

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 820/2024**

**IN THE MATTER OF:**

TRIBUNAL ON ITS OWN MOTION- SUO MOTO

BASED ON NEWS ITEM TITLES “22 SAAL SE BAND COMPANY MENIN  
KAAT DIYE 1 HAZAAR SE ZYADA PED NOIDA MEIN VAN VIBHAG NE  
JABT KIYA KATE PEDO SE BHARA TRUCK” APPEARING IN  
NAVBHARAT TIMES DT. 11.06.2024

**INDEX**

S.No.	PARTICULARS	PAGE NO.
1.	AFFIDAVIT ON BEHALF OF DIVISIONAL FOREST OFFICER, GAUTAM BUDH NAGAR	
	ANNEXURES	
2.	COPY OF THE LETTER DT. 17.10.2024 HAS BEEN ATTACHED HEREWITH AS ANNEXURE A-1	
3.	COPY OF THE FIR DT. 21.10.2024 HAS BEEN ATTACHED HEREWITH AS ANNEXURE A- 2	
4.	COPY OF THE LETTER DT. 21.11.2024 HAS BEEN ANNEXED HEREWITH AS ANNEXURE A-3	

5.	COPY OF THE ORDER DT. 29.11.2024 HAS BEEN ANNEXED HEREWITH AS ANNEXURE A-4	
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THROUGH



BHANWAR PAL SINGH JADON

STANDING COUNSEL FOR THE STATE OF UTTAR PRADESH

EMAIL- [bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com)

DATE: 01.02.2025

PLACE: NOIDA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 820/2024**



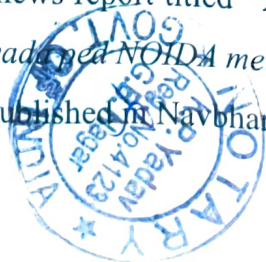
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**AFFIDAVIT ON BEHALF OF DIVISIONAL FOREST OFFICER,  
GAUTAM BUDH NAGAR**

I, PRAMOD KUMAR, aged about 59 years, S/o Shri PADAMDHAR SRIVASTAVA, R/o  
B-1/701, Antriksh Nature Sector 52, Noida, Divisional Forest  
Officer, Gautam Budh Nagar, do hereby solemnly state and affirm as under:

1. That I, the Deponent in the present matter, am fully conversant with the facts of the case and competent and authorized to swear the present affidavit.
2. That in the present matter *suo motu* has been initiated by the Hon'ble Tribunal based on the news report titled “22 saal se band company mein kaat diye 1 hazaar se jyada ped NOIDA mein Van Vibhag ne jabt kiya kate pedo se bhara truck” published in Navbharat Times dated 11.06.2024.



3. That upon receipt of information regarding illegal tree felling, the Deponent directed an inspection of the premises of M/s Shakuntalam Landcrafts Pvt. Ltd., Greater Noida. That during the inspection, it was observed that a total of 980 trees had been felled illegally, hence the gate of the said unit was sealed by the Range Forest Officer, Dadri, Gautam Buddh Nagar after completing all the formalities. That during the inspection, the inspection team had also found two vehicles loaded with the felled trees at the said site. That these vehicles were immediately seized by the Range Forest Officer, Dadri, Gautam Buddh Nagar on 10.06.2024 in accordance with Section 14 of the Tree Protection Act, 1976. That pursuant to the seizure, H2 Case No. 16/2024-25 was registered against the drivers under Sections 4, 10, and 11 of the Tree Protection Act, 1976.
4. That it is imperative to state that two security guards were appointed by the Uttar Pradesh State Industrial Development Authority (UPSIDA) to prevent unauthorized access of the sealed gate of the M/s Shakuntalam Landcrafts Pvt. Ltd. However, despite these measures, the said gate was stolen by unidentified individuals on 21.09.2024.
5. That a letter dated 17.10.2024 was issued by the Range Forest Officer, Dadri, Gautam Budh Nagar to the Police Station Incharge, Ecotech-3, Greater Noida, Gautam Budh Nagar providing an immediate information regarding the theft of the said gate and requesting the registration of the FIR with respect to the same.

A Copy of the letter dt. 17.10.2024 has been attached herewith as **ANNEXURE A-1.**



6. That upon further persistence, an FIR bearing No. 392/2024 was registered on 21.10.2024 under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, upon a complaint by Mr. Mahendra Chandra Yadav, Assistant Manager, UPSIDA. That the said FIR states that the gate and the metal mesh from the wall have been stolen and both the security guards were absent at the time of the incident.

A Copy of the FIR dt. 21.10.2024 has been attached herewith as **ANNEXURE A-2.**

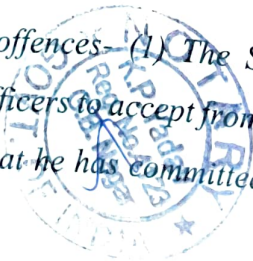
7. That a letter dated 21.11.2024 was addressed by the Range Forest Officer, Dadri, Gautam Buddh Nagar to the Police Station Incharge, Ecotech-3, Greater Noida, seeking information regarding the progress of the investigation. However, no response has been received yet.

A Copy of the letter dt. 21.11.2024 has been annexed herewith as **ANNEXURE A-3.**

8. That the Sections 10 and 15 of the Tree Protection Act, 1976, which are relevant to the present matter, have been reproduced herein for ready reference of this Hon'ble Tribunal:

*"10. Penalty for felling or removal of trees in contravention of Section 4  
Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of Section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both."*

*"15. Power to compound offences- (1) The State Government may by notification authorise any officers to accept from any person against whom there is reason to believe that he has committed offence under this Act in*



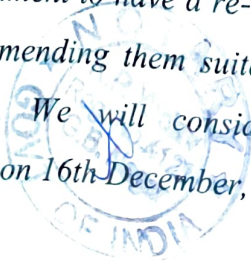
*respect of any tree other than a tree situate in a forest, grove or public-premises, such sum of money not exceeding 1 [ten thousand rupees] by way of composition for the offence which such person is suspected to have committed. (2) On the payment of such sum of money to any such officer, the suspected person if in custody, shall be released and no further proceeding under this Act shall be taken against such person and notwithstanding anything contained in Section 14, such officer may on payment of such amount, not exceeding 2 [ten thousand rupees] as he may in the circumstances of the case think fit, release the property seized under this Act."*

9. That it is imperative to submit that the Hon'ble Supreme Court in the matter of ***M.C. Mehta v. Union of India & Ors., Writ Petition (Civil) No. 13381/1984*** has directed vide its order dt. 29.11.2024 to the Government of Uttar Pradesh to re-examine Sections 10 and 15 of the Tree Protection Act, 1976, and to consider amending them to impose stricter penalties for illegal tree felling. That the relevant portion of the order is reproduced below for ready reference:

*"IN RE: Uttar Pradesh Protection of Trees Act, 1976*

*8. Our attention is invited to the provisions of the Uttar Pradesh Protection of Trees Act, 1976. We find that the provisions regarding the penalty are inadequate and are not sufficient to deter persons from illegally felling trees. Even the amount on the basis of which the offense can be compounded as mentioned in Section 15 of the Act is too low.*

*9. We request the State Government to have a re-look at Sections 10 and 15 of the Act and consider amending them suitably for enhancing the penalties prescribed therein. We will consider the issue of the implementation of the said Act on 16th December, 2024."*



A Copy of the Order dt. 29.11.2024 has been annexed herewith as  
ANNEXURE A-4

10. That in light of the above, necessary steps are being undertaken by the Forest Department in strict adherence to the directions issued by the Hon'ble Tribunal.
11. Hence the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.
12. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

  
DEPONENT

**VERIFICATION**

Verified at Gautam Buddha Nagar on this 1<sup>st</sup> day of February, 2025, that the contents of the above affidavit from paragraphs 1 to 16 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

  
DEPONENT

ATTESTED  
K.P. YADAV  
NOTARY PUBLIC



कार्यालय क्षेत्रीय वन अधिकारी दादरी रेंज ई-1 सैक्टर-1 नोएडा  
पत्रांक 297/22-1 दादरी दिनांक 17-10-2024

सेवा में,

थाना प्रभारी

ईकोटैक-3 ग्रेटर नोएडा

गौतमबुद्धनगर

विषय: डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकाप्ट कम्पनी सूरजपुर ग्रेटर नोएडा के मेन गेट के चोरी होने की एफ0आई0आर0 पंजीकृत करने के सम्बन्ध में। महोदय,

उपरोक्त विषय में अवगत कराना है कि डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकाप्ट कम्पनी सूरजपुर ग्रेटर नोएडा के मेन गेट की चोरी की लिखित सूचना दिनांक 22.09.2024 को श्री महेश चन्द यादव, सहायक प्रबन्धक, यू0पी0एस0आई0डी0ए0 व श्री राम अवतार वन दरोगा द्वारा एफ0आई0आर0 पंजीकृत करने के सम्बन्ध में आपके थाने ईकोटैक-3 में दी गयी परन्तु अभी तक उक्त चोरी की एफ0आई0आर0 पंजीकृत नहीं की गयी है। डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकाप्ट कम्पनी से सम्बन्धित वाद मा0 न्यायालय एन0जी0टी0 में विचाराधीन है।

अतः उक्त चोरी की एफ0आई0आर0 पंजीकृत कर वैधानिक कार्यवाही करने का कष्ट करें।

*Janik.*  
क्षेत्रीय वन अधिकारी  
दादरी

प्रतिलिपि: 1- प्रभागीय वनाधिकारी, गौतमबुद्धनगर को सूचनार्थ एव आवश्यक कार्यवाही हेतु प्रेषित।

प्रतिलिपि: 2- प्रबन्धक, यू0पी0एस0आई0डी0ए0 गौतमबुद्धनगर को सूचनार्थ एव आवश्यक कार्यवाही हेतु प्रेषित।

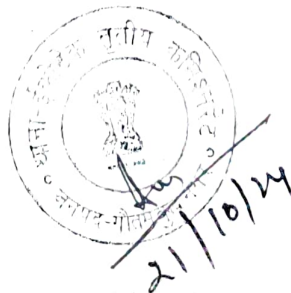
प्रतिलिपि: 3- श्री राम अवतार वन दरोगा को इस निर्देश के साथ प्रेषित कि आप थाना ईकोटैक-3 में एफ0आई0आर0 पंजीकृत कराना सुनिश्चित करें।

*Janiko.*  
क्षेत्रीय वन अधिकारी  
दादरी

olc

*21/10/24*

*19/10/2024*



N.C.R.B (एन.सी.आर.बी)  
I.I.F.-I (एकीकृत जाँच फार्म -I)

**FIRST INFORMATION REPORT**

(Under Section 173 B.N.S.S)

प्रथम सूचना रिपोर्ट  
(धारा 173 बी एन एस एस के तहत)

1. District/Unit (जिला/इकाई): मध्य (कमिश्नरेट गौतमबुद्धनगर)  
P.S. (थाना): ईकोटेक-तृतीय Year (वर्ष): 2024  
FIR No.(प्र.सू.रि. सं.): 0392  
Date & Time of FIR(प्र.सू.रि. की दिनांक/समय): 21/10/2024 15:41

2. S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भारतीय न्याय संहिता (बी एन एस), 2023	303(2)

3.(a) Occurrence of offence (अपराध की घटना) :

1. Day शनिवार Date From 21/09/2024 Date To 21/09/2024  
(दिन): (दिनांक से): (दिनांक तक):
- Time Period पहर 1 Time From 00:00 बजे Time To 00:00  
(समय अवधि): (समय से): (समय तक): बजे

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई):

Date 21/10/2024 Time (समय): 15:41 बजे  
(दिनांक):

(c) General Diary Reference (रोजनामचा संदर्भ):

Entry No. 061 Date & Time 21/10/2024 15:41 बजे  
(प्रविष्टि सं.): (दिनांक और समय):

4. Type of Information (सूचना का प्रकार): लिखित

## 5. Place of Occurrence (घटनास्थल):

- Direction and distance from P.S. दक्षिण, 03 Beat No.  
1. (a) (थाना से दूरी और दिशा): किमी (बीट सं.):  
(b) Address डेबू मोटर्स कम्पनी  
(पता):

- (c) In case, outside the limit of this Police Station, then  
(यदि थाना सीमा के बाहर है तो):

Name of P.S. District(State)  
(थाना का नाम): (ज़िला (राज्य)):

## 6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

- (a) Name (नाम): महेश चन्द्र यादव असिस्टेंट मैनेजर  
(b) Father's/Husband's Name (पिता / पति का नाम)  
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1974  
(d) Nationality (राष्ट्रीयता): भारत  
(e) UID No. (यूआईडी सं.):  
(f) Passport No. (पासपोर्ट सं.):  
Date of Issue (जारी करने की तिथि):  
Place of Issue (जारी करने का स्थान):

- (g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (क्र.सं.)	Id Type (पहचान पत्र का प्रकार)	Id Number (पहचान संख्या)
1		

- (h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	यूपीएसआईडीए, ईकोटेक-तृतीय, मध्य (कमिश्नरेट गौतमबुद्धनगर), उत्तर प्रदेश, भारत
2	स्थायी पता	यूपीएसआईडीए, ईकोटेक-तृतीय, मध्य (कमिश्नरेट

N.C.R.B (एन.सी.आर.बी)  
I.I.F.-I (एकीकृत जाँच फार्म -I)

2	स्थायी पता	गौतमबुद्धनगर), उत्तर प्रदेश, भारत
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(i) Occupation (व्यवसाय):

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-9205691720

7. Details of known/suspected/unknown accused with full particulars

(जात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	अज्ञात1			

8. Reasons for delay in reporting by the complainant/informant

(शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु)

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. UIDB Number

12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर हिन्दी वादी.....सेवा में, थाना प्रभारी इकोटेक-III ग्रेटर नौएडा। विषय:- डेबू मोटस कम्पनी ग्रेटर नौएडा में लगी शील मैन गेट चोरी होने के सम्बन्ध में (अज्ञात व्यक्तियों द्वारा)। महोदय, उपरोक्त विषयक में अवगत कराना है कि डेबू मोटर (शाकुन्तलम) कम्पनी ग्रेटर नौएडा वन विभाग से बिना अनुमति के कम्पनी मालिक द्वारा हरे खडे पेड काटकर ले जाते थे। इसलिए वन विभाग के अधिकारियों ने राजस्व विभाग यू0पी0 सीडा व स्थानीय पुलिस थाना इकोटेक-III ग्रेटर नौएडा के साथ मैन गेट पर शील लगायी गयी थी। जिससे

अवागमन वन्द है। व लकड़ी आदि की चोरी न हो। बाद में यू0पी0 सीडा के उच्चाधिकारियों के आदेशानुसार दूसरी शील लगाकर दो गार्ड देख रेख हेतु छोड़े गये। तथा डेब मोटस कम्पनी को समस्थ जिम्मेदारी U.P.SIDA के पास है। दिनांक 21/09/24 को कम्पनी के यूनियन लिडर श्री उपेन्द्र खारी ने दूरभास के द्वारा अवगत कराया कि आपके शील लगे गेट चोरी हो गये है। आपके चौकीदार व गार्ड मौके पर नहीं मिले है। हमारे द्वारा श्री पदम सिंह फील्ड आफिसर द्वारा (9997524754) दो गार्ड भेजे गये थे जो हमें मौके पर नहीं मिले तथा दिवार पर लगी जाली व शील लगे मैन गेट चोरी हुए मिले हमने मौका देखकर अपने उच्च अधिकारियों को अवगत कराया। अतः अपसे अनुरोध है कि शील लगे मैन गेट व दिवार पर लगी जालियों को चोरी होने की प्राथमिकी लिखित दर्ज कर कानूनी कार्य वाही करने की कृपा करे। लिखित रिपोर्ट महोदय की सेवा में प्रेषित है। भदीय ह0 अंग्रेजी अपठित 22/09/2024 राम अवतार वन दरोगा दादरी रेंज (9654432207) भवदीय ह0 अंग्रेजी अपठित 22/09/24 (महेश चन्द्र यादव) Asstt.Manager U.P. SIDA. Mob-9205691720..... नोट--मै का0 3446 अवधेश कुमार प्रमाणित करता हूँ कि तहरीर की नकल मेरे द्वारा बोल बोलकर शब्द व शब्द कम्प्यूटर पर म0का0 2497 प्रियंका से अलावा तकनीकी त्रुटि के टंकण करायी गयी।

**13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.**

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है।)

(1) Registered the case and took up the investigation: (प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or  
(या)

(2) Directed (Name of I.O.) Udit Singh  
(जांच अधिकारी का नाम):

Rank SI (Sub-Inspector)  
(पद):

No. 192330448  
( सं.):

to take up the Investigation  
(को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

N.C.R.B (एन.सी.आर.बी)  
I.I.F.-I (एकीकृत जाँच फार्म -I)

or (के कारण इंकार किया या)

(4) Transferred to P.S.

District

(थाना):

(ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.(आर. ओ .ए .सी.)

14 Signature/Thumb impression of the complainant / informant.(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15 Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Signature of Officer in charge,  
Police Station

(थाना प्रभारी के हस्ताक्षर)

Name ANIL KUMAR PANDEY

Rank I (Inspector)

No. 982250859

कार्यालय क्षेत्रीय वन अधिकारी दादरी रेंज ई-1 सैक्टर-1 नोएडा  
पत्रांक 369/22-1 दादरी दिनांक 21-11-2024

सेवा में,

थाना प्रभारी

ईकोटेक-3 ग्रेटर नोएडा

गौतमबुद्धनगर

विषय: डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकापट कम्पनी सूरजपुर ग्रेटर नोएडा के मेन गेट के चोरी होने की एफ0आई0आर0 संख्या 392/2024 के सम्बन्ध में।

महोदय,

उपरोक्त विषय में अवगत कराना है कि डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकापट कम्पनी सूरजपुर ग्रेटर नोएडा के मेन गेट की चोरी की लिखित सूचना दिनांक 22.09.2024 को श्री महेश चन्द यादव, सहायक प्रबन्धक, यू0पी0एस0आई0डी0ए0 व श्री राम अवतार वन दरोगा द्वारा एफ0आई0आर0 संख्या 392/2024 पंजीकृत करायी गयी। डेबू मोटर्स कम्पनी अधिग्रहित शकुन्तलम लैण्डकापट कम्पनी से सम्बन्धित वाद मा0 न्यायालय एन0जी0टी0 में विचाराधीन है।

अतः उक्त एफ0आई0आर0 संख्या 392/2024 में आपके द्वारा की गयी वैधानिक कार्यवाही से अवगत कराने का कष्ट करें।

Anamika  
क्षेत्रीय वन अधिकारी  
दादरी

प्रतिलिपि: 1- प्रभागीय वनाधिकारी, गौतमबुद्धनगर को सूचनार्थ एव आवश्यक कार्यवाही हेतु प्रेषित।

क्षेत्रीय वन अधिकारी  
दादरी



ITEM NO.58

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE (1) IA NOS. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR) (2) IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA) (3) IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE) "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MR. AJIT SHARMA, MR. ANSHUL GUPTA, MR. KAMLENDRA MISHRA, ADVOCATES)

Date : 29-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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Mr. Jagdish Chandra Solanki, Adv.  
Mr. Aaditya Dixit, Adv.  
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Mr. Kishan Chand Jain, Adv.  
Mr. Rajesh Kumar, Adv.  
Mr. Siddhant Sahay, Adv.  
Mr. Ashwini Kumar, Adv.  
Mr. E. C. Agrawala, AOR

**Petitioner-in-person**

**Applicant-in-person**

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Mr. Ankur Prakash, AOR

Mr. Gurmeet Singh Makker, AOR

Ms. Garima Prashad, Sr. A.A.G.  
Mr. Sudeep Kumar, AOR

Mr. Pradeep Misra, AOR  
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Mr. Krishna Kumar, Adv.  
Dr. Mrs. Vipin Gupta, AOR  
Mr. Prashant Kumar, AOR  
Mr. Rajiv Tyagi, AOR  
Mr. Ajay K. Agrawal, AOR  
Mr. Shiv Prakash Pandey, AOR  
Mr. Sudhir Kulshreshtha, AOR  
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Mr. N. L. Ganapathi, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Anurag Kishore, AOR

Mr. Rachit Mittal, AOR

Mr. Nishit Agrawal, AOR

Mr. Zoheb Hossain, AOR

Mr. Shishir Deshpande, AOR

Mr. Nischal Kumar Neeraj, AOR

Mr. Shalen Bhardwaj, Adv.

Mr. Virender Kumar, Adv.

Ms. Garima Kumar, Adv.

Ms. Lakshmi, Adv.

Ms. Banisha Verma, Adv.

Mr. Ashok Kumar Panigrahi, Adv.

Mr. Deepender Kumar Pathak, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Arvind Gupta, AOR

Mr. Shantanu Bansal, AOR

Mr. Jogy Scaria, AOR

Mr. Guntur Pramod Kumar, AOR

Mr. Amrish Kumar, AOR

Mr. Sunny Choudhary, AOR

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Mr. Ashutosh Dubey, Adv.

Mrs. Rajshri Dubey, Adv.

Mr. Abhishek Chauhan, Adv.

Mr. H.b. Dubey, Adv.

Mr. Amit P. Shahi, Adv.

Mr. Amit Kumar, Adv.

Mr. Rahul Sethi, Adv.

Mr. Shashi Bhushan Nagar, Adv.

Mr. Manish Dhingra, Adv.

Mrs. Sona Khan, Adv.

Mr. Sumant Akram Khan, Adv.

Mr. Rajendra Anbhule, Adv.

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Mr. Vivek Narayan Sharma, AOR

Mr. Gaurav Goel, AOR

M/S. Gsl Chambers, AOR

M/S. M. V. Kini & Associates, AOR

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Ms. Rajkumari Banju, AOR

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Mr. Pushkar Sharma, AOR

Ms. Nagma Bee, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Sanjeev Kumar Choudhary, Adv.

Mrs. Shradha Choudhary, Adv.

Mr. Seshatalpa Sai Bandaru, AOR

Mr. Gaurav Dhingra, AOR

Mr. Shashank Singh, Adv.

Mr. Surendra Gautam, Adv.

Mr. Raghvendra Shukla, Adv.

Mr. Shantanu Krishna, AOR

Mr. Ankit Mishra, Adv.

Mr. Abhijit Banerjee, AOR  
Mr. Shanto Mukherjee, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA NOS. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT  
AND DIRECTIONS ON B/O RAM AUTAR)

1. We have perused Report No.29 of 2024 of the Central Empowered Committee (CEC). The report discloses a shocking state of affairs. It records that 454 trees were illegally felled in the night of 18 and 19<sup>th</sup> September, 2024. Out of these 454 trees, 422 trees which were on the private land known as Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh. The remaining 32 trees were on the roadside strip adjoining this private land which is a protected forest. The details of the trees have been also mentioned in the Report. From the Report, it appears that this blatantly illegal action of felling as many as of 454 trees have been taken by the persons mentioned in paragraph 8 of the Report in violation of the orders of this Court dated 8<sup>th</sup> May, 2015 in IA 527 of 2014 as well as the order dated 8<sup>th</sup> December, 2021 passed in this petition.

2. *Prima facie*, we are of the view that the persons mentioned in paragraph 8 of the Report are guilty of a civil contempt. Hence, we issue notice to the following:

(i) Mr. Giriraj Agarwal  
s/o Sri Raj Kumar Agarwal,  
r/o Anand Krishan Van, Sunrakh Road,  
Madhuvan Colony, Vrindavan Bangar,  
Mathura, Uttar Pradesh; and

(ii) Sri Ashish Kaushik  
s/o Sri Ramesh Chandra Kaushilk  
r/o 16C, Bank Colony, Arthara Krishna Nagar,  
Mathura, Uttar Pradesh

The notice is made returnable on 16<sup>th</sup> December, 2024 calling upon them to show cause as to why action under the Contempt of Courts Act, 1971 should not be initiated against them.

3. In the meanwhile, we direct the persons to whom the notice is issued not to carry on any construction or any work whatsoever on Dalmia Farm including the work of felling trees and maintain *status quo* in all respects in respect of the property of Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh.

4. The Registry to forward the notices for effecting service to the Superintendent of Police, District Mathura. The Superintendent of Police, District Mathura will direct the Station House Officer of the local police station to visit the site of Dalmia Farm with a view to ensure that no further construction or felling of trees is carried out.

5. Needless to add that all further actions including confiscation of timber etc. in accordance with law shall be taken.

6. We make it clear that whenever the permissions are granted by this Court for felling of the trees, the activity of felling of trees shall not be carried out after 6.00 p.m. till 8.00 a.m. of the immediately next day.

IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA)

7. We request the CEC to examine the allegations made in IA D.No.262456 of 2024 and submit a report on or before 15<sup>th</sup> December, 2024 which will be considered on 16<sup>th</sup> December, 2024.

IN RE:Uttar Pradesh Protection of Trees Act, 1976

8. Our attention is invited to the provisions of the Uttar Pradesh Protection of Trees Act, 1976 (for short, "the Act"). We find that the provisions regarding the penalty are inadequate and are not sufficient to deter the persons from illegally felling trees. Even the amount on the basis of which the offence can be compounded as mentioned in Section 15 of the Act is too low.

9. We request the State Government to have a re-look at the Sections 10 and 15 of the Act and consider of amending the same suitably for enhancing the amounts mentioned therein. We will consider the issue of the implementation of the said Act on 16<sup>th</sup> December, 2024 at the end of the cause list.

IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE)

10. We request the CEC to examine the prayers made in IA No.259776 of 2024 and report at the earliest.

11. These applications to be considered on 16<sup>th</sup> December, 2024 at the end of the cause list.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER