

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH

IN

ORIGINAL APPLICATION No. 881 OF 2022

IN THE MATTER OF:

**Rajinder Krishan Sharma & Anrs. ....APPLICANTS**

**V/S**

**Union of India and Ors. ....RESPONDENTS**

COUNTER AFFIDAVIT FILED BY THE RESPONDENT No.

1, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE

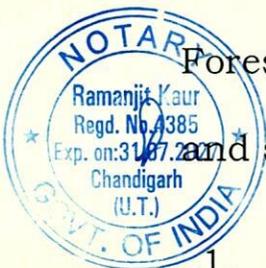
CHANGE, NEW DELHI.

PRELIMINARY SUBMISSIONS:

I, Ravinder Singh S/o Shri B.R. Singh, aged 56 years, working as Assistant Commissioner (Forestry) in the Integrated Regional Office of the Ministry of Environment,

Forest and Climate at Chandigarh do hereby solemnly affirm and state as follows :-

1. I am working as Assistant Commissioner (Forestry) in the Integrated Regional Office of the Ministry of Environment, Forest and Climate at Chandigarh and I



am competent to swear this affidavit. I am duly authorized to swear this affidavit on behalf of Respondent No. 1.

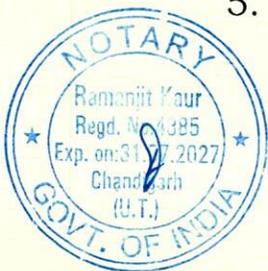
2. It is most respectfully submitted that I have read and understood the content of the present affidavit. The contents thereof is true and no part of it is false and nothing material has been concealed there-from.
3. At the outset, I deny all the averments and allegations made in this petition except those that are specifically admitted hereunder.

**STATEMENT OF FACTS:**

4. That to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto, the Parliament in the Thirty-First Year of the Republic of India enacted the Forest (Conservation) Act, 1980 ("FC Act", for short). FC Act came into force on 25<sup>th</sup> October, 1980.

5. That the Section 2 of the FC Act, as enacted in 1980, provides:

*Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior*



approval of the Central Government, any order directing -

- that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- that any forest land or any portion thereof may be used for any non-forest purpose;
- that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;
- that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-forestation.

7. It is humbly submitted that the 'land' is a subject matter of 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, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette



notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.

8. It is pertinent to mention here that as per the record available in this office and as well as on the PARIVESH Portal, the online proposal No. FP/HR/Others/13983/2015 was neither received in this office nor the same has been accorded approval under FCA, 1980 by this office but same is found still pending with the user agency.
9. That the answering respondent craves liberty to file additional information, if any, till pendent lite.
10. That the submissions made in the preceding para may be read as part of reply to the grounds and the same are not repeated for the sake of brevity.
11. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.



**DEPONENT**

**VERIFICATION**

Verified at Chandigarh on this 21<sup>st</sup> day of April, 2023 that the contents of the above affidavit are true and correct to my knowledge based on the records; no part of it is false and nothing material has been concealed therefrom.



**DEPONENT**

Place: Chandigarh

Date: 21<sup>st</sup> April, 2023



**ATTESTED**  
  
**RAMANJIT KAUR**  
Notary, Distt. Courts, Chandigarh

no contents of the affidavit...  
Date: 21/4/2023  
Sl. No: 521 P. No: 96

21 APR 2023