

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

INDEX

IN

ORIGINAL APPLICATION NO. 180 OF 2024

IN THE MATTER OF:

Satyendra Kumar Sharma Son of Ramkumar Sharma Resident of  
Pukkevala Post Seervaschand, Afzalgarh, Bijnore, Uttar Pradesh.

..... Applicant

Versus

Union of India through Secretary Ministry of Environment & Forests  
PrayavaranBhawan, CGO Complex, Lodhi Road, New Delhi, secy-  
moef@nic.in 011-20819308 & others.

..... Respondents

| S.NO. | PARTICULARS | PAGE NOS. |
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Date: 4-06-2024.

(Chandra Shekhar Joshi)  
Divisional Forest Officer Nainital,  
Applicant/Deponent

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1. Union of India through Secretary Ministry of Environment & Forests PrayavaranBhawan, CGO Complex, Lodhi Road, New Delhi, [secy-moef@nic.in](mailto:secy-moef@nic.in) 011-20819308
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5. State of Uttarakhand through Chief Secretary Uttarakhand Secretariat, 4-B, Subash Road, Dehradun, Uttarakhand-248001 0135271200 [secy-cm-ua@nic.in](mailto:secy-cm-ua@nic.in)



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9. District Magistrate Tallital Nainital Uttarakhand Pin-263001
10. District Magistrate Dhara Rd DhandriTalli, Pauri, Uttarakhand  
246001
11. District Magistrate Collectorate, Bijnor, Uttar Pradesh 246701
12. Divisional Forest Officer DFO Office Tallital, Nainital  
Uttarakhand 263002
13. Divisional Forest Officer DFO Office Civil Lines, Pauri  
Uttarakhand 246001
14. Divisional Forest Officer DFO Office BasantVihar, Bijnor, Uttar  
Pradesh 246701

..... Respondents

**Affidavit on behalf of Respondent No. 12,**  
**Divisional Forest Officer, Nainital Forest**  
**Division Nainital, District Nainital.**

I, Chandra Shekhar Joshi Aged about 43years, S/o  
LatePrayagDutt Joshi, Presently posted as, Divisional Forest Officer,  
Nainital Forest Division Nainital, Uttarakhand do hereby solemnly  
affirm on oath and state as under:



- 1- That in my abovementioned official capacity, Presently posted as, Divisional Forest Officer, Nainital Forest Division Nainital, Uttarakhand and he has been arrayed as Respondent No. 12 in instant Original Application. The deponent is filling this Affidavit on his own behalf before this Hon'ble Tribunal in instant Original Application.
- 2- I state that I have read and understood the contents of the said Application and its annexures and in reply thereto I state as under:
- 3- That instant Original Application has been preferred by the applicant before this Hon'ble Tribunal with following prayer-

*A- Direct the Respondents to declare the Eco Sensitive Zone of Corbett National Park, Uttarakhand.*

*B- Direct the Respondents to take steps for prevention of mushrooming of Hotels, Motels, Farm Houses, Marriage Halls, Residential Colonies, Commercial Spaces Etc. within the Ecological Sensitive area of Corbett National Park, Uttarakhand.*

*C- Award appropriate cost and expenses incurred by the Applicant.*

*D- Pass any such other or further order as this Hon'ble Tribunal may deems fit and proper in the facts and circumstances of the present case.*

- 4- That the instant Original Application was listed before this Hon'ble Tribunal on 28-02-2024 and the Hon'ble Tribunal was



pleased and issued notice to Respondents. The operative part of order dated 28-02-2024 is being quoted as under-

*2. The OA raises substantial issue relating to compliance of the environmental norms.*

*3. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.*

*4. List on 08.05.2024*

5- That the instant Original Application was listed before this Hon'ble Tribunal on 08-05-2024 and the Hon'ble Tribunal was pleased and directed to file reply in instant matter. The operative part of order dated 08-05-2024 is being quoted as under-

*4. Learned Counsel appearing for the respondent nos. 1, 6, 7, 8, 11, 12, 13 and 14 present today have prayed for and are granted four weeks time to file reply.*

*5. It will be open to Counsel for the applicant to file rejoinder thereafter within two weeks.*

*6. Learned Counsel for the applicant submits that she has filed IA No.167/2024 for interim relief. She is directed to supply/serve a copy of this IA to all the concerned respondents.*

*7. It will be open to the respondents to file reply to the IA within four weeks.*

*8. List on 21.08.2024.*



- 6- That the matter involved in instant Original Application is to declare the land falling within 10 KM. of the boundaries of Corbett National Park, Nainital, Uttarakhand as Eco Sensitive Zone (ESZ) as per the provisions of Environment Protection Act-1986. It is necessary to mention here that the Corbett National Park, Nainital, Uttarakhand is a protected area under Section-2(24A) of Wildlife Protection Act-1972. The Corbett National Park, Nainital, Uttarakhand is under control of Chief Wildlife Warden Uttarakhand, Dehradun who is a Competent Authority to deal with the matter of Wildlife and appointed by State Government under Section-4 of Wildlife Protection Act-1972. It is also relevant to mention here that the Field Director, Corbett Tiger Reserve, Ramnagar, Nainital is the concerned authority who is posted for Protection and Conservation of Wildlife in said area. The deponent has not impleaded the concerned authorities as respondents in instant Original Application.
- 7- That the area in question under instant Original Application is not a part of Nainital Forest Division, Nainital. The deponent has no control over said areas. Therefore the deponent is not able to reply to the contents of instant Original Application.
- 8- That the deponent/respondent no. 12 is praying to this Hon'ble Tribunal that as per the above facts and circumstances the deponent is not able to file Counter Affidavit against the contents produced by applicant in instant Original Application. Therefore the Hon'ble Tribunal may graciously be pleased to remove the deponent as respondent no. 12 in instant Original Application and



the concerning officers may be impleaded as respondents in the matter.



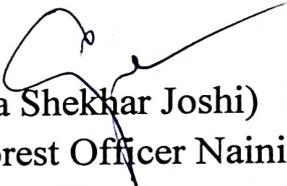
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Nainital, Uttarakhand on this day of 4 June, 2024.

DEPONENT



(Chandra Shekhar Joshi)  
Divisional Forest Officer Nainital,  
Applicant/Deponent

