

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 546/2017

IN THE MATTER OF:

Satyapal & Ors.

...Applicant(s)

Versus

Ministry of Environment, Forest &
Climate Change & Ors.

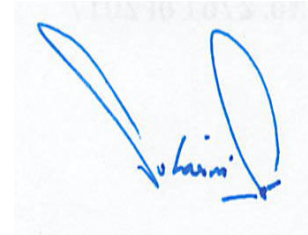
...Respondent(s)

N.D.O.H. – 13.12.2024

INDEX

S.No.	Particulars	Page No.
1.	Affidavit on behalf of the Ministry of Environment, Forest, and Climate Change (Respondent No. 1)	1-5
2.	Annexure – 1: A copy of the letter dated 13.11.2024.	6

THROUGH



SUHASINI SEN
(COUNSEL FOR MOEF&CC)
R289B, LGF, GREATER KAILASH I NEW DELHI- 110048
TEL: +91-96500 96066, +91-9953049776,
suhasini@rschambers.net, office@rschambers.net

New Delhi
Date: 05.12.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
IN
Original Application No. 546/2017**

IN THE MATTER OF:

Satyapal & Ors.

.....Applicant (s)

VERSUS

Ministry of Environment of Forest and
Climate Change & Ors.

.....Respondent(s)

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

1. I, Sanjay Kumar Chauhan, S/o Shri A.S.Chauhan, aged about 41 years working as the Assistant Inspector General of Forests (Forest Protection Division) in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEFCC) at New Delhi do hereby solemnly affirm and say on oath that, I am competent and authorized to swear this affidavit for and on behalf of the Respondent No.-1.
2. That, I have read and understood the contents of the present Affidavit, the contents thereof are true, and no part of it is false, and nothing material has been concealed therefrom.



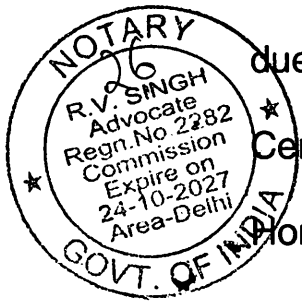
(Sanjay Kumar Chauhan)
(SANJAY KUMAR CHAUHAN)
Assistant Inspector General of Forests
Forest Protection Division, Ministry of Environment, Forest and Climate Change
Govt. of India, New Delhi

2

3. That, the instant application was filed by the applicant regarding alleged illegal possession of common village land by forcefully cutting/removing 500/550 tall and well-developed trees.
4. In this regard, it is humbly submitted that the MoEFCC deals with policy and regulatory issues at a broader level. The role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife, and other environmental resources are concerned.

5. That the 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the State Government has the primary responsibility to determine the status of any parcel of land, giving

due regard to gazette notifications, provisions under State and Central Acts, and concerned judgments and directions of the Hon'ble Supreme Court.



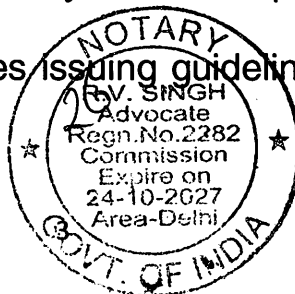
6. It is submitted that the felling of trees in non-forest land is regulated by the respective State Government /UT Administration as per the provisions of various State Acts and Rules made thereunder. Many

Sanjay Kumar Chaudhary
 (Sanjay Kumar Chaudhary)
 Director, National Council of Forest
 Research, an Institute of Forest
 M/o Environment, Forest and Climate Change
 Govt. of India, New Delhi

States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.

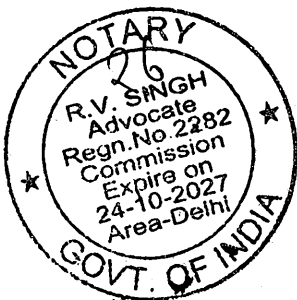
7. That, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam",2023, [earlier known as the Forest (Conservation) Act, 1980] (hereinafter referred to as "**Van Adhiniyam, 1980**") is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.
8. That to ascertain the correct position and the truthfulness of the matter, the Ministry vide letter dated 13.11.2024 has sought a factual status report from the State Government of Haryana. However, to date, no information has been received from the State Government in this regard. A copy of the letter dated 13.11.2024 is annexed hereto as **Annexure-1**.
9. It is submitted that the Ministry has been providing technical and financial assistance besides issuing guidelines to State/UT Forest

(संजय कुमार चौहान)
(SANJAY KUMAR CHAUHAN)
संरक्षण एवं परिवर्तन/Asstt. Director General of Forests
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



Departments regarding the protection and conservation of forests and wildlife.

10. It is humbly submitted that no action of the Ministry of Environment, Forest and Climate Change is being challenged by the petitioner in the present matter.
11. That, the answering respondent reserves the right to file additional information before the Hon'ble Tribunal, if required till Pendente-lite.
12. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.



Verification

DEPONENT

(संजय कुमार चौहान)
(SANJAY KUMAR CHAUHAN)
असिस्टेंट इंस्पेक्टर/असिस्टेंट इंस्पेक्टर, जनरल ऑफ फॉरेस्ट्स
असिस्टेंट, गवर्नमेंट ऑफ इंडिया, मंत्रालय
M/o Environment, Forest and Climate Change
संजय चौहान, एन.डी.
Govt. of India, New Delhi

5 DEC 2024

Verified at New Delhi on this Day of, 2024, that the contents of this affidavit are true and correct to my knowledge based on the official record maintained in the daily course of its business, no part

of this affidavit is false and nothing material has been concealed therefrom.

DEPONENT

(संजय कुमार चौहान)
(SANJAY KUMAR CHAUHAN)
रिजर्वल वन महानिरीक्षक/Asstt. Inspector General of Forests
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

S. V. Singh
I identified the deponent/executorant who has signed in my presence.

Solemnly affirmed before me read over & explained to the deponent.

S. V. Singh
Notary Public, Delhi



5 DEC 2024



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
 क्षेत्रीय कार्यालय, चंडीगढ़ / **Regional Office, Chandigarh**

ANNEXURE-1

**SPEED POST/E-MAIL****COURT MATTER/MOST URGENT**

F. No: /2024-RoC

Dated: .11.2024

To

**The Principal Chief Conservator of Forests (HoFF),
 Government of Haryana,
 Van Bhawan, C-18, Sector-6,
 Panchkula, Haryana - 134109**

Sub: OA No. 546 of 2017 in the matter of Satyapal & Ors. Vs MoEF&CC & Ors. pending before the Hon'ble NGT (PB), New Delhi-reg.

Ref: NGT Order dated 10.09.2024 passed in the aforesaid matter.

Sir,

The undersigned is directed to refer to the subject and the NGT Order (Copy enclosed) under reference wherein the Court has directed the respondents to file their replies. In this regard, it is informed that the instant application was filed by the applicant with an allegation that the applicants are residents of Village Dhingsra, District Fatehabad, Haryana and the respondent no. 6 along with its aides has illegally taken possession of common village land by forcefully cutting/removing 500/550 tall and well developed trees.

Since, the instant matter pertains to encroachment of land and illegal cutting of trees, land being subject matter of the State Government, the Government of Haryana is requested to provide factual report of the land under question along with para wise comments on the allegations made in the petition so as to enable this office to prepare the reply. Further, it is informed that the said information is required to be provided by **19.11.2024**.

This issues with the approval of the DDGF (Central), Regional Office, Ministry of Environment, Forest & Climate Change (MoEF&CC), Chandigarh.

Encl: As above

Signed by Raja Ram Singh
 Date: 13-11-2024 10:51:13

Yours faithfully

(Dr. Raja Ram Singh)
 DIG (Central)

Copy to (For information):

1. The Inspector General of Forests, Forest Protection Division, MoEF&CC, GoI, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, NewDelhi - 110003
2. Guard File

बेज नं. 24-25, सेक्टर - 31 ए, चंडीगढ़ -160030 / Bays No. 24-25, Sector-31 A, Chandigarh - 160030
 दूरभाष / Tel No : 0172 - 2638061 Fax No : 0172 - 2638135 Email : ronz.chd-mef@nic.in

True Copy