

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION No. 16/2022

Dist: Pune

Ankush Tatyaba Bansude

..... Applicant

V/S

Regional Forest Officer Indapur

& Others

.....Respondents

Affidavit in Reply on behalf of the Respondent
nos.1 to 3

I, Shri. Ashutosh Ganpat Shendge, age 35 years, working as Assistant Conservator of Forest, Pune Forest Division, Pune hereby solemnly affirms on behalf of Respondents nos.1 to 3 as under :-

1. with reference to the contents of Para 1 I need not reply as the contents are formal .
2. with reference to the contents of Para 2 I need not reply as the contents are formal .

3. with reference to the contents of Para 3 and 4 I state that it is not true and correct to say that there is any impending damage to the environment by destruction of any trees as mentioned and there is also no impending damage by destruction and leveling of any existing water body.

It is not true and correct to say that 18 tamarind, 50 pomegranate and 5 Neem trees which form a vital part of the local eco system will be cut down.

3. With reference to the contents of **Para 5** I state that the Respondents have not proposed cutting of the trees as alleged by the Applicant. One Sou. Bai Rajendra Honmane had filed an Application before the Tahsildar Indapur for creating a track to approach her agricultural land over the bunds of Gat Nos.15 and 19. However, the Tahsildar permitted a track over the bunds of Gat Nos. 17 and 20. Shri Navnath Keshavrao Ghogare & another have filed a Review Application bearing No.16/2021 before the Sub-Divisional Officer, Baramati for setting aside the Order of the Tahsildar. The Review Application is pending before the Sub-Divisional Officer, Baramati.



I state that Sou. Bai Rajendra Honmane has not yet started any work of the track and she has not filed any Application for permission to fell the trees as per section 3(1) of the Maharashtra Tree Felling Regulation Act-1964. As and when she files any such Application the same will be dealt with according to law. The Forest Officer has visited the Gat Nos.17 and 20 on 25/02/2022 and he found that no tree in that Gat No. has been felled. He also prepared a spot Panchnama of the lands. Hereto annexed as **Annexure R-1** is a copy of the Report along with statement of the Forest Officer and the spot Panchnama sent by the Respondent No. 1 to the Deputy Conservator of Forests.

4. With reference to the contents of Para-6 I state that the Order of the Tahsildar has already been challenged before the Sub-Divisional Officer, Baramati. I further state that even if the Order of the Tahsildar is upheld by the Sub-Divisional Officer, Baramati. Sou. Bai Rajendra Honmane is bound to obtain permission of the Tree Officer for felling trees while making the track.



5. With reference to the contents of Para-7 I state that while giving permission to fell trees the Tree Officer is required to take into account the effect of the same on the eco-system.
6. With reference to the contents of Para-8 I state that the Respondent Nos.1 to 3 have no powers in respect of the Water Body mentioned therein and the contents need no reply.
7. With reference to the contents of Para-9 I state that the contents need no reply as the Respondents are not concerned with any pollution of water as alleged.
8. With reference to the contents of Para-10 I state that the contents need no reply.
9. With reference to the contents of Para-11 and 12 I state that Respondent Nos.1 is empowered to give permission to fell trees and if any permission is given by him the trees are to be felled by the Applicant. Thus, the Respondent Nos.1 does not fell trees of the Applicant. The Respondent Nos.2 and 3 are not the Tree Officers and no relief can be sought against them and their names need to be deleted from this Application. The



Application is bad for not joining Sou. Bai Rajendra Honmane as Respondent in this Application.

10. With reference to the contents of Para-13 I state that no substantial question of law arises in this Application.
11. With reference to the contents of Para-14 and 15 I state that the question of giving permission to Sou. Bai Rajendra Honmane is pending before the Sub-Divisional Officer, Baramati and there is no cause of action to file this Application. This Application is liable to be dismissed as premature.
12. With reference to the contents of Para-16 I state that it is not correct to say that the Respondents have made preparations to fell trees. I state that the Tree Officer, i.e., the Respondent No.1 is empowered to give permission to fell trees and after getting permission, the Applicant is to fell the trees. The Respondent No.1 is not supposed to fell the trees.
13. With reference to the contents of Para-17 and 18 I state that as the Application is premature the Applicant has no locus standi to file this Application



14. With reference to the contents of Para-19 and 20 I state that there is no cause of action to file this Application and therefore no question of limitation arises.
15. I state that the Respondent No.1 is the authority which is empowered to give permission to fell any tree and there is no question of felling the trees by the Respondent No.1 to 3. The Respondent No.1 will deal with any application if filed for permission to fell trees by Sou. Bai Rajendra Honmane in accordance with law. In these circumstances, the Application is premature and is liable to be dismissed with costs.



VERIFICATION

I Shri. Ashutosh Ganpat Shendge, age 35 years, working as Assistant Conservator of Forest, Pune Forest Division, Pune, hereby solemnly affirms on behalf of the State of Maharashtra through its Respondents nos.3 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.

Pune
Solemnly declared at ~~Mumbai~~

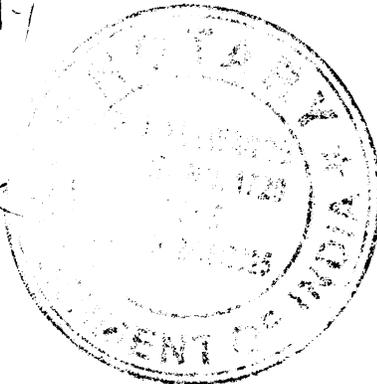
This th day of *10th April 2022*

A. Shendge

M. P. Gupta

Settled by,

Ashutosh Kulkarni
Assistant Government Pleader,



Ashutosh G. Shendge
Assistant Conservator of Forest,
Pune Forest Division, Pune



12 APR 2022 PUNE.



APPENDIXURE R-1

Office of the Forest Range Indapur,
Near Dudhganga Dairy, At post Indapur, Tal. Indapur, Dist. Pune
Pin code 413 106, Telephone No. 02111-224324, E-mail indapurifo@gmail.com

Subject:- Report of the Green Tribunal case filed by Mr.
Ankush Tatyaba Bansude OA No.16/2022

Outward No./A/Tree Felling/2442/2021-22
Indapur 413106 Date: 25/02/2022

To,
The Deputy Conservator of Forests,
Pune Forest Division, Pune.

Reference: Outward No. 175/2021-22 Date 25/02/2022
Of the Forester, Indapur Forest Range

In the context of the above matter, Mr. Ankush Tatyaba Bansude, Mauje Vakilvasti, Tal. Indapur, Dist. Pune, has lodged a complaint in the Green Tribunal about the possibility of felling of trees on his farm bunds due to the road being sanctioned through the bunds of his farmland. The Forester Indapur has submitted a report accordingly.

Tehsildar Indapur has sanctioned a road leading to the farmland of Mrs. Bai Rajendra Honmane through the farm bunds of Mr. Ankush Tatyaba Bansude bearing Gat No. 17 from Mauje Vakilvasti and Mr. Navnath Keshavrao Ghogare bearing Gat No. 20 from Mauje Vakilvasti and there is a possibility of 70 pomegranate tree on farm bunds of Mr. Bansude and total 26 trees including 18 tamarind and 8 lemon, will be cut during the construction of the said road. Hence, both have lodged a complaint in the Green Tribunal and the Forest Range Officer Indapur respectively. It was found in the Panchnama of the said site that no tree has not been cut yet.

In the context of the said complaint, Panchnama of the site, GPS photo, report of the Forester, Forest Guard and statement of complainants Mr. Ghogare and Bansude have been submitted to you for further action.

Sd/-

(Mr. A. P. Suryavanshi)

Range forest Officer Indapur

Copy to: Assistant Conservator of Forest (A.W.P), Pune Fore Division Pune for information

Subject: About illegal felling of trees on farm bunds of the land bearing Gat No. 20 and 17 from Mauje Vakilvasti by Bai Rajendra Honmane
Forester Indapur Outward No. 175/2021-22
Date: 25/02/2022

To,
The Forest Ranger Officer
Indapur.

Reference: According to your mobile message dated 25/02/2022.

In the context of the above matter, the Forest Guard Kati, the Forester Indapur are submitting a report, which states that Panchnama and statements have been recorded on the site after inspecting the site as per the complaint lodged regarding felling of trees, including pomegranate – 70, tamarind – 18, lemon – 8, on the farm bunds of the land bearing Gat No 17 and 20 from Mauje Vakilvasti by Bai Rajendra Honmane without taking any permission. Complainant has requested to not to cut the said trees and submitted a written statement. It is submitted to you for further action.

Sd/-
Round Forest Officer
Indapur

Panchnama

Date: 25/02/2022

- Panch:** 1) Tanaji Namdeo Bagal, Age 54 years, Occupation farming, resident of Bawada, Tal. Indapur, Dist. Pune
 2) Madhukar Pandurang Kambale, Age 55 years, Occupation labour, resident of Vakilvasti, Tal. Indapur, Dist. Pune

We, panchas, were invited by the Forest Circle Officer Indapur, Forest Guard Kati and asked to perform a panchnama of the current status with regards to the complaint lodged by Navnath Keshavrao Ghogare dated 13/01/2022 regarding a possibility of illegal felling of trees, including tamarind, lemon, on the farm bunds of the land bearing Gat No. of 17 and 20 from Mauje Vakilvasti, by Bai Rajendra Honmane. We, panchas, and the forest officers are writing the following panchnama.

We gathered at the farm bunds of Gat No. 20 and 17 as per the instructions of the Forest Officer, employees. Kulmukhtyar Vijay Keshavrao Ghogare was present on behalf of the complainant Navnath Keshavrao Ghogare. They showed us tamarind trees planted on the farm bunds of Gat No. 17 and 20. Adjacent to the said farm bund, pomegranate plantation was found in the Gat no. 17. Bai Rajendra Honmane has demanded a road through the farm bunds of the said both Gat No. In order to construct the said road, there is a possibility that the road will be constructed through our farm bunds by causing damage to our corps and area, in the absence of our permission and against our wish. During the construction of the said road, 70 pomegranate trees, which are planted earlier in Gat No. 17 of Ankush Tatyaba Bansude and as told by him, are being affected. Also, there is a possibility that total 26 trees, including 18 tamarind trees and 8 lemon trees, adjacent to the farm bunds of Gat No. 20 of Navnath Keshavrao Ghogare, will be cut. During the road construction, total 96, including 70 pomegranate and other 26, trees will be cut. Currently, not a single tree of any kind has been cut on the said land. Regarding the said felling of trees, according to us, panchas, and land owner, you should not allow any kind of felling of trees. All said trees are of 5 years old.

The said panchanama has been written by personally visiting the spot and as per the current situation and has been signed only after ensuring that it is correct.

Panchanama started at 4.00 PM and completed at 5.30 PM.

Panch

1) Sd/-

2) Sd/-

Place: Mauje Vakilvasti, Gat No. 17 and 20

Date: 25/02/2022

Witness:

- | | |
|---|------|
| 1) Navnath Keshavrao Ghogare | Sd/- |
| 2) Ankush Tatyaba Bansude | Sd/- |
| 3) Shri. Khartode Forester Indapur | Sd/- |
| 4) Smt. Gauri Hingane Forest Guard Kati | Sd/- |

Statement

Date: 25/02/2022

Statement recorded before

the Forest Circle Officer Indapur by: - 1) Vijay Keshavrao Ghogare, Age 55 years, Occupation farming, resident of Vakilvasti on behalf of Navnath Keshavrao
2) Ankush Tatyaba Bansude, resident of Vakilvasti, Tal. Indapur, Dist. Pune, Age 64 years, Occupation farming

I am writing that we are permanent resident of the abovementioned place and we had lodged a complaint in your office regarding a possibility that Bai Rajendra Honmane may illegally cut the trees on the farm bunds of our Gat No. 20 and 17 for a road. According to our complaint, today you personally visited the spot and recorded panchanama and statement in the presence of panchas. As showed by us, during the road construction, 70 pomegranate trees from Gat No. 17 owned by Ankush Tatyaba Bansude and total 26 trees, including 18 tamarind and 8 lemon, from Gat No. 20 owned by Navanath Keshavrao Ghogare, might be cut. These trees are of 5 years old and are being illegally cut without our permission. We request your department to not allow to fell trees. As mentioned in the complaint, currently no trees are cut. This statement has been willingly recorded as per the real situation.

Place: Mauje Vakilvasti, Gat No. 17 and 20

Date: 25/02/2022

1) Navnath Keshavrao Ghogare Sd/-
2) Ankush Tatyaba Bansude Sd/-

Before -

1) Shri. Khartode Forester Indapur Sd/-
2) Smt. Gauri Hingane Forest Guard Kati Sd/-

Forest Guard & Forester Report

25/02/2022

To,
Range Forest Officer
Indapur

Reference: Mobile information with you dated 25/02/2022.

The Forest Guard Kati, the Forester Indapur are submitting the report that, panchanama and statements are recorded in accordance with the complaint lodged by Vijay Keshavrao Ghogare on behalf of Navnath Keshavrao Ghogare with regards to granting permission to Bai Rajendra Honmane for cutting tamarind, pomegranate and lemon trees on the farm bunds of Gat No. 20 and 17 from Mauje Vakilvasti without permission. As mentioned in the complaint, total 26 trees, including 18 tamarind trees and 8 lemon trees, from Gat No. 20, were inspected as showed by the complainant Navnath Keshavrao Ghogare. Also, 70 pomegranate trees from Gat No. were inspected as showed by Ankush Tatyaba Bansude. Out of all inspected trees, not a single tree of any kind was found cut. The complainant has opposed the said felling of trees and hence, requested your department though a written statement to not allow to cut the said trees. The report has been submitted to you.

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|---|------|
| 1) Shri. Khartode Forester Indapur | Sd/- |
| 2) Smt. Gauri Hingane Forest Guard Kati | Sd/- |

Mauje Vakilvasti Ta. Indapur Dist. Pune Current Status of Gut No 20 & 17

