

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 112/2024

IN THE MATTER OF:

CHAUDHARY YASHWANT SINGH

...APPLICANT

Versus

UNION OF INDIA & ORS

...RESPONDENTS

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NEW DELHI

DATED 06.10.2025

THROUGH

RESPONDENT NO. 8



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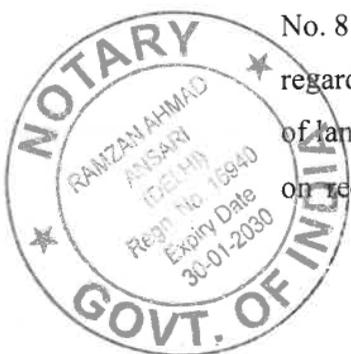
...RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 8 [M/S ACP
TOLLWAYS PVT. LTD.]**

AFFIDAVIT OF SH. BHARAT CHAND YADAV S/O SH. P. C. YADAV AUTHORISED
SIGNATORY OF THE RESPONDENT NO. 8, ACP TOLLWAYS PVT. LTD HAVING ITS
OFFICE AT B -9, VIBHUTI KHAND, GOMTI NAGAR, LUCKNOW, UTTAR PRADESH
PRESENTLY AT NEW DELHI.

I, THE ABOVENAMED DEPONENT DO HEREBY SOLEMNLY AFFIRM AND
DECLARE AS UNDER:-

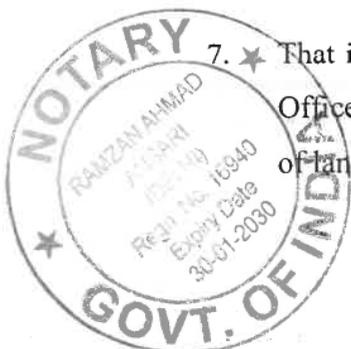
1. That the deponent has been authorized by the Respondent No. 8 to file the instant affidavit on its behalf. The deponent is well conversant with the facts and circumstances of the case and is competent to swear the present affidavit. The Respondent No. 8 has duly filed the counter affidavit / reply in the above matter and craves leave of this Hon'ble tribunal to refer and rely upon the same.
2. That during the pendency of the above petition certain new developments have taken place which are important to be brought on record of the present case for the just and proper adjudication of the instant petition and the instant affidavit is being filed to bring on record the said new developments and documents.
3. That a specified and demarcated portion of land was handed over to the Respondent No. 8 and is in continuous possession of the same since year 2011. The allegations with regard to the division of the said land in two parts i.e. a portion admeasuring 4 hectares of land and 3.79 hectares of land have been made. However, it is an admitted position on record that the demarcation of the said two portions has not been done by the



competent authority till date and the possession has been taken over in an unlawful manner without following the process of law as well as the recommendations of the committee formed for the said purpose.

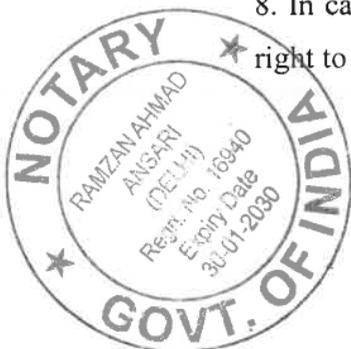
4. That on 30.05.2025 it has come to the knowledge of the Respondent No. 8 that the Divisional Forest Officer, Mirzapur Forest Zone, Mirzapur (respondent no. 3 herein) has already written a letter dated 20.05.2025 to the District Magistrate, Mirzapur to initiate proceedings for the eviction of the Respondent No. 8 from the land in question (4 hectares of land). It has been observed by the Hon'ble Tribunal that the Divisional Forest Officer, Mirzapur has already forwarded a letter to the SSP, Mirzapur to extend police support to get the 4 hectares of alleged reserved forest land vacated. The Hon'ble Tribunal also directed the District Magistrate, Mirzapur to furnish a report by 02.07.2025.
5. That in compliance of the orders passed by the Hon'ble Tribunal, the District Magistrate, Mirzapur by means of order dated 13.06.2025 formed a committee comprising of The Divisional Forest Officer, Mirzapur, Sub- Divisional Magistrate, Mirzapur, Tehsildar Chunar, Mirzapur, Consolidation Officer, Mirzapur and Surveyor, Revenue Department through Mining Officer, Mirzapur. True copy of the order passed by the District Magistrate dated 13.06.2025 is being annexed herewith as **Annexure No. R8/A** to this affidavit.
6. It has come to the knowledge of the Respondent No.8 during the pendency of the other proceedings with regard to 4 hectares of land, that the committee formed for the purpose of inspection of records and to assist for carrying out the eviction process, submitted its report dated 20.06.2026 thereby requesting the direction to the concerned revenue department / authority for the purpose of demarcation of the land which has not on record of the present case. The report as such cannot be looked into and the department is liable to be directed to produce the documents i.e. report of committee and letter, both dated 20.06.2025 before this Hon'ble Tribunal.

7. ★ That it is pertinent to mention that the committee comprises of the Divisional Forest Officer who has allegedly found the petitioner to be in illegal possession over 4 hectares of land in the impugned order dated 16.07.2024. Despite the Divisional Forest Officer



being a member of the committee, the committee could not give any findings on the aspect as to where the 3.79 hectares of land, in possession of the Respondent No.8, was situated and came to a conclusion that no proceedings of eviction could be carried out without determining where the parcel of land was part of the forest land or not.

8. That the Respondent No. 8 has been served with a notice dated 25.06.2025 issued by the Divisional Forest Officer wherein it has now been mentioned that the Respondent No. 8 by itself should demarcate the area comprising of 3.79 hectares and upon demarcation, the forest officials shall carry out eviction of the 4 hectares of alleged illegal encroachment. True copy of the letter dated 25.06.2025 is being annexed herewith as **Annexure No. R8/B** to this affidavit.
9. It is submitted that a specified and demarcated portion of land was handed over to the Respondent No. 8 and is in continuous possession of the same since year 2011 and subsequently various litigation has been initiated by the different authorities to pressurize the Respondent No. 8 to accede to their unlawful demands.
10. It is submitted that the Respondent No. 8 has occupied and utilized the land for the purpose of serving the contract awarded to it by UPSHA and for the public convenience and services. During the usage of the said land for the above purpose, neither any trees were removed nor any kind of harm was caused to the environment by any act of the Respondent No. 8. On the Contrary, more than 400-500 trees were planted by the Respondent No. 8 in the said land and the department is well aware of the said fact.
11. It is further pertinent to mention that neither the demarcation has been done nor the eviction proceedings have been carried out by the Respondent No. 8. As mentioned above, no damage to the environment has been caused due to any act of the Respondent No. 8 and the loss or destruction carried out during the demolition / dispossession process carried out by the department, the respondent No. 8 cannot be held liable or responsible and therefore no penalty / damages can be levied upon the Respondent No. 8. In case any such step is taken by any authority, the Respondent No. 8 reserves its right to challenge the same in accordance with law.



12. That the above facts and circumstances have carried out and taken place during the pendency of the above case and the report of the committee may be directed to be placed on record of the present case. In view of the facts stated above, it is most respectfully prayed that the instant affidavit be taken on record as the same is necessary for the adjudication of the present case.

13. That the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

Law
I Identify the Deponent who
has Signed/Put T.I Before me

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this *- 6 OCT 2025* day of October 2025 that the contents of the present affidavit are true and correct and nothing material has been concealed.

[Signature]
DEPONENT



CERTIFIED THAT THE DEPONENT has solemnly affirmed before me that the contents of the above which have been read & explained to him are true and correct to his best knowledge

[Signature]
NOTARY DELHI INDIA

- 6 OCT 2025

आदेश

ग्राम रेलखरा सहस्रील घुनार के आसतित वन भूमि को खाली करण जाने के संबंध में माओ नेशनल ग्रीन ट्रिब्यूनल नई दिल्ली के समस्त विचारणीय आदेश नम्बर 112/2024 में वास्तव आदेश दिनांक 30.08.2023 के अन्तर्गत भी संवद प्राप्त सिंह जादींग, शासकीय अधिकारता के कार्यालय पत्र दिनांक 08.08.2023 द्वारा इस प्रकरण में प्रस्तारवार आख्या मय विकरण उपलब्ध कराने की अपेक्षा की गयी है। प्रसंगत भूमि से संबंधित ए०सी०पी० टोलवेज प्रार पत्र पर इस कार्यालय के पत्र संख्या 734/ई०आर०के०-2023 दिनांक 08.08.2023 द्वारा एक समिति गठित कर संयुक्त रूप से कार्यवाही हेतु निर्देशित किया गया था। माओ नेशनल ग्रीन ट्रिब्यूनल के आदेश दिनांक 30.08.2023 के मुद्दिगत पूर्व पत्र को संशोधित करते हुए निम्न प्रकार समिति का गठन किया जाता है :-

1. प्रभागीय वनाधिकारी वन प्रभाग, भीरजापुर।
2. उप जिलाधिकारी घुनार, भीरजापुर।
3. सहस्रीलघर घुनार, भीरजापुर।
4. बन्दोबस्त अधिकारी घकबन्दी, भीरजापुर।
5. सर्वेयर खनिज विभाग द्वारा खान अधिकारी, भीरजापुर।

उक्त समिति संयुक्त रूप से समस्त अभिलेखी एवं स्थल का सम्यक निरीक्षण करते हुए विस्तृत आख्या फाटीग्राफस, नजरी नक्शा एवं संगत अभिलेख संलग्न करते हुए दिनांक 22.08.2023 तक रिपोर्ट प्रस्तुत करेंगे। संबंधित अधिकारी अपने अधीनस्थ अधिकारी/कर्मचारी का भी सहयोग आवश्यकतानुसार प्राप्त कर सकेंगे।

(सिबंध्य भिरंजन)
जिलाधिकारी,
भीरजापुर।

कार्यालय जिलाधिकारी, भीरजापुर।

पत्रांक: 1049/आर०के०-2/2023

दिनांक: पून 13, 2023

प्रतिलिपि :- निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित

1. प्रभागी वनाधिकारी वन प्रभाग, भीरजापुर।
2. उप जिलाधिकारी घुनार, भीरजापुर।
3. सहस्रीलघर घुनार, भीरजापुर।
4. बन्दोबस्त अधिकारी घकबन्दी, भीरजापुर।
5. सर्वेयर खनिज विभाग द्वारा खान अधिकारी, भीरजापुर।

जिलाधिकारी,
भीरजापुर।

f.c

Pran

कार्यालय प्रभागीय वनाधिकारी, मीरजापुर वन प्रभाग, मीरजापुर
पत्रांक- 4563 / मीरजापुर / 10रिट, दिनांक मीरजापुर जून 25 2025

नोटिस

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0न0-112/2024 चौधरी वसंत सिंह वनाम सुनियन ऑफ इण्डिया व अन्य में पारित आदेश एवं जिलाधिकारी, मीरजापुर के पत्र संख्या-1055/आर0ए0-2/2025 दिनांक 24.08.2025 के क्रम एतत् नोटिस द्वारा ए0सी0पी0 टोलवेज प्रबन्धक को सूचित किया जाता है कि-ग्राम-बेलखरा, परगना-अहरीरा, तहसील-घुनार, जन्पद- मीरजापुर के गाटा संख्या-827 हाल नम्बर 291 में मा0 न्यायालय से आर्द्धादि 3.79 हे0 अपने स्तर से चिह्नित करते हुये शेष अवैध कब्जा किये गये क्षेत्रफल 04.0 हे0 आरक्षित वन भूमि को हटाने में विभाग का सहयोग प्रदान करे अन्यथा की स्थिति में दिनांक 27.08.2025 को अवैध कब्जा क्षेत्रफल 4.0 हे0 आरक्षित वन भूमि से हटा दिया जायेगा। इस कार्यवाही में जो भी राजकीय खर्च/व्यय होगा उसकी यसूली आपसे की जायेगी।

(अरविन्द राज मिश्रा)
प्रभागीय वनाधिकारी,
मीरजापुर वन प्रभाग, मीरजापुर

संख्या अ/समदिनांक

1. प्रतिलिपि-मुख्य वन संरक्षक, मीरजापुर क्षेत्र मीरजापुर को सूचनार्थ प्रेषित।
2. प्रतिलिपि-जिलाधिकारी, मीरजापुर महोदय को उनके पत्र संख्या-1055/आर0 ए0-2/2025 दिनांक 24.08.2025 के क्रम में सूचनार्थ प्रेषित।
3. प्रतिलिपि-वरिष्ठ पुलिस अधीक्षक, मीरजापुर महोदय को जिलाधिकारी, मीरजापुर के पत्र संख्या-1055/आर0ए0-2/2025 दिनांक 24.08.2025 के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
4. प्रतिलिपि-उप प्रभागीय वनाधिकारी, घुनार को इस निर्देश के साथ प्रेषित कि उपरोक्तानुसार अपेक्षित कार्यवाही कराना सुनिश्चित करे।
5. प्रतिलिपि-क्षेत्रीय वन अधिकारी, घुनार को 02 प्रति में संलग्नकर इस निर्देश के साथ प्रेषित कि उपरोक्त नोटिस सम्बन्धित को प्राप्त कराते हुये अपेक्षित कार्यवाही करवाना सुनिश्चित करे तथा एक प्रति इस कार्यालय को उपलब्ध कराना सुनिश्चित करे। संलग्नक-यथोपरि।

(अरविन्द राज मिश्रा)
प्रभागीय वनाधिकारी,
मीरजापुर वन प्रभाग, मीरजापुर

R
T.C

Aravind