the court to enforce a plan to plant a tree  
 Not less than 10,000, with the budget of the prosecutor would be an action that could not  
 Can be done because the budget must be considered by the House of Representatives.  
 In this part, it is an unenforceable request. In addition, trees that are in the area are a burden to be trimmed.  
 In order to prevent the broken branches from falling into the traffic barrier Or being torn down by the wind or the people  
 Because if such problems occur, users will be sued for compensation from  
 The first defendant, who is not responsible for planting or maintaining such trees For the second prosecutor  
 To the prosecutor at 130, claiming that the damage has not been made.  
 How is the damage from the proceedings of both cases? And does not appear to be related  
 Or have any rights in the tree that the first defendant has demolished, moved out of the area because  
 Planting trees, the prosecutor can plant and use the land in his community or  
 In their own land, which is not a road Which the facts from the project photos will see that  
 The community does not give importance to the trees. Because when cutting trees in the exit zone, there will be no



Any tree in the community beside the road The facts do not appear that both cases have been executed.  
Expansion or renovation of the Thanarat Road route or wrongful route 2060 and without cause

Must take any action According to any law Conservation must be carried out along with  
Develop public services But forest conservation Natural resources Must have scope in the area  
For example, to prohibit private individuals that grow economic trees in their land To not cut off their wood  
Can be done and development must not interfere or conflict with conservation The prosecution and those still use  
The highway uses electricity as a result of highway development, which is considered a contributing factor to  
Conserve part The actions of the two defendants did not prevent or destroy.  
Environment in any way And not done in the park area or in the forest area Both cases  
Has implemented the project in law in all respects, not causing damage to  
The prosecutor with them

One hundred thirty prosecutors objected to the testimony that Activity or  
The road optimization project No. 2060 does not follow the legal procedure.  
associated There is a risk of being revoked from being a natural world heritage.  
Which is the first national park in Thailand Announced in the Government Gazette Date  
19 September 1962, an area of 1,355,46.75 rai or 2,198.65 square kilometers  
And later received the nickname as "ASEAN Heritage Park" is recognized as  
Important national parks of the world On July 15, 2006, Khao Yai National Park  
Thap Lan Pang Sida Ta Phraya and Dong Yai Wildlife Sanctuary Has been declared  
Is a "natural world heritage" from UNESCO Under the group name "Dong Phraya Yen - Khao Yai"  
Because Thai people, Thai agencies that love nature and the environment And global organizations  
Agreed that Khao Yai area With abundant nature, consisting of mixed forest  
Dry evergreen forest, moist evergreen forest, hill evergreen forest, pasture and forest or forest Which looks like a forest  
Which is 400 - 1,000 meters above sea level, is a source of plant species and  
Animals that cannot be found elsewhere In the number of plants around 15,000 species found in Thailand  
Can be found in this world heritage site of 2,500 species, with only 17 species of this forest. There are wild animals  
More than 600 species of mammals, 112 species of reptiles Amphibian  
207 species of birds, more than 362 species and 4 hornbills in 8 species found in Thailand  
When UNESCO declared "Dong Phraya Yen - Khao Yai" as a World Heritage Site Have suggestions

The provisions include the establishment of an integrated forest management system The government must support Budget and human resources To fully manage the forest floor Supervise policies and Compliance to support each other Must promote the survey and research The status of the forest and wildlife seriously Must find a way to connect the various forests together By connecting with the conservation forest in Cambodia Have to find a way to solve the road that separates the forest from Together, must study and find measures to connect the forest within the year 2007, proceed Activities that strengthen cooperation from villagers and communities in the conservation of forests to be World Heritage status collateral The protection of Khao Yai Especially conservation Natural resources and environment and genetic resources of the central rainforest Thailand is a legacy to later generations To preserve and preserve the important watershed areas 4 lanes that are necessary for agriculture and use of various communities To promote and Supporting research on nature and the environment, so the excuse of the prosecution in Improvement of surface traffic to Khao Yai National Park to support traffic Increasing, especially during the holidays The public holiday is logical or not. Spent nearly 80 million baht to solve traffic problems that may have problems only a few days per year By ignoring the effects or other adverse effects that occur on the public Especially the destruction of wood Plants, genetic sources of various animals Which does not comply with the Decree Let the area be a national park Because of the natural conditions along the road number 2060 Used to have 2 good traffic conditions Expanding the road into 4 traffic lanes Destroyed the area of the area that is rich in large and small trees that naturally grow And newly planted a lot And many species of plants are prohibited by law. Get permission in accordance with the law And having to manage various plant species Existing But the prosecutor did not follow the relevant legal procedures in any way with Evidence from the summary report of Mr. Vichien Keeratidijjal, environmental expert In the National Environment Board Appointed as Chairman of the Board Investigate facts, actions of the prosecution that have violated or violated the law in the matter How? Which the committee has a clear conclusion that the first defendant has not requested permission

The governor before cutting trees The circumstances and actions of the prosecutor did not provide Importance of conservation and protection of natural resources and the environment under the Act Promoting and preserving the national environmental quality, BE 2535 1944 and additional amendments And regulations for the Office of the Prime Minister on Listening to the opinions of the people, BE 2548 (2005) Trees along the two sides of the road number 2060 are also to ward off responsibility.

Other agencies without legal support. The pretext of refusing to dig around the trees.  
 Both large and small, with a value of 10,000 trees to be nursed to move

In other areas that are appropriate is an unreasonable excuse. While the science of digging  
 The current tree A merchant selling a perennial plant by the way that surrounds a large tree  
 Can be sold Which such circumstances are consistent with the request for money

New budget to buy expensive trees from other places. Planted instead and the actions of  
 The prosecutor who violated the law There is a risk that the World Heritage Site will be withdrawn because it has been  
 Registration for less than 6 years, especially the first case, has an environmental policy.

Public relations via public media that "Recognizing the importance of global warming and  
 Reducing the impact on the environment is to control the prevention and correction measures.

Environmental impact in the construction process Both the matter of dust, noise and traffic surface  
 By taking into account the convenience of the people who use the route primarily And encourage planting  
 Trees in the highway across the country By focusing on planting perennial plants that contribute to sustainability  
 But the implementation of the road extension project No. 2060 caused the Khao Yai National Park to be removed from  
 Being a world heritage And the process of issuing a license to cut wood on the highway  
 2060 is unlawful. It is found that the survey and accounting of trees that have to be cut  
 Destroyed in Nakhon Ratchasima, made up Must proceed according to the regulations of the Royal Forest Department  
 On surveying and logging in open forest areas for land use, 1982

The Governor of Nakhon Ratchasima Avoiding problems by providing natural resources and  
 Nakhon Ratchasima province is considered to be the authorized representative. Is an action that does not like  
 Laws because natural resources and environment in Nakhon Ratchasima province have been confirmed

The Senate Environment Committee said "Tree cutting before permission" process  
 The license was issued after (2 June 2010) after logging  
 Since March 2010, it is considered to be the creation of evidence documents from the  
 Perform the wrongful duty of the competent officer or agency only.

The actual licensing authority is the Department of Forestry. Will find that there are books of the province  
 Nakhon Ratchasima, where milk 0133/2230 dated 3 February 2010, sent to the Royal Forest Department and  
 There was a reply letter from the Forestry Department at TS 1802.2 / 6041 dated 2 April 2010 to  
 Nakhon Ratchasima Province concluded that "Because at present, to solve global warming and the benefits of  
 The Environment Department of the Forest Department sees the need to dig around the trees in such highways.  
 Government "and requesting cooperation in Nakhon Ratchasima, order the relevant officers together with the staff  
 Forest Resources Management Office No. 6 (Nakhon Ratchasima) Coordinates with Nakhon Ratchasima Provincial Highway  
 2nd and the Office of Nakhon Ratchasima Forest Conservation and Development Check the order  
 Such is considered lawful. Because there is the authority to direct the order Commander  
 Must follow only But from the audit record dated 22 May 2010  
 Found an unusual reason why there were no reports or detailed explanations for the inspection of

Forest Resources Management Office 6 and staff of the forestry staff of the office  
 Natural Resources and Environment Nakhon Ratchasima Province There is only a signature certified just to  
 Complete as specified Which is believed to not examine all real trees  
 Appeared in the books of the Nakhon Ratchasima Economic Promotion and Development Office, Organization  
 Forest industry at TS 1413.5.3 / 30, dated 8 March 2009 (correct, 2010)  
 To Mr. Pak Chong district Nakhon Ratchasima Province, subject to the notification of entering the area of wood on both sides  
 Via Highway 2060, which has been cut into trees from March  
 2009 - April 2009 (correct is March 2010 - April 2010) so  
 The recording of the agreement is therefore a false document. Which is the implementation of the guide  
 Prosecution agency Under the duty of ignoring Or perform wrongful duties as well  
 The details of the records showed that the data according to the report appeared only for details.  
 Inspection of representatives of the Nakhon Ratchasima Economic Promotion and Development Office, Organization

Forest industry (Por Por.), Which has the main mission of logging Have the authority to make wood cutting and  
 Nakhon Ratchasima only To give an opinion instead  
 "The surveyed wood is made out of a large size and is already very old. To dig around the trees to grow  
 Difficult and less likely to survive In addition, in the surrounding trees, there is a high cost.  
 Preservation and care before planting is difficult to do.  
 Forest Industry Organization On conflict of interest, BE 2552  
 In many respects, especially Article 5 (7) If it is the reason of the agency  
 That is responsible for the conservation of natural resources and the national environment Which has many  
 Agencies in Nakhon Ratchasima Or in the middle (Forest Resource Management Office 6  
 And forestry officials, experts of the Office of Natural Resources and Environment  
 Nakhon Ratchasima Province) The prosecutor may not object. But in the record, return to the agency that has the main duty  
 In the area of wood processing and stakeholders' organizations to give opinions Creating a log document  
 The inspection of wood in the highway area where the prosecutor used as evidence in the document is false.  
 If it is true, the road extension project number 2060 is said to be a distance of 8.00 km.  
 In which there are trees that other government officials appear in the memorandum dated December 24, 2009  
 Has inspected and prepared specific account types for restricted timber sizes according to the Forestry Act  
 2494, there are 127 trees (excluding other valuable trees, with a total of 10,000 trees). Why?  
 It takes only a few minutes to check. Can summarize the examination results immediately  
 Because if the actual examination is carried out, it may take at least 3 - 8 days, but from the report  
 Such records do not clarify the facts. Due to the excavation of Bon to move  
 Trees can be made with all kinds of trees of all sizes, all types, especially small trees.  
 Medium size is easy to use and takes less time than the large ones. Even the giant banyan tree  
 3 people, hundreds of years old, at Mae Chan District, Chiang Rai Province That is blocking the road expansion  
 Chiang Rai - Mae Sai, the first defendant Can still dig around Bon, move to plant in the Arboretum

Mae Fah Luang on Doi Chang Mub, Chiang Rai Province But the record of the tree inspector by the road 2060, then concluded that "difficult to do" indicates the intention not to conduct an investigation as well. Is clearly showing evidence that is not interested or does not consider the conservation of natural resources

And the environment according to government policies And joined together to commit an offense  
 Conceal the truth that should be informed clearly Such circumstances of the participants  
 Underestimated the serious disciplinary offense and violated the duty  
 Or performing wrongful duties. The government's policy, Prime Minister Abhisit Vejjajiva  
 Where the 2nd defendant Is a participant in the government In which the first defendant As a subordinate  
 Must follow that Announced to the Parliament on 30 December 2008, which the Minister and  
 Government officials under the administration of the administration, central administration, regional  
 And local Must be used as a framework for performing duties strictly Which the policy says  
 "The government will implement policies in various areas. Concurrently with the urgent solution to have  
 Sustainable development, such as ... climate change and global warming ... development  
 Good governance ... "which appears in many details of the policy statement, such as Article 4.3.10  
 Accelerate and solve the environmental impact from the implementation of large-scale projects seriously.  
 Under the process of public participation And adjust the management structure and  
 Supervise the development and service of basic building projects To protect consumers  
 And fair competition. Article 5.2 Protection and restoration of conservation areas that are important  
 Ecosystem for biodiversity conservation by surveying, creating a database system  
 Conserve, develop and utilize biodiversity To create stability  
 In food, energy, health and economic value creation Based on wisdom and culture  
 Localities that share fair benefits and provide protection for  
 Biological safety Article 5.5 Improve the natural resource management mechanism and  
 Environment as well as creating awareness of conservation and utilization By the administrative organization  
 Local community, community, people and related parties In the form of a participatory environmental assembly  
 Manage and arrange the use of strategic EIA systems to be  
 Mechanism for sustainable development Including meeting the Royal Conservation Royal Project  
 Natural resources and environment in every project seriously False and discretionary use  
 Participation in violations of rules and regulations only for the benefit of each other  
 In the above inspection agencies Considered to have intention to commit an offense Including guilt

Relating to violations of government policies And listening to public opinion  
 Does not cover all stakeholders Do not follow the legal procedures and without  
 The evidence confirms that most villagers agree with the project. But the prosecutor used it as an excuse  
 Which is false. The excuse of organizing the opinions of the villagers on 16 February 2010  
 At the Nong Nam Daeng Subdistrict Administration Organization Meeting Room Pak Chong District Nakhon Ratchasima Province  
 Not the process of hearing the correct opinions according to the regulations of the Office of the Prime Minister On listening  
 Public opinion, BE 2546 (2003), the meeting is only "organizing the advertising scene  
 Convincing "or just a ritual to be used as an excuse Because the villagers attending the meeting  
 Has been enlisted, has not been announced or has an invitation letter or sends information documents to study first  
 At least 15 days in advance and the meeting is propaganda. By the speakers of  
 Prosecutor Is an unilateral information There are no negative information or disadvantages.  
 Providing various details In accordance with Article 8 of the Regulations of the Prime Minister's Office  
 Such as reasons for necessity And project objectives The essence of the project Operator  
 Place to proceed Steps and procedures Project output and results  
 The impact that may occur to people living or working in a place to be carried out.  
 Projects and nearby areas And the general public Including preventive measures, corrections or  
 Remedy the suffering or damage that may occur from the said impact.  
 Expenses In the case that the government agency is the operator of the state program itself, specify the source of the money  
 Will also be used to pay. In addition, there is no complete information based on facts such as refusing to  
 Tell the villagers that there must be a large cut of trees by the way to the 128 trees and trees of the size, size, size.  
 Another medium and small that 10,000 trees, including tree tunnels, were destroyed.  
 That when the road is wider The car will run faster. The opportunity for villagers to walk across the road will be at risk from  
 Being hit by a car No chance that Khao Yai National Park will be removed from being a World Heritage Site.  
 To tell the villagers, etc. In addition, the meeting takes less than 3 hours because it is not an arrangement  
 Meeting to listen to the correct opinions according to the legal principles That must provide both positive information  
 Negative. Good results. Potential losses. Including appropriate measures To support the problem  
 May happen Or towards the project And have the opportunity to ask all the details

Clearly showing the list of attendees Is a list that falsifies Without proof of signature  
 Meeting attendance of various individuals and the minutes of the meeting did not record any controversial comments.  
 Importantly, there was no announcement to the public, organizations or agencies that attended the meeting.  
 Within 15 days from the date of completion of public hearing And or preparation  
 Meeting notes And certifying the meeting from the meeting manager that is not correct according to academic principles  
 Not in accordance with Article 12 of the Regulations of the Office of the Prime Minister By listening to the opinions of

The people of the year 2005 therefore do not consider it to be a meeting to listen to public opinion.

According to the spirit of the law As a result of the implementation of the road extension project No. 2060

Unlawful The preparation of false witness evidence Failure to follow the procedures that

The law stipulates causing damage to natural resources and the environment.

Many, including social damage, communities along the two sides of the road

By the resolution of the Cabinet on June 9, 2010 for both cases to coordinate with

Ministry of Natural Resources and Environment And other related agencies Accelerate

Complete the rehabilitation plan for the landscape and ecosystem to be completed quickly. As for the trees that cut their teeth

Already used for the benefit of the government only in the national park area

Office of the Prime Minister at 0509/6559 dated June 14, 2010 to

The second defendant, in addition to the Senate Natural Resources and Environment Committee

Have also been investigating the problems and actions of both cases.

There are 3 important issues in line with the lawsuit of the prosecutor: Issue 1 Project

As mentioned in the first case Have compiled information and facts before completing the project

Whether or not the Commission considers that the first defendant has not compiled information and facts before

Complete the project Especially the conditions for registration as a World Heritage Site, Dong Phrayayen Forest -

Khao Yai, Issue 2: Public opinion has been implemented in accordance with the regulations.

Identification of the Prime Minister Regarding the public hearing of the year 2005 or not

Is there information and facts about cutting teeth, felling trees? The Commission considers that

From the fact that there is still an argument that The process of hearing opinions from the public also

Not covering the whole group of people in the area And facts that inform the public ...

Issue 3 The process of issuing permits for logging in the area of the national highway

Do the Forest Industry Organization 2060 like the law? The Commission considers that

There is still a conflict between Nakhon Ratchasima and the Royal Forest Department that licensing

Such wood is the authority of any agency ... In case of requesting to check the additional project

Efficiency Road No. 207 or Thanarat Road And the consequences of the project

As mentioned in the Senate Natural Resources and Environment Commission's resolution

The Cabinet and the conclusions and opinions of the Natural Resources and

Senate Environment It clearly indicates that the prosecutor has carried out the said project.

With many unlawful acts, the prosecution as a private organization for protection

Environment and conservation of natural resources that are legal entities with the objectives in line with

The dispute of the case under the Civil and Commercial Code And is also certified

To be a private sector in environmental protection and natural resource conservation under Section 7

Of the Enhancement and Conservation of Environmental Quality Act, BE 2535 (1992) has authority

That appear in accordance with the objectives of the organization under Section 7 and Section 8 of the above laws, including

The person who filed the case 2 to 130 is a Thai citizen of Thai nationality. Living in the area and in the province Disputed and nearby Shall have the right to conserve or restore tradition local knowledge

Fine arts and culture of local and national And participate in management Maintenance and Utilization of natural resources and the environment Including variety

Balanced and sustainable biological Including having the right to participate with the state and community

In conservation, maintenance and utilization of natural resources and biodiversity And in the protection, promotion and preservation of environmental quality

In order to live normally and continuously in an environment that will not cause harm To health, welfare, or quality of life Will be protected

Appropriate According to the Constitution of the Kingdom of Thailand BE 2550 (2007)

The Administrative Court is therefore the right of the prosecutor to be able to do so.

The norms for society, with judgments according to the request of the prosecutor

Both prosecutors added that As the prosecutor claimed that the operation Activities or projects to increase efficiency, road number 2060 is an operation That does not comply with the relevant legal procedures Bring the risk of being withdrawn from Being a natural world heritage of Thailand Improvement of traffic surface to park Khao Yai National This is to support the increased traffic, not just holidays and public holidays. Received a complaint One day traffic jams create trouble for the people. And may cause a lot of damage and the project implementation is Implementation of legal procedures Use the budget of the land Which is considered The House of Representatives has a legal status through the recruitment process according to regulations. Identification of the Prime Minister Regarding the parcel, BE 2535, the extension of the original road In the land area of the first defendant who was expropriated and not in the conservation forest area Did not cut a new route and did not cause any environmental impact. The prosecutor claimed that The first defendant was not allowed to cut trees before extending the road. According to the regulations of the Department of Forestry The first case prosecutor has proceeded with the process of The law said that the Royal Forest Department had a letter No. SorTor. 1802.2 / 6041 dated 2 April. 2010 informed the Governor of Nakhon Ratchasima Province In the case of the Forest Industry Organization Requesting permission to make wood at the land area of Highway No. 2060 which will be constructed, expanding the route Nakhon Ratchasima Province Traffic Notification Manager, Nakhon Ratchasima Forest Conservation and Development Office To order the staff to investigate the facts with Mr. Worawut Wong, the governor of the forest officials To work in accordance with the milk book, 1300.33 / Wor 1526 dated 3 May 2010, representatives from Nakhon Ratchasima Highway District 2, Forest Resource Management Office, No. 7 (Nakhon Ratchasima) Office Natural Resources and Environment, Nakhon Ratchasima Province, and the Bureau of Wood Promotion and Development Nakhon Ratchasima economy, jointly inspected and considered Because the wood that will be made according to



The project is large and very old. It is difficult to dig around the trees.

There are budget constraints. Therefore unable to encircle the trees

Examination dated 22 May 2010 in Nakhon Ratchasima province has a letter to

Director of Nakhon Ratchasima Highway District 2, according to the book, Milk 1300.33 / 10833 dated

June 2, 2010 Submit a document to prohibit ordinary timber logging in addition to teak in the forest and

License to make teak in the forest Which Nakhon Ratchasima, Department of Forestry and Conservation and Development Office

Nakhon Ratchasima Forest Park The Forest Industry Organization (MOF) has coordinated with

Application for permission to make wood at the highway area In order to carry out the wood process according to the procedure due to

The first respondent has recorded the waiver of the right to make such wood, which, when the Royal Forest Department cut the tree

Dragged together at the area of 18 + 300, Highway No. 2060 to allow

The competent official inspected the seal to calculate the royalty before the officer made the wood out.

From the said action, it can be seen that the respondent informed the Governor of Nakhon Ratchasima.

Know every step And being allowed to prohibit timber

Of the first case that has been expropriated for a long time

By the prosecution, often claiming to have environmental problems But in another aspect, expanding the road

Often affecting the well-being of people in the area, ie when the expropriation has been left for a long time

Those areas are often compromised by the influential people in the area.

By entering the building intrusion Planting plants, cutting trees in the area of use as shops

Accommodation or raising animals When road expansion is often resisted because it will cause

Those who take possession of the invasion must lose their benefits. Therefore relying on an excuse for the environment to sue this case

As the prosecution claimed Listening to the opinions of the people did not follow the regulations.

Identification of the Prime Minister Regarding the public hearing of the year 2005, there is no

Provide information and facts about the cutting of the tree according to the said regulations. There is no requirement that

What is the process of receiving opinions and information? And the prosecutor

Does not show that the hearing of the prosecutor is against the law or

What are the disagreements with the promotion and

Maintain the national environmental quality, BE 2535, Section 47, which requires the project

The highway that cuts through the national park area must prepare an environmental impact analysis report.

To propose an opinion on the request for approval or project approval But due to the additional project

National Highway Performance No. 2060 has been carried out outside the park area.

Therefore, the National Environment Board is not required to prepare an environmental impact analysis report Case 1

Not the person who suffered or damaged Which has no law for the prosecution I Have authority  
 In suing government agencies without being damaged or not being a victim  
 According to Section 42 of the Act on Establishment of Administrative Courts and Administrative Procedures, BE 2542  
 Or there is any law excepting or giving power And not subject to such provisions and  
 Regulations and objectives of the case No. 1, which has no obligation to sue the state for others  
 Which according to Article 4.4, the objectives of the first case prosecutor are that "promote the planting and preservation of forests  
 Maintain the watershed and basin Preserve wild animals To make society aware of the problems and impacts from the condition  
 Degradation of natural resources, both urban and rural environment "shows that  
 According to the objectives of the case No. 1 being allowed to be registered as a private organization  
 According to Section 9 of the National Environmental Quality Promotion and Preservation Act  
 1992 aims to promote forest planting and preservation Which according to the Forestry Act  
 1944 Section 4 (1) "Forest" means land that has not been acquired by law.  
 Land Section 4 (2) Wood means teak and all other types of wood. But the trees in this case did not occur.  
 In the forest area or in the park area But is the area of the case that is the first case that is not wild.  
 Filed this lawsuit Therefore did not meet the objectives Therefore has no right to sue this case Creating a way of authority  
 Does not appear that the action is unlawful Or causing any prosecution to receive  
 And there is no evidence that both the prosecutors have received benefits or have interests  
 In any tree And has finished Therefore there is no reason to do anything as  
 The person who filed the lawsuit against the claimant Is said for reasons that are unlawful and without rights  
 Can be used as a case for prosecution In which the restoration of the project environment Prosecutor  
 Has followed the guidelines as already provided The prosecutor is a government agency.  
 Work for the country according to the scope of authority and duties And carry out the project  
 As stated by law

The court settled the case on 12 March 2016 by listening to  
 Summary of the facts of the owner's judiciary And a statement by verbal annotation  
 Of the judiciary who announced the case dated 12 February 2016

The court examined all documents in the case of laws, regulations and regulations.  
 Related regulations, etc.

Facts can be heard that on 24 February 2009, Nakhon Ratchasima province  
 There is a milk book. 0017/3562 Request a budget from the first defendant to improve the skin.

The road is 4 traffic lanes (originally there are 2 traffic lanes), Highway No. 2060 to accommodate

Increased traffic volume Subsequently, the 1st case judge considered that Highway 2060 Highway No. 2 - Continue to Khao Yai National Park between km 2 + 000.00 - Km 10 + 100.00, distance of 8.00 km, with the last major restoration last year 1992, 16 years of service life and in 2009, the average traffic is 7,016 vehicles per day. Is the route to the tourist attraction In the fiscal year of 2010, the project Increase efficiency in such routes To accommodate increased traffic volume and to be Help reduce accidents The first respondent has the most urgent records at Kor. 632.5 / 173 dated March 18, 2009, proposing to set a budget to the respondent 2, the 2nd defendant There is the most urgent record at Kor. 095.22 / 2173 dated 17 March 2009, sending the matter to The Bureau of the Budget and the Cabinet approved the Budget Act. Annual expenditure 2010 on June 2, 2009, later the House of Representatives gave Approved the 2010 Budget Expenditure Bill on August 28 2009, who was sued for the case 1 by the Highway Bureau 6, conducted a tender by means of Electronically The 1st person who sued the case approved the preliminary bid results on September 28, 2009 and the second defendant being considered to approve the price on 20 January 2010 Subsequently, the Nakornratchasima Highway No. 2 has a book at 092.22 / 1.1 / Wor 16 dated January 28, 2010, invite all sectors in the local area, including the government Private sector and public sector Attended the meeting to share opinions on February 16, 2010 at the meeting room Nong Nam Daeng Subdistrict Administrative Organization Pak Chong District Nakhon Ratchasima There are participants Listening and expressing opinions, consisting of representatives from government agencies Government Sector Relevant governing bodies, media, private entrepreneurs People in the area

The meeting agreed that the first case prosecutor would implement the highway optimization program. The said case, the first defendant, by the Nakhon Ratchasima Provincial Road No. 2, signed an employment contract. Contracting the Highway Efficiency Improvement Project with Ratchasima Wattanaworn Company Limited (17) to limit the contractor According to the contract No. Nor Sor 15/2553 dated 22 February 2010, credit line 9,939,342.01 baht Procedures in relation to trees in the construction area Case 1: by the district The Nakhon Ratchasima route 2 has a book at Kor. 0923.2 / 1 - 1/2427, dated 8 October. 2009 Notified to the Director of the Forest Resources Office No. 6 to ask to survey trees and have books At Kor. 0923.2 / 1.1 / 2452 dated 14 October 2009, informed to the provincial governor Nakhon Ratchasima and Mr. Atichart Boonyong, Deputy Director of Nakhon Ratchasima Highway District 2 (Engineering Department) participated in the examination of trees along with Mr. Surawut Jaikitsuwan, forest scholar. Mr. Rathi Luengthan, Senior Forest Officer Office of Natural Resources and Environment and Mr. Santi Sakeunphan, Head of Pa Sung Noen Bureau of Wood Promotion and Development Nakhon Ratchasima economy And jointly set a record dated December 24, 2009 that The first person sued by the Nakornratchasima Provincial Office 2 confirms the request for a waiver.

From such wood And while the first defendant Construction of the project to increase efficiency  
 Highway No. 2060 The National Environment Board has not yet announced the category.  
 Projects or businesses that may have a severe impact on the community both in terms of environmental quality  
 Natural resources and health according to Section 8, paragraph two of the Constitution of the Kingdom of Thailand  
 And on 23 August 2010, there was a meeting 4/2010 (special appointment)  
 By the meeting of the National Environment Board has announced the type of project or business  
 Which may have a severe impact on the community in the amount of 11 projects in which the enhancement project  
 Such highways do not qualify for projects or businesses that may affect  
 Severe communities, as announced above, therefore can be considered as an enhancement project  
 Such highways do not qualify for the implementation of Section 7 paragraph two.  
 Of the Constitution of the Kingdom of Thailand For planting trees in the area Case 1  
 By the Nakhon Ratchasima Provincial Road No. 2, there is a book at 092.22 / 1.1 / 139 dated  
 26 January 2010, requesting a courtesy of 2,000 trees to the head of the cultivation center

Nakhon Ratchasima seedlings to be planted in the area of the highway For permission  
 Making wood in the area of Highway No. 2060, Nakhon Ratchasima Province has a book  
 At Milk 1300.33 / 2230 dated 3 February 2010 to the Royal Forest Department that Nakhon Ratchasima Province  
 By the Nakhon Ratchasima Provincial Road No. 2 request to waive the rights not to make use of the wood and give  
 Forest Industry Organization (By the Nakhon Ratchasima Forest Conservation and Development Office  
 Pa Sung Noen Garden Work Therefore requesting permission from the Forest Industry Organization  
 Make wood in the highway in the meantime Nakhonratchasima Economic Promotion and Development Office  
 Por.Por. Has a book, Thor.04113.33 / 30, dated 8 March 2010, to Mr. Amphur Pakchong  
 Nakhon Ratchasima Notification of logging area on the side of Highway No. 2060  
 Which will be conducted between March - April 2010 and later the Forest Department has a book  
 At TS 1802.2 / 6041, dated 2 April 2010, informing the Governor of Nakhon Ratchasima that  
 According to the Royal Forest Department regulations On surveying and logging in open forest lands  
 For the benefit of 2525, Nakhon Ratchasima Province can consider the permission  
 According to the regulations of the Royal Forest Department But to solve global warming and benefits  
 Environmental Saw that the trees should be dug in the area of the highway to be planted in government  
 Therefore, requesting cooperation to send relevant officers together with the resource management staff  
 Forest No. 6 (Nakhon Ratchasima) Coordinate with Nakhon Ratchasima Highway No. 2 (Department of Highways)  
 And the Office of the Conservation and Development of Nakhon Ratchasima Forest Park. Check that they can dig around the trees.  
 And whether or not, and report the result as well Nakhon Ratchasima has a book  
 At Milk 1300.33 / 1152 dated 3 May 2010, inform the Manager of the Conservation Office and  
 Development of Nakhon Ratchasima Forest Park to send staff to check with the provincial authorities, namely  
 Mr. Worawut Wongkhuai, forestry officer Staff from Nakhon Ratchasima Highway District

2, Forest Resource Management Office at 6 (Nakhon Ratchasima), Office of Natural Resources  
And the environment Nakhonratchasima Economic Promotion and Development Office together

Inspecting the wood in the highway area to be issued on 22 May 2010 and recording

That same day By the staff of the Nakhon Ratchasima Economic Promotion and Development Office

The surveyed wood is made out of a large size and is already very old. Digging around the trees to grow

Difficult to do and less chance of surviving In addition, the cost of the Bon Tree is high.

Storage and care before planting is difficult to do. Staff

Nakhon Ratchasima District Office considers that there is a limitation on the duration of the road construction contract.

And no budget for this Therefore unable to bond the trees that can be made out Staff

The examiners have jointly considered that because the wood that is made is large and very old.

It is difficult to dig around the trees. Less chance of surviving And takes a long time

In addition, there is a limitation on the duration of the road construction contract and the restriction.

On the budget, he could not continue to dig around the trees.

Have a milk book, 13003/1030, dated 2 June 2010, informing the results of the examination

To the Royal Forest Department And also informed that the license was issued to the organization.

Forestry industry in the said highway area According to the regulations of the Department of Forestry on the 2nd day

June 2010 and informed the relevant authorities to coordinate

As well as inspecting and controlling the permission to comply with relevant laws

Strictly Subsequently, the Cabinet convened on 8 June 2010 to consider

The dispute against the project Which has resolved that the implementation of the efficiency enhancement project

Highway No. 2060 (Thanarat Road) at the intersection of Highway 2 - Per District

Khao Yai National Park Which has already been implemented, the two defendants coordinated with the Ministry

Natural resources and the environment and other relevant agencies accelerate the preparation of the plan.

Restore damaged areas Planting vetiver grass to prevent soil erosion quickly

The trees that have already been cut will be used for the benefit of the government only in the national park area.

Only the two prosecutors terminate the project in the section 10 + 100.00

To the Ministry of Natural Resources and Environment to conduct studies and determine measures

Environmental protection to determine the area around Khao Yai National Park and conservation forest

Nearby is an environmental protection area under Section 45 of the Promotion and Promotion Act.

Maintain the environmental quality, BE 2535 (1992) for the Ministry of Natural Resources.

Details about the methods and timing of environmental impact studies

To complete and present to the Cabinet as soon as possible for relevant agencies to comply

Correctly In terms of the construction and improvement of highways and  
 Other ways in the future for the second defendant to coordinate with the Ministry of Natural Resources and  
 Closely related agencies In order to be able to operate the project appropriately and correctly  
 In accordance with the legal regulations, the first person who has been sued by the Nakhon Ratchasima Provincial Road No. 2 has a book.  
 At 0912.23 / 1.3 / 1200 dated 21 June 2010, requesting cooperation from the company  
 Ratchasima Boraworn (16) temporarily suspend construction work And on the 23rd  
 August 2010, the 4th National Environment Board Meeting 2010  
 (Special appointment) has announced the type of project or business that may affect the community.  
 In severe cases, 11 projects in which the highway optimization project does not qualify  
 In accordance with the above announcement, which must be conducted in accordance with Section 8, paragraph 2 of the Constitution of  
 The Kingdom of Thailand Nakhonratchasima Company (18) Company Limited The contractor has undertaken the project.  
 Delivered the work on November 28, 2010 and the Audit Committee  
 Inspected the work on November 29, 2010 and the Nakhon Ratchasima Highway No. 2  
 Has planted a tree to restore the way Ready to install the rails, the main hazard, navigation, traffic signs and  
 Traffic opened

The case has 2 issues to be diagnosed as follows.

Issue 1: One hundred and thirty prosecutors are those who have suffered.

Damaged to have the right to sue this case to the court or not?

Considered that The person who filed the first case is a private organization for protection.

Environment and natural resource conservation Registered as a juristic person under the Code  
 Civil and commercial and has been registered as a private environmental protection organization  
 And conservation of natural resources from the Ministry of Natural Resources and Environment  
 According to Section 9 of the National Environmental Quality Promotion and Preservation Act  
 1992, who filed the case 2 to 130, partly as villagers living in the area  
 The project Another part is tourists Conservative When the two prosecutors  
 Implementing the Highway Efficiency Improvement Project, No. 2060, from km 2 + 000.00

To km 10 + 100.00 Resulting in the cutting of various sizes of trees On both sides of the road  
 Violation of the objectives of the prosecution's activities, which is considered as the first case  
 Was the person who suffered damage from the actions of both the prosecutors As for the second prosecutor  
 Until 130, some of which are residents in areas with disputed projects and some

As a tourist Natural Resources and Environmental Conservationists Who have seen and Experience living in such areas. Therefore considered a person who suffered damage from the action Of both cases as well And the correction of such damages

There is a request for the court to have a verdict or a ban on both cases.

In accordance with the lawsuit until they have complied with the relevant laws and to restore the damage Which occurred which was the request that the court imposed One hundred thirty cases

Therefore having the right to sue In accordance with Section 42 paragraph one, consisting of Section 82 paragraph one (1) Of the Act on Establishment of Administrative Courts and Administrative Procedures, BE 2542 (1999)

Both prosecutors claimed that one hundred and ten prosecutors were not injured.

To have the right to sue this case to the court, therefore, may not be able to listen in the case that both the prosecutors argue that The 1st case prosecutor has no power to sue because the request to sue for the suspension of the construction project Does not meet the objectives. Article 4.2 that ... including being a representative in the prosecution to the court.

To claim compensation, damages, compensation to the people, communities and Public and Article 4.4 that promotes the cultivation and preservation of forests ... preserving wildlife as Registered as a private organization under Section 7 of the Promotion and Promotion Act Maintain the national environmental quality. 1992 because "forest" under section 4 (1) of The Forest Act, BE 2474, means that the land that has not been acquired

According to the land law and Section 4 (2), wood means teak and all other types of wood But the trees in this case Does not occur in the forest area or in the park area but is the area of the Department of Highways that sees

The objectives of the 1st case prosecutor are many and one of them is the activity.

Public benefit of the people in accordance with the regulations of the case prosecutor No. 1, Article 4..6 The prosecution In order to suspend the disputed project, where the first case claimed that the tree was destroyed

Natural resources and the environment Can be seen as a public interest activity

According to the objectives of Article 4. And the objectives of the case No. 1 with the intention of The Forest Act, BE 2474 (AD 1941) is different, so the term "forest" in the objectives Article 4.4 of the first case prosecutor as mentioned above Therefore do not need to have the same scope as The word of the forest under Section 4 (1) of the Forest Act, BE 2484,

General meaning Does not have a specific definition according to the definition in Section 4 (1) Of the Forest Act, BE 2484, as the two prosecutors claimed were not arguments

Therefore cannot listen As for the issues that both the prosecutors saw that The word community or Citizens according to the first lawsuit claiming that how many people are considered to be public

By bringing the amount of 130 cases to be compared with the total number of 60 million people in the country Considers that it should be considered by those who are closely related to benefiting from those things Should be enough Otherwise, all cases must be compared to the whole country.

Therefore cannot listen As for the argument that The dispute project is a project.

According to the law of expenditure budget that is a public service and related

With political administration The filing of the request to suspend the project claims that it is inappropriate Therefore relates to politics contrary to Section 6 of the Promotion and Preservation of Quality Act The National Environment Act BE 2535 (1992) saw that the prosecutor did not have a request. To suspend the project but want to comply with relevant laws first Which if not like With the law, the court has the power to decide to suspend the project. Without suspension Law enforcement regarding the annual expenditure budget in relation to the project As mentioned above, which has been approved by the House of Representatives, whichever the claims As such, the two prosecutors cannot listen as well.

Issue 2 The two parties have jointly approved / authorized

For private companies to implement the highway highway enhancement program, number 2060 Or Thanarat Road From Highway No. 2 - to Khao Yai National Park Nong Nam Daeng Sub-district Pak Chong District Nakhon Ratchasima Province, from km 2 + 000.00 to Km. 10 + 100.00. Distance of 8.10 km. Is it legal?

The person who filed the lawsuit said The prosecution proceeded with the disputed project. Section 7, paragraph two of the Constitution of the Kingdom of Thailand Without reporting Environmental Impact Assessment (EIA) and Impact Analysis Report For health (HIA) and the process of hearing the opinions of people and stakeholders Inaccurate in accordance with the regulations of the Office of the Prime Minister on listening to comments Citizens, BE 2548 (2004). In addition, cutting trees is not allowed by the Forestry Department Before destroying trees and the ground on both sides Which affects Natural resources and the environment in the area and may have an impact on Registered as a natural world heritage site of Khao Yai National Park, Dong Phrayayen

Considered that Section 7, second paragraph of the Constitution of the Kingdom of Thailand Stipulating that the implementation of projects or activities that may cause severe impacts to the community Both in environmental quality Natural resources And health will not be made unless Study and assess the impact on the quality of the environment and health of people in the community. And provide a process to listen to the opinions of the people and stakeholders first, including Have given the independent organization Which consists of representatives of private and environmental organizations And representatives of higher education institutions that manage environmental education or natural resources Or health Give an opinion before having such action. And the Act Promote and maintain the national environmental quality, BE 2535, Section 48, paragraph one Provided that for the benefit of promoting and maintaining environmental quality to the Minister With the approval of the National Environment Board Have the power to publish in the Government Gazette Determine the type and size of the project or business of government agencies, state enterprises



Or private entities that have environmental impacts which must prepare an impact analysis report Environment for proposing approval under Section 47, Section 48, Section 47 and

The second paragraph stipulates that in the declaration under paragraph one To determine the rules, procedures and rule Guidelines for preparing environmental impact analysis reports as well as

Relevant documents which must be presented together with the environmental impact analysis report

For each project or business And each size too And the Ministry announcement  
 Natural resources and the environment. Determining the type or size of a project or business.  
 Which must prepare an environmental impact analysis report and rules and regulations  
 Practice and guidelines for the preparation of the Environmental Impact Assessment Report BE 2552  
 Dated June 16, 2009, Article 3 stipulates that the type and size of the project or  
 Business which must prepare an environmental impact analysis report and criteria for methods  
 rule To be in accordance with the document at the end of announcement 1, shall be prepared as an impact report  
 Preliminary environment Propose in the process of requesting approval or requesting the project by following the documents  
 End of Declaration No. 20. Determine whether the highway or road Which has the meaning according to the law that  
 With highways that cut through the following areas: 20.1 Wildlife Conservation Area and  
 Hunting area under the law on wildlife conservation and protection 20.2 Areas  
 National Parks under the National Park Law ..... 20.6 Areas in or near the area  
 Water is an important international water. Or World Heritage Sites that account for World Heritage Sites  
 According to international conventions in a distance of 2 kilometers, when the facts show that the highway  
 No. 207 or Thanarat Road at the intersection of Highway No. 2 and Per District  
 Khao Yai National Park, 23.800 km distance, starting point at 0.00 km.  
 Nong Nam Daeng, Pak Chong District Nakhon Ratchasima End of km 23.700, Subdistrict  
 Mu Si, Pak Chong District Nakhon Ratchasima Used as a route to travel into the national park  
 Khao Yai, which has been registered as a World Heritage Site in July 2006, has implemented  
 In the period between km 2 + 000.00 to km 10 + 000, the distance of 8.00 km which is at the beginning of the road  
 Therefore, it is clear that it is not in the area of Khao Yai National Park, so it does not qualify  
 That must prepare an Environmental Impact Assessment (EIA) report under Section 47  
 National Environmental Quality Promotion and Preservation Act 1992, in any way

The issues that need to be considered next are the disputed projects which are projects that may cause  
 Severe community impacts both in quality, environment, natural resources and  
 Health under section 8, paragraph 2 of the Constitution of the Kingdom of Thailand or not.  
 The facts show that Nakhon Ratchasima province has a letter dated 24 February 2009

Requesting courtesy of the 1st defendant to support the budget for improving the traffic surface Entrance to Khao Yai National Park Highway No. 2060 at the intersection of Highway 2 To the Khao Yai National Park area The first respondent considered and agreed to support Therefore, having a letter dated March 16, 2009, proposing a request to set a budget to the respondent 2 And the second defendant filed a request to set a budget to the Bureau of the Budget according to the letter dated 16 March 2009 and the Cabinet approved the annual budget expenditure bill. Budget 2010, on June 2, 2009, with a dispute project included And the House of Representatives approved the bill on August 28 In 2009, during this period, the National Environment Board has not yet announced the type. Projects or businesses that may have a severe impact on the community both in terms of environmental quality Natural resources and health according to Section 8, paragraph 2 of the Constitution of the Kingdom Thailand and on 23 August 2010 at the National Environment Board meeting No. 4/2553 (special appointment) has announced the type of project or business that may have an impact To the community severely, a total of 11 projects in which the Highway Efficiency Improvement Program Such lines do not qualify for the project or business as announced above. Therefore do not have to study And assess the impact on the quality of the environment and public health in the community (EIA and HIA) as well as not having to have a process to listen to the opinions of people and stakeholders In any way

However, even though the Highway Efficiency Improvement Program, No. 2060 Will not enter into projects or activities that may cause severe impacts to the community Both in environmental quality Natural resources and health that must be followed As mentioned in Section 8, paragraph 2 of the Constitution of the Kingdom of Thailand The dispute project is a government project under the meaning of Article 4 of the Regulations of the Office of the Prime Minister. Regarding the public hearing of the year 2005, issued under section 11 (8) Of the Public Administration Administration Act, BE 2534 (1991) This case is as follows: Article 5, paragraph one, before the implementation of the government project State agency that is

The person responsible for the project must provide information in accordance with Article 7 for the public to know and to receive. Listen to the opinions of the people in one or several ways, in accordance with Article 9, as well. Article 9 Information about government projects that state agencies must publish to the public at least

Contains the following information: (1) Reason for necessity And project objectives  
 (2) the essence of the project (3) the operator (4) the place to proceed (5) the procedure and  
 (6) the output and results of the project (7) the potential impact to  
 Residents or occupations are in the place where the project will be run and nearby areas.  
 And the general public Including preventive measures Or heal the trouble or  
 Damage that may occur from such effects (8) ... second paragraph To government agencies  
 Announcement of information that must be published to the public under the first paragraph in the information network system  
 Provided by the Office of the Permanent Secretary for the Office of the Prime Minister in accordance with this Regulation with Article 9, paragraph c  
 In listening to public opinion Government agencies must aim for the public to understand.  
 Correct about government projects And collect public opinion on the project  
 That includes both the suffering or the damage that may occur to the people with Article 7  
 Listening to public opinion in accordance with Article 9 may use one or more methods.  
 As follows: (1) Survey of opinions Which may be done by the following methods ... (2) Meeting  
 Consultations which may be made by the following methods: (a) public hearing (b) discussion  
 Public (c) Information exchange (d) Workshop (e) Meeting  
 The representative level of the group of persons involved or having interests. Article 12 When conducting a hearing  
 Public opinion The state agency shall prepare a summary of opinions.  
 Of the people and declared to the public within fifteen days from the date of completion  
 Listening to public opinion The prosecution claimed that Listening to people's thoughts  
 Does not follow the legal procedures Does not cover all the interests that have interests and no  
 The evidence confirms that most villagers agree with the project. Not announced  
 Not less than fifteen days Is an unilateral information No recording and certification of the meeting  
 Inform the meeting participants within 15 days from the date of the completion of hearing the opinions of  
 People, facts appear that The first defendant requested to set up a dispute budget project to

The 2nd person who filed a lawsuit according to the text recorded by Kor. 0932.5 / 1636 dated 17 March 2009  
 And the second defendant filed a request to set a budget to the Bureau of Budget according to the most urgent letter.  
 At Kor. 07602/2183 dated 17 March 2009, without appearing that the two prosecutors were  
 Disseminate information about the said project in accordance with Article 5, paragraph one, together with Article 9, paragraph one.  
 Of the regulations of the Office of the Prime Minister in any way.  
 According to the text of the Department of Highways, dated 07 January 2016, dated 14 January 2010  
 There is a significant matter that the first case prosecutor by the Highway Bureau 6 (Nakhon Ratchasima) has issued a notice.  
 Tender for electronic procurement Contracting work for optimization projects  
 Highway No. 2060 at the intersection of Highway No. 2 - towards Khao Yai National Park  
 Between km 2 + 000.00 to km 10 + 100.00 to receive tender documents on the 12th day  
 May 2009 and tender on 20 May 2009 (final document  
 No. 45/27) The project budget has not yet passed the approval of the Cabinet.

And the House of Representatives Even after the first case, the first defendant will have a letter dated 23rd. January 2010, before announcing the results of the above bidding Which was announced on the 4th day February 2010 By inviting 9 government agencies, 16 community leaders, 9 private persons 2 educational institutions, 8 media, 30 representatives of the first case And people in the area that are interested in 60 people, a total of 154 people to attend the meeting to participate Comment on February 18, 2010 at Nong Khok Subdistrict Administration Organization Meeting Room Red Water, Pak Chong District Nakhon Ratchasima In which the two defendants testified that the meeting Resolved to agree that the first case prosecutor would implement the highway optimization project No. 2060, but the document number 4 at the end of the statement does not appear on the address list. With other evidence of the participants who confirm that there are people involved in the actual meeting As well as no details Which shows the adequacy of pointing out that the agency The state aims to provide people with the correct understanding of government programs in accordance with regulations. Office of the Prime Minister, Article 8, although the project documents submitted by the first respondent to the attendees Will contain information as specified in Article 8 of the Office of the Prime Minister. There is no preparation for summarizing the opinions of the attendees and announcing to the public.

Informed within fifteen days from the date of completion of public hearing of the meeting

As stated in the regulations of the Prime Minister's Office On listening to public opinion 2006, Article 11 and Article 12. In addition, it is a public hearing.

After the announcement of the auction result In which the respondent is normally bound The result of the tender Causing government agencies to have restrictions on alternatives Decided to implement the project Therefore saw that the meeting held public hearing

About the highway optimization project, No. 2060 from the highway junction

No. 2 - Continue to Khao Yai National Park from Km 2 + 000 to Km 10 + 100.00

The distance of 8.10 kilometers is incorrect according to the regulations of the Prime Minister's Office. On listening Public opinion, BE 2549, but the prosecutor did not have a request to revoke the action.

That is not correct Together with the request that the court has sentenced the two prosecutors

Suspend any action About the extension or improvement of the national highway No. 2060

Which the dispute is affecting the use of such roads Which is a necessary utility

Which the extension or renovation of Highway No. 2060 has been completed and

Activated Therefore there is no reasonable reason that the court will have a verdict and have complied with this request

#### Section 9 of the Promotion and Preservation of Quality Act

National Environment Act, BE 2535 (1992)

Any unlawful act that destroys or causes loss or damage to

Natural resources that belong to the state or belong to the public domain

Must be responsible to pay damages to the state according to the total value of natural resources

That has been destroyed, lost or damaged When both cases were filed by local authorities and

Other relevant agencies Have inspected to dig around the Bon Tree area

Two sides of the highway above Used to grow in the government as suggested by the Royal Forest Department

And concluded that it cannot be performed for various reasons Without appearing to have tried

To do as much as possible in some way, in spite of the record of the road

Nakhon Ratchasima No. 2, dated 24 December 2009, in collaboration with the staff of the Forest Resources Office 8

Conduct a wood inspection in the Highway No. 2060 to carry out the project to cut off.

In total of 14 types, including 127 trees. When considering the account attached to the record, it is neem wood.

๘๖ trees by various trees, indicating that they grow about 100 centimeters in size (tree circumference size)

And about 300 cm long or about 3 meters (height of trees)

Which, when compared to the height of a person, is less than one time higher than Therefore should not be a large wood until

Doing the excavation of boned plants to be planted elsewhere can be difficult and difficult to survive as specified in the record.

Dated 22 May 2010, therefore, when conducting such acts of the agency

Both the prosecution and other administrative agencies involved with

The request for permission to do wood without being correct according to the legal procedure and saw that Both cases

Not aware of the implementation of government policies at that time About management

Natural resources and environment Protect and restore important conservation areas

Ecological Therefore, it is appropriate to have the remedy for this damage as requested.

Of the subject will open the channel to proceed Is to bring the tree of the same type or size type

Similar and in the same amount as the tree that has been cut down according to the account that has been recorded

On December 24, 2009, to be substituted according to the highway line 2060

Range 2 + 000.00 to Km 10 + 100.00, distance of 8.00 kilometers for the request of

The prosecutor who gave both the defendants brought the wood to replace the amount of not less than 10,000 trees.

There are no details that the court will consider.

Other trees and the ground on both sides The Cabinet passed a resolution on 8 June.

2010 The two respondents coordinated with the Ministry of Natural Resources and Environment.

And other relevant agencies to expedite the preparation of the rehabilitation plan for damaged areas, planting vetiver grass

To prevent soil erosion to be completed quickly In addition, the first person sued by the District

Nakhon Ratchasima No. 2 has a letter dated January 29, 2010 requesting courtesy assistance

2,000 trees from the Nakhon Ratchasima Plant Breeding Center to be added to the area.

In the highway area, in such cases, even though it is a restoration of natural resources and the environment

In the highway disputed as appropriate But still can see that it is not enough for the circumstances

Of damage to natural resources that have been destroyed by the operation of

Both cases

Sentenced to the two prosecutors to join the tree by type, type, size

The same or similar, and in the same amount as the tree that has been cut down according to the account

The survey was recorded on December 24, 2009 to be substituted according to the highway boundary.

Late 2060, during the period of 2 + 000.00 to km 10 + 100.00 By starting to proceed within

60 days from the date of final judgment To be as close to the original condition as possible

Other requests additionally raised

Mr. Charmon Boonthamanop

The owner of the judiciary

Chief Judge of the Central Administrative Court

Mr. Nitat Ju Yuenong

Judge of the Central Administrative Court

Mr. Viroj Preechaaphan

Judge of the Central Administrative Court

Judge who declares the case: Mr. Praphot Khaisuban