

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.199 OF 2024(WZ)

News item Titled "Forest Dept. Struggling ... Applicant

VERSUS

Principle Chief Conservator of Forest & others ... Respondents

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Pune

Date: 21/07/2025


Advocate for Respondent No.1



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.
ORIGINAL APPLICATION NO. 199 OF 2024**

National Green Tribunal (Suomotu)

... Applicant

V/S

Principal Chief Conservator of Forests

(H.O.F.F) M.S. Nagpur and Ors.

...Respondents

Affidavit in Reply on behalf of Respondent Nos. 1

B.

I, Shri. Mahadev Namdev Mohite, Age 49 years, working as Deputy Conservator of Forests, Pune Division, Pune hereby solemnly affirm on behalf of Respondent Nos. 1 as under:- B.

1. I state and submit that I crave leave of this Hon'ble Tribunal to further add or amend the affidavit And/ or file additional affidavit, if necessary. I say that, I have been authorized to file this affidavit in reply on behalf of the Respondent Nos. 1 B.
2. I state that, this Application is a result of a suomotu action taken by the Principal Bench of this Tribunal on a news item titled "Forest Department struggling to regain 14,000 Hectares of land in Pune", appearing in the Hindustan Times dated 28/08/2024.

3. I state that, the Principal Chief Conservator of Forests and the Chief Conservator of Forests (T) Pune Circle, Pune i.e, the Respondent Nos. 1 ² have filed their Affidavit in Reply on 27/02/2025 to this Application.
4. I state that, one Nagarik Chetana Manch filed I, A. No. 2079-2080 of 2007 in Writ Petition no. 202 of 1995 (T. N. Godavarman Thirumalapad v/s Union of India & ORS.) in the Supreme Court thereby challenging the allotment of Reserved Forest lands by the Revenue Department in its possession to private persons in violation of the Forest Laws as well as the Forest Conservation Act, 1980. In the said proceedings the Hon'ble Supreme Court vide its Order dated 23/11/2007 directed the Central Empowered Committee (CEC) to enquire into the matter and submit its report. The CEC then started conducting enquiries into the matter. As a result of the enquires the Forest Department issued a Notice to the Richie Rich Housing Society on 04/07/2008 thereby notifying it that it was in possession of the land which was a Reserved Forest and it was required to be taken back by the Forest Department. Aggrieved by the Notice the Richie Rich Housing Society filed I. A. Nos 2301-2302 in I. A. No. 2079 of 2007 in W.P. No. 202 of 1995 thereby challenging the Notice dated 02/07/2008 issued by the Forest Department. The Richie Rich Society also filed a Writ Petition no. 301/2008 for quashing the notice dated 04/07/2008. The CEC also submitted its report to the Hon'ble Supreme Court on 27/11/2008.

5. Considering all the above aspects and the Report of the CEC the Hon'ble Supreme Court disposed off the Interlocutory Applications and the Writ Petition in the following terms :-

(i) We hold that the allotment of 11.89 ha of Reserve Forest land in Survey No.21 (old Survey No.20A) Kondhwa Budruk in District Pune for agriculture purposes on 28th August 1998 and subsequent permission given for its sale in favor of RRCHS on 30th October 1999

was totally illegal;

(ii) We further hold that Environmental Clearance granted by the MoEF on 3rd July 2007 to RRCHS is illegal and is accordingly quashed and set aside;

(iii) Since the State of Maharashtra has recalled the communication dated 4th August 1998 approving the allotment of the subject land to the 'Chavan Family', we uphold the same;

(iv) We direct that the possession of the subject land, which is reserved as a Forest Land, but is in possession of the Revenue Department, should be handed over to the Forest Department within a period of three months from today;

(v) We further direct the Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Investigation Teams for the purpose of examining as to whether any of the reserved Forest Land in the possession of the Revenue Department has been allotted to any private individuals/ institutions for any purpose other than the forestry purpose;

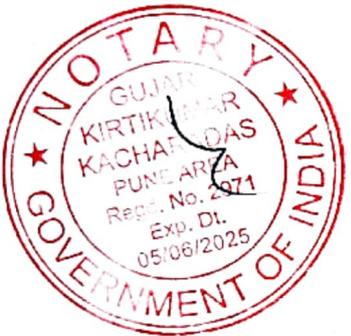
(vi) The State Governments and the Union Territories are also directed to take steps totake back the possession of the land from the persons/institutions in possession of such lands and handover the same to the Forest Department. In case, it is found that taking back the possession of the land would not be in the larger public interest, the State Governments/Union Territories should recover the cost of the said land from the persons/institutions to whom they were allotted and use the said amount for the purpose of development of forests; and

(vii) We further direct the Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Teams to ensure that all such transfers take place within a period of one year from today. Needless to state that hereinafter such land should be used only for the purpose of afforestation.

6. I state that, the Hon'ble Supreme Court in the above mentioned cases has already issued directions for formation of Special Investigating Teams in order to find out allotments of Reserved Forest lands in possession of the Revenue Department and has also issued directions to the State Government to take steps to take back possession of the allotted lands to private persons and to hand over those lands to the Forest Department and also to constitute Special Teams to ensure transfer of allotted lands to the Forest Department within a period of one year.
7. I state that, the directions issued by the Hon'ble Supreme Court in the abovementioned cases would be squarely

applicable to the present case and in view of the abovesaid directions of the Supreme Court this O. A. may be disposed off accordingly.

[Signature]
Deponent



VERIFICATION

I, Shri. Mahadev Namdev Mohite, age 49 years, working as Deputy Conservator of Forests, Pune Forest Division, Pune hereby solemnly affirm on behalf of the State of Maharashtra Forest Department do hereby solemnly declares that what is stated in aforesaid paragraphs is true and correct to my knowledge and I believe the same to be true and correct.

Solemnly declared at

This 21st day July of 2025

Mahadev N. Mohite,
Deputy Conservator of Forests,
Pune Forest Division, Pune



BEFORE ME

K. K. Gujar 21-07-2025

**K. K. GUJAR
NOTARY, GOVT. OF INDIA**

NOTED AND REGISTERED AT
SERIAL NUMBER 32/2025



BEFORE THE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE

Original Application No.199 of 2024

In the matter of :

News item titled “ Forest Dept. Struggling to

Regain

Applicant

Versus

Principle Chief Conservator of Forests.

& others

Respondents

Reply Affidavit of Respondent No.1

DATED 28th February,2025

D.M.GUPTA

ADVOCATE FOR RESPONDENT
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