

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 37 of 2020 (WZ)

Mr. Sayyed Mohammad Sabir Usman & Ors. ...Applicant

Versus

Union of India & Ors. ...Respondents

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DATE:06/12/2024

PARTH H BHATT  
ADVOCATE FOR  
RESPONDENT NO.6

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 37 OF 2020**

**In the matter between**

Mr. Sayyed Mohammed Sabir Usman & Ors. ....Applicants

VERSUS

Union of India & Ors. .... Respondents

Serial No. 3358  
Book No. 33  
Page No. 240  
Receipt No. 3358  
Dated. 25/11/24

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6**

I, Vikas Yadav, IFS aged 28 years, serving as Assistant Conservator of Forest, Gir (West) Division, Junagadh Respondent No.6 herein, do hereby solemnly affirm and state on oath as under:

1. I state that, I have been served with the copy of petition and as I am conversant with the facts and circumstances, I am competent to file this affidavit. I say and submit that except the averments and contentions in the present Application, which are expressly admitted herein, the rest of the averments are not true and are deemed to be denied by me.
2. At the outset, I say and submit that the illegal mining sites in the vicinity of Gir west Forest Division are falling outside the forest area, falling within the jurisdiction of revenue area and therefore Indian Forest Act, 1927 is not applicable to the same.
3. I say and submit that the present mining sites are in the jurisdiction of revenue authorities and any illegal activities observed at site are reported to the Office of District Collector, Gir Somnath and Geologist, who are having regulatory and supervisory role over the said area.

**PARAGRAPH WISE REPLY**



4. With respect to the contents of paragraph 1 and 2 of the application, I say that same do not deserve any comments.


*Vikas*



5. With respect to the contents of paragraph 3 of the application, I say and submit that there is no illegal activity with respect to forest conservation Act 1980 & Wildlife protection Act 1972.
6. With respect to the contents of paragraph 4 of the application, I state that such activities are not being carried in forest area. No department/ official support is provided by forest department.
7. With respect to the contents of paragraph 5 and 6, I say and submit all activities have been reported to Collector Gir Somnath office and Geologist office time and again.
8. With respect to the contents of paragraph 7 and 8, the answering respondent place on record the Status of wildlife clearance/NOC.

| Sr. No. | Details of Mine/Quarry   | Status  |
|---------|--|---|
| 1.      | M/s Maruti Stone Quarry Black Trap Mine Village Arithiya Survey No. -45 paiki                  | The matter lying with Forest and Environment Dept. for NBWL consideration |
| 2.      | M/s Maruti Stone Crusher Village Arithiya Survey No. 35 paiki                                  | No proposal is made to forest department by the user Agency               |
| 3.      | M/s Hajabhai Hamirbhai Mori Stone Quarry Black Trap Mine Village Arithiya Survey no-9          | The matter lying with Forest and Environment Dept. for consideration      |
| 4.      | M/s Sai Baba Stone Crusher Village Arithiya Survey No- 9                                       | No proposal is made to forest department by the user Agency               |
| 5.      | M/s Dineshbhai Boghabhai Solanki Stone Quarry Black Trap Mine Village Pichhavi Survey No 131/1 | No proposal   |


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9. With respect to the contents of paragraph 9 of the application, I repeat and reiterate what I have stated in paragraph 7 of the present affidavit in reply.
  10. With respect to the contents of paragraph 10 of the application, I say and submit that Lumbha village is outside of Eco-sensitive zone and the forest department has not given any permission to M/s simar port private limited for mining activities in Eco sensitive zone.
  11. With respect to the contents of paragraph 11 (a) and (b) of the present application, I say and submit that this murder case is not related to the forest department.
  12. With respect to the contents of paragraph 12(a) to 12(h), I say and submit that the Eco-sensitive zone is not declared yet the draft notification of 2016 is subjudice and the matter is pending in hon'ble High Court of Gujarat. (WPIL No.88/2017)
  13. With respect to the contents of paragraph 12(j) to 12(k), I say and submit that, the forest department has not given any permission to M/s Simar Port Private Ltd for mining activities in ESZ and there is no mining activity in Gir Sanctuary.
  14. With respect to the contents of paragraph 13(A) and 13(B) of the application, I say and submit that this is not pertaining to forest department
  15. With respect to the contents of paragraph 13(C) of the application, I say and submit that there is no mining in Gir Sanctuary. Violations in ESZ (10 KM range) are reported time and again to Collector Gir Somanath and Geologist office.
  16. With respect to the contents of paragraph 13(D) of the application, I say and submit that this area is revenue area and the Collector and Geologist office of Gir Somanath has the regulatory and supervision role. The answering respondent has
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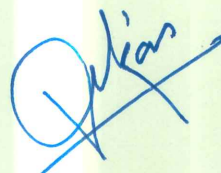


issued several communications reporting violations to the concerned department.

17. With respect to the contents of paragraph 13(E) and 13(H) of the application, I say and submit that the does not pertain to forest department.
18. With respect to the contents of paragraph 13(I) to 13(L) of the application, I say and submit that the fact of the para are correct.
19. With respect to the contents of paragraph 13(M) and 13(N) of the application, I say and submit that this does not within jurisdiction of forest Department.
20. With respect to the contents of paragraph 13(O) and 13(P) of the application, I say and submit that the fact of this para is not relevant to the forest department.
21. With respect to the contents of paragraph 13(Q) and 13(R) of the application, I say and submit that time and again matters were brought to the notice of Geologist and Collector Gir Somanath office.
22. With respect to the contents of paragraph 13(S) of the application, I say and submit that no such study has been conducted so far.
23. With respect to the contents of paragraph 13(T) of the application, I say and submit that there is movement of lion in certain areas.
24. With respect to the contents of paragraph 13(U) of the application, I say and submit that the area under question is revenue area of district of Gir Somanath so Forest Act 1927 is not applicable.
25. With respect to the contents of paragraph 13(V) of the application, I say and submit that the fact of this para is not relevant to the forest department.



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26. With respect to the contents of paragraph 13(W) of the application, I say and submit that all necessary step have been taken by forest department.
27. With respect to the contents of paragraph 13(X) of the application, I say and submit that the fact of this para is not relevant to the forest department.
28. With respect to the contents of paragraph 13(Y) and 13(Z) of the application, I say and submit that this does not pertain to the forest department.
29. With respect to the contents of paragraph 13(AA) of the application, I say and submit that no wildlife clearance is given by the forest department. Question of forest clearance does not arise.
30. With respect to the contents of paragraph 13(BB) of the application, I say and submit that this does not pertain to forest department.
31. With respect to the contents of paragraph 14 of the application, I say and submit that:
- (A) This does not pertain to forest department.
- (B) Indian forest act- 1927. Forest conservation act 1980 and biological diversity act. 2002 are not applicable in this case.
32. With respect to the contents of paragraph 15 of the application, I say and submit that in reply of para 15 we state that
- (A) The status of wildlife clearance is provided in reply of para 7 and 8;
- (B) This does not pertain to forest department.
- (C) No damage (death/injury) to any schedule I species on record so far.
- (D) Not relevant of the forest department.



33. With respect to the contents of paragraph 16 of the application, I say and submit that there is no remark.
34. With respect to content of paragraph 17, I say and submit that there is no violation of Forest Conservation Act, 1980 and Wildlife Protection Act, 1972 in this particular matter.
35. With respect to the contents of paragraph 18 and 19 of the application, I say and submit that there is no remark.
36. In view of what has been stated herein above no prayers deserves to be granted in favour of the applicant.


What is stated herein above is true to the best of my knowledge and belief and records and I believe the same to be true and correct.

Solemnly affirmed at Junagadh on 21<sup>th</sup> November, 2024.

  
Deponent



Solemnly affirmed before me  
by Vikas yadav  
who is identified by Self  
whom I Personally known.

  
(B. M. RAVAL)  
NOTARY  
GOVT. OF GUJARAT  
JUNAGADH CITY

5 NOV 2024