

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 61 OF 2023 (WZ)

Shree Firdos Cambatta

...Applicant

Versus

State of Gujarat & Ors.

...Respondents

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AFFIDAVIT IN REPLY

ON BEHALF OF RESPONDENT NO. 7

I, Umeshwar Dayal Singh, aged: 60 years, serving as Principal Chief Conservator of Forests & Head of Forest Force, having address at: Aranaya Bhavan, Gandhinagar, do hereby solemnly affirm on oath and state as under:

1. I have read and understood the present application and being conversant with the facts and circumstances of the present case, I am competent to file this affidavit as respondent no.7, as under.
2. At the outset, I deny each and every allegation made and contention raised in the present application, insofar as they are contrary to what has been stated hereinafter, are false and are denied as if the same are specifically set out and traversed seriatim.

3. GRIEVANCE RAISED IN THE MATTER

- 3.1 I say and submit that gravamen of the Applicant in the present application, pertains to felling of trees in the parcel of land bearing Survey Nos. 313, 322, 323 and 329 Mouje: Hansol, Taluka: Asarva total admeasuring

Umeshwar Dayal Singh

25020 sq. mtrs., (hereinafter referred to as "present/said land") allegedly on account of Development of Sabarmati Riverfront Phase-2.

4. SUBMISSIONS

- 4.1 At the outset, I say and submit that as per the records available with the office of answering respondent, the present lands are allotted to Industries and Mines Department, Government of Gujarat vide order dated 05.03.2022 passed by Collector for the purpose of development of Helipad. Further the possession of said land is handed over to Gujarat State Aviation Infrastructure Company Ltd. (hereinafter referred to as "Guj. SAIL") in the year 2022.
- 4.2 I say and submit that law governing the felling of trees in the State of Gujarat is provided/embodyed under the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 (hereinafter referred to as "Act, 1951").
- 4.3 I say and submit that Section: 3 of the Act, 1951 prohibits unauthorized felling of trees without written permission of the Collector or any other officer who is duly empowered under the Act, 1951. Section: 3 of the Act, 1951 is reproduced hereunder:

3. Unauthorised felling of trees prohibited.-

(1) Notwithstanding anything contained in the Code or in any other law for the time being in force in the State-

- a) no person either by himself or through any other person shall, without the written permission of the Collector or any other officer for or any Village Panchayat constituted or deemed to be Village Panchayat under the Bombay Village Panchayats Act, 1958 duly empowered in this behalf by the Government, voluntarily fell, appropriate or*

✶ *ud Singh*

damage, or cause to be felled, appropriated or damaged, any tree, or any portion thereof;

- b) *any person who contravenes the provisions of sub-clause (a) shall, on conviction by a revenue officer not below the rank of a Mahalkari authorised by Government in this behalf, be liable to fine which may extend to rupees one thousand and which shall not be less than rupees fifty unless the Revenue officer inflicting such fine considers it improper, for special reasons to be recorded in writing, to inflict such minimum amount of fine.*

(2) Nothing contained in sub-section (1) shall apply to the felling, appropriating or damaging any branch of babool tree for the purpose of using it for causing it to be used for cleaning teeth.

4. It is further submitted that cutting and felling of trees are permitted only after obtaining requisite permissions from the concerned authority.

In exercise of the powers conferred by clause (a) of Sub-Section (1) of Section:3 of Act, 1951, the Government of Gujarat *vide* Notification dated 18.10.1968 empowered Ahmedabad Municipal Corporation for the areas within the Jurisdiction of Ahmedabad Municipal Corporation for the purpose of said clause: (a). Meaning thereby, for the areas falling within the jurisdiction of Ahmedabad Municipal Corporation, the permission for cutting and felling of trees, if required, it is to be obtained from the Ahmedabad Municipal Corporation. A Copy of Notification dated 18.10.1968 is annexed herewith and marked as **Annexure: A**.

5. In view thereof, the answering respondent says and submits that the jurisdiction for granting permissions and regulating felling of trees on the present land, is vested with Ahmedabad Municipal

✓ *udbuigs*

Corporation and the answering respondent does not have any role to play in that regard.

- 6. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

Ud Singh

DEPONENT



VERIFICATION

Ram Lal Waniyar

Verified at _____ on this day of 12 November 2024 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.



Ud Singh

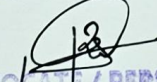
DEPONENT

Regi No. 9
 Page No. 32
 Serial No. 1935
 Date 12/11/2024

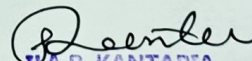
Ila B. Kantaria

Ila B. KANTARIA
NOTARY
GOVT. OF GUJARAT

IDENTIFIED BY ME


 ADVOCATE / PERSON
 NAME R. K. Waniyar
 ADD. Dhds.

SOLEMNLY AFFIRMED BEFORE ME


 Ila B. KANTARIA
 NOTARY
 GOVT. OF GUJARAT
12/11/2024



The Gujarat Government Gazette

PUBLISHED BY AUTHORITY

Vol. IX] THURSDAY, NOVEMBER 7, 1968 KARTIKA 18, 1890 [No. 45

Separate paging is given to this Part in order that it may
be filed as a separate compilation

PART IV-B

Rules and Orders (other than those published in Parts I, I-A and M-L)
made by the Government of Gujarat under the Gujarat Acts

AGRICULTURE AND CO-OPERATION DEPARTMENT

Notifications

Sachivalaya, Ahmedabad-15, 18th October 1968.

SAURASHTRA FELLING OF TREES (INFLECTION OF PUNISHMENT) ACT, 1951.

No. GH-KH-317 TRS. 2066/65848-P.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 3 of the Saurashtra Felling of Trees (Inflection of Punishment) Act, 1951 (Saurashtra Act, No. XVII of 1951), the Government of Gujarat hereby empowers Town Development Officer of the Town Development Department of Ahmedabad Municipal Corporation within the area of the Jurisdiction of Ahmedabad Municipal Corporation for the purposes of the said clause (a).

Sachivalaya, Ahmedabad-15, 28th October 1968.

SAURASHTRA FELLING OF TREES (INFLECTION OF PUNISHMENT) ACT, 1951.

No. GH-KH/319/TRS/2065/42282-P.—In exercise of the powers conferred by section 11 of the Saurashtra Felling of Trees (Inflection of Punishment) Act, 1951 (San. XVII of 1951), the Government of Gujarat hereby makes the following rules further to amend the Saurashtra Felling of Trees (Inflection of Punishment) Rules, 1961 namely:—

1. These rules may be called the Saurashtra Felling of Trees (Inflection of Punishment) (Gujarat Hird Amendment) Rules, 1968.

2. In the Saurashtra Felling of Trees (Inflection of Punishment) Rules, 1961, in rule 3, in clause (5 A).

(i) in regulation (iii), in clause (d), the word "not" occurring at two places shall be deleted;

(ii) in regulation (iv), in clause (e), for the word "tools" the word "stools" shall be substituted.

By order and in the name of the Governor of Gujarat,

U. C. BUCH,
Under Secretary to Government.

EDUCATION AND LABOUR DEPARTMENT

Order

Sachivalaya, Ahmedabad-15, 25th October 1968.

BOMBAY PROHIBITION ACT, 1949.

No. GH/SH/856/BPA-1168/75512-P.—In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and rule 3 of the Bombay Sacramental Wine Rules, 1950 and in supersession of the former Government of Bombay Resolution, Revenue Department No. SAC-1957/144162-J, dated the 30th November 1957, as amended from time to time, and all other orders issued in this behalf, the Government of Gujarat hereby approves of the persons mentioned in column

THE GUJARAT GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

 VO. IX] THURSDAY, NOVEMBER 7, 1965/KARTIKA 16, 1890 [NO. 45

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Office Bhatt and Co <office@bhattandco.in>

Affidavit in Reply by Respondent No. 7 PCCF HOFF Gujarat of OA No. 61 of 2023 (NGT WZ)

1 message

Office Bhatt and Co <office@bhattandco.in>

Tue, Nov 12, 2024 at 6:17 PM

To: Ngt-Western Zone Bench Pune <punengtwzb@gmail.com>

Cc: "simranjit@ghvirk.com" <simranjit@ghvirk.com>, "fsc@enaindia.com" <fsc@enaindia.com>

Dear sir,

In above captioned matter we are filing our Affidavit in reply on behalf of Respondent No.7

PFA is the copy of the same.

Kind Regards,
Parth H Bhatt
Advocates

 **OA 61-2023 Affidavit in Reply R-7.pdf**
2208K