

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**
Original Application No. 63/2025

IN THE MATTER OF:

Mall Road Vasant Kunj
Resident Welfare Association (REGD)

...Applicant

Versus

Ministry of Environment, Forest
and Climate Change & Ors.

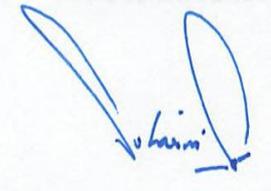
...Respondent(s)

N.D.O.H. – 19.09.2025

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THROUGH



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New Delhi
Date: 03.09.2025

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IN THE MATTER OF:

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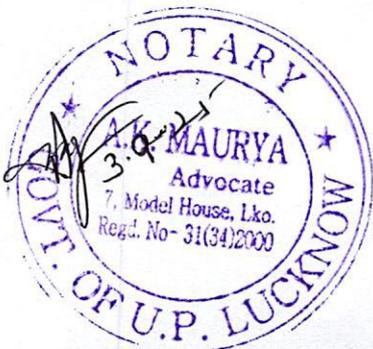
Ministry of Environment Forests
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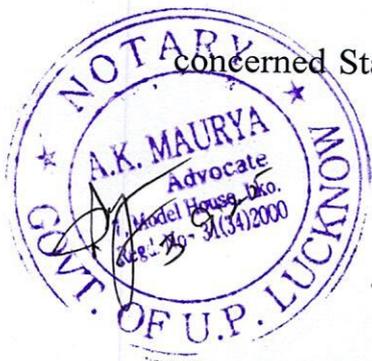
**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

MOST RESPECTFULLY SHOWETH:

I, Dr. R. B. Lal, son of Shri Jhamman Lal, aged about 49 years, currently working as Scientist 'F' in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEFCC), Regional Office, Lucknow, do hereby solemnly affirm and state on oath as follows:



1. That, I have read and understood the contents of the present Affidavit, the contents thereof are true, and no part of it is false, and nothing material has been concealed therefrom.
2. That, in the present application, the plea of the Applicant is that Rajokri Forest in Delhi was notified as a protected forest under Section 29 of the Indian Forest Act, 1972, comprising of an area of 600 acres. The grievance of the applicant is that there is a road that has been illegally carved out and constructed within the Rajokri forest land leading towards Church/Mall Road Vasant Kunj, New Delhi. The Applicant, a registered Resident Welfare Association of that area, also has a grievance against the movements of heavy vehicles on that road Church/Mall Road Vasant Kunj, New Delhi.
3. That at the outset, it is humbly submitted that the MoEFCC deals with policy and regulatory issues at a broader level. The role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife and other environmental resources are concerned.
4. That the 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the



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State Government has the primary responsibility to determine the status of any parcel of land, giving due regard to gazette notifications, provisions under the State and Central Acts, and concerned judgments and directions of the Hon'ble Supreme Court/ High Courts.

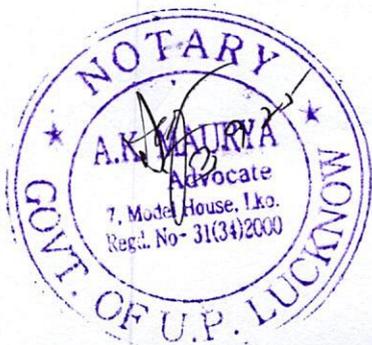
5. That, regarding the issue of encroachment on forest land, it is submitted that the Protection and management of forests is primarily the responsibility of the concerned State/UT. The necessary actions to remove encroachments are taken as per the provisions under various acts such as the Indian Forest Act, 1927, Wildlife Protection Act, 1972, Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, State Forest Acts, and the various rules made under these Acts and State Specific Acts and Rules. The State Governments and UT Administrations are empowered under these Acts to take necessary action to remove such encroachments. Accordingly, the responsibility of initiating and executing measures for eviction lies with the concerned State/UT authorities, in accordance with the provisions of the aforesaid acts. The Ministry of Environment, Forest and Climate Change have issued advisories to all the State Government/UT Administrations to ensure that encroachment of forest land is removed at the earliest possible.
6. That, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam", 2023, [earlier known as the



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Forest (Conservation) Act, 1980] (hereinafter referred to as "Van Adhiniyam, 1980") is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.

7. It is submitted that the felling of trees on non-forest land is regulated by the respective State Government /UT Administration as per the provisions of various State Acts and Rules made thereunder. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.
8. That to ascertain the correct position and the truthfulness of the matter, the Ministry vide letter dated 08.05.2025 has sought a detailed factual status report from the Government of NCT of Delhi. However, till date, no information has been received from the State Government in this regard. A copy of the letter dated 08.05.2025 is annexed hereto as **Annexure-1**.
9. It is also submitted that there is no such proposal received or pending in the Ministry pertaining to the forest land area mentioned by applicant in original application.



- 10. It is submitted that the Ministry has been providing technical and financial assistance besides issuing guidelines to State/UT Forest Departments regarding the protection and conservation of forests and wildlife.
- 11. That, the answering respondent reserves the right to file additional information before the Hon'ble Tribunal, if required till *Pendente-lite*.
- 12. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.

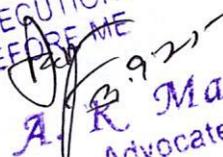


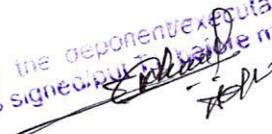

DEPONENT

Verification

Verified at Lucknow on this 3rd Day of September, 2025, that the contents of this affidavit are true and correct to my knowledge based on the official record maintained in the daily course of its business, no part of this affidavit is false and nothing material has been concealed therefrom.


DEPONENT

EXECUTION ADMITTED
 BEFORE ME

 A. K. Maurya
 Advocate Notary
 7, Model House, Lucknow

I identify the deponent/executor/agent who has signed/put his name




भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, लखनऊ
Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 11th Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696
Email : roc.z.lko-mef@nic.in, goimofrolko@gmail.com

File No: L-1343/DLI/2025 /78

Date: 08.05.2025

Court matter/ Email

To,

1. **Principal Secretary,
Forest & Wildlife Department,
Government of NCT of Delhi
Delhi.
Email: senv@nic.in**
2. **APCCF,
Forest Department,
Government of NCT of Delhi,
Delhi.
Email: pccf-gnctd@delhi.gov.in**

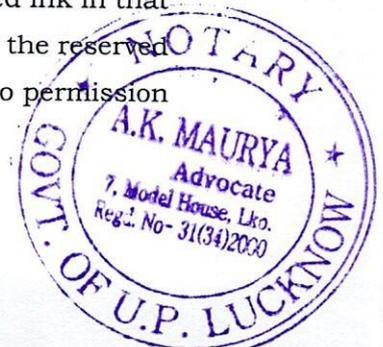
Sub: Original Application No. 63/2025 in the matter of Mall Road Vasant Kunj Resident Welfare Association (REGD) Vs. MoEF & CC & Ors. before NGT (PB), New Delhi. -reg.

Sir,

Kindly refer to the above cited subject matter. In this original application, the plea of the Applicant is that Rajokri Forest in Delhi was notified as a protected forest under Section 29 of the Indian Forest Act, 1972, comprising of an area of 600 acres. The grievance of the applicant is that there is a road that has been illegally carved out and constructed within the Rajokri forest land leading towards Church/Mall Road Vasant Kunj, New Delhi. The Applicant, a registered Resident Welfare Association of that area, also has a grievance against the movements of heavy vehicles on that road.

Learned Counsel for the Applicant has referred to the affidavit of Conservator of Forest Annexure K (page 116) filed before the Delhi High Court in W.P. (C) No. 8252 of 2022 and referring to paragraph 6 of that Affidavit he has submitted that as per the stand of the Conservator of Forest himself, the road in question is illegal. He has also referred to the map, which is enclosed along with that affidavit on page 134 and a separate map filed at page 40 Annexure P. Referring to the map filed at page 40, he has submitted that the illegal road, which is questioned in this OA has been marked by red ink in that map. He has also submitted that the part of the Rajokri road that is inside the reserved forest is also illegal. Learned counsel for the Applicant also submits that no permission

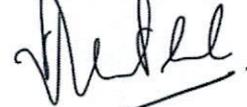
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for diversion of the forest for construction of the road has been taken. The MoEF&CC has been arrayed as a respondent in the matter and has file reply before the Hon'ble Tribunal

In view of above, you are requested to submit a detailed factual report based on field inspection and other documents/information in the perspective of the case so as to enable this office to file a reply before the Hon'ble Tribunal within the stipulated time period. This may be treated as urgent.

Yours Sincerely,



(Ms. Vijaya Ratre)

Assistant Inspector General of Forests (Central)

Copy to:

1. **CCF/Nodal Officer, Forest Department, Government of NCT of Delhi, Delhi. Email: ccf-gnctd@delhi.gov.in** for necessary action
2. **AIG, FP, Division, MoEF&CC, New Delhi. Email: fpd-moefcc@gov.in** for information only.



(Ms. Vijaya Ratre)

Assistant Inspector General of Forests (Central)

