

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 108/2023/EZ

*Affidavit No 02/2024
Dated. 20-07-2024
Page No 01 to 04*

In the mater of:

Arsad Nasar

.....Applicant

Versus

The Dept. of Environment, Forest & Climate Change,

Govt. of Bihar &Ors.

.....Respondents

P.P. Oath Commissioner
Civil Court Sheikhpura
Distt. - Sheikhpura (Bihar)
as per Letter No. - 13292/2015
Date-1th March 2015 Patna M.C

**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT
NOS. .**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit		

Filed By

Surendra Kumar

Advocate Calcutta High Court

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.....Respondents

COUNTER AFFIDAVITON BEHALF OF THE RESPONDENT
NOS. 2i.e District Maistate

I, J. Priyadarshini, D/O Shri Jothiraj working as Collector cum District Magistrate, Sheikhpura do hereby do hereby solemnly affirm and state as under :

1. I say that I am working as the Collector cum District Magistrate, Sheikhpura and I am well aquatinted with the facts of the case and I have been duly authorized to affirm

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this Affidavit on behalf of Respondent No. 2 District Magistrate, Sheikhpura.

2. The respondent No. 2 has already filed the counter affidavit in the instant original application however your lordship was pleased to direct the respondent No. 2 to file specific reply with regard to the enquiry which is stated to be pending at his level.
3. It is relevant to mention here that the respondent No. 2 has stated in para 5 of counter affidavit that "respondent No. 2 has taken action and called for report from respondent No. 8 vide letter No. 1038/Sa dated 29.09.2023. The respondent No. 8 commented that as that area is not belonging to forest area rather it is Aam Gair Mazarua. So it can be enquired through circle officer. So the respondent No. 2 directed the circle officer, Sheikhpura to enquire the matter and the inquiry with regard to falling the tree is going on through circle officer, Sheikhpura."
4. It is pertinent to mention here that the report with regard to the land has been submitted by circle officer, Sheikhpura vide letter No. 1820 dated 10.11.2023 in which it has been clearly stated that the enquiry has been made through revenue Karamchari and circle Amin jointly who reported after inquiry that the land in question is not situated in village Charihari but it is situated in Mauza Chade Revenue Thana No. 180. The land form where the trees has been

harvested is situated in Mauza Chande Revenue Thana No. 180 under Khata No. 95 Khesra No. 3142 and the nature of land is Bhith Raiyati.

A photo copy of inquiry report vide letter No. 1820 dated 10.11.2023 issued under the signature of circle officer, Sheikhpura along with report and tressing map submitted by circle Amin is annexed herewith and marked and annexure 1, 1 A of the present counter affidavit.

5. Under the facts and circumstances in present counter affidavit stated above, the present original writ application has got no merit the same is fit to be dismissed.

further prayer that the respondent is ready and bound to obey any order of hon'ble court.

P. R. S.

Deponent

District Magistrate,
Sheikhpura

P. R. S.
P.P. Oath Commissioner
Civil Court Sheikhpura
Distt. - Sheikhpura (Bihar)
as per Letter No. - 13292/2015
Date - 1st March 2015 P. R. S. H. J.

Identify the sign
of Deponent
Asst. Magistrate
C. P. Sheikhpura
20.7.2024

VERIFICATION

Verified at Sheikhpura on this the day of 20 July 2024 that the averments and facts stated herein above are true and correct to my knowledge and belief nothing martial has been concealed there from.

Print



Deponent

District Magistrate,
Sheikhpura

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Affirmed before me by
J. P. Yadav
who is identified by Nabindra Kumar
I have satisfied my self by examining the deponent that he/she understands the contents of the affidavit which has been had-over & explained to him/her which acknowledge to be correct
Date 20-07-2024

Uday Narayan Singh

P.P. Oath Commissioner
Civil Court Sheikhpura
Distt. - Sheikhpura (Bihar)
as per Letter No. - 13282/2018
Date-11th March 2018 Patna H.C

Identify the Sign
of Deponent
Arbinder
C.P. Sheikhpura
20.07.2024

Annexure - 1

CIRCLE OFFICE, SHEIKHPURA (SHEIKHPURA) 811105

फोन नं० 8544412883, फोन नं० -06341223063 ईमेल -co.sheikhpura-bih@gov.in

(78)

पत्रांक ...1820 /

प्रेषक,

अंचल अधिकारी,

शेखपुरा।

सेवा में,

प्रभारी पदाधिकारी,

सामान्य शाखा, शेखपुरा।

शेखपुरा, दिनांक ...10/11/23 /

विषय :-

चारयारी ग्राम में टाटी नदी के किनारे वृक्षों के पातन के स्थल की जाँच के संबंध में।

महाशय,

उपर्युक्त विषयक प्रश्नगत मामले की जाँच राजस्व कर्मचारी एवं अंचल अमीन से संयुक्त रूप से कराई गई। जाँचोपरान्त प्रतिवेदित किया गया है कि प्रश्नगत भूमि ग्राम - चारिहारी में न रहकर गौजा - चाँड़े, थाना नं० - 180 में है। जिस स्थल पर वृक्ष को काटा गया है वह मौजा - चाँड़े, थाना नं० - 180, खाता - 95, खेसरा नं० - 3142 पर अवस्थित था, जो भूमि किस्म - भीठ रैयती खाते की है।

सादर सूचनार्थ।

विश्वासभाजन

10/11/23

अंचल अधिकारी,
शेखपुरा

1913
10/11/23

Annexure - 1A

Before,

The Hon'ble National Green Tribunal

Eastern Zone Bench At Kolkata

Original Application No. 108/2023/EZ

In the matter of

Arshad NasarApplicant

Versus

The Dept of Environment, Forest and climate change

Govt. of Bihar and others.....Respondents

Statement of fact on behalf of the
Respondent No. 2 i.e. District
Magistrate, Sheikhpura.

The respondent No. 2 has already
filed the counter affidavit in the instant original
application however your lordship was pleased to direct
the respondent No. 2 to file specific reply with regard to
the enquiry which is stated to be pending at his level.

It is relevant to mention here that the respondent No. 2 has stated in para 5 of counter affidavit that " respondent No. 2 has taken action and called for report from respondent No. 8 vide letter No. 1038/Sa dated 29.09.2023. The respondent No. 8 commented that as that area is not belonging to forest area rather it is Aam Gair Mazarua. So it can be enquired through circle officer. So the respondent No. 2 directed the circle officer Sheikhpura to enquire the matter and the inquiry with regard to falling the tree is going on through circle officer, Sheikhpura."

It is pertinent to mention here that the report with regard to the land has been submitted by circle officer, Sheikhpura vide letter No. 1820 dated 10.11.2023 in which it has been clearly stated that the enquiry has been made through revenue Karamchari and circle Amin jointly who reported after inquiry that the land in question is not situated in village Charihari but it is situated in Mauza Chande Revenue thana No. 180. The land form where the trees has been harvested is situated in Mauza Chande Revenue Thana No. 180 under Khata No.

95 Khesra No. 3142 and the nature of land is Bhith Raiyati.

A photo copy of inquiry report vide letter No. 1820 dated 10.11.2023 issued under the signature of circle officer Sheikhpura along with report and tressing map submitted by circle Amin is annexed herewith and marked an annexure 1, 1 A of the statement of fact.

Under the facts and circumstances of the case stated above it is crystal clear that the case has baseless allegation therefore, the present original. Application has got no merit and value in the eye of law hence it deserves to be dismissed.



District Magistrate,
Sheikhpura