

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT NEW

Original Application No. 506 of 2023

In the matter of:

News Item Published In The Tribune India dated 29.07.2023 titled "Unscientific Cutting Of Hills In Saurav Van Vihar In Palampur causing environmental destruction and Land Slide"

Applicant

Versus

Mukesh Kumar & Others

Respondents

N.D.O.H. 13/03/2024

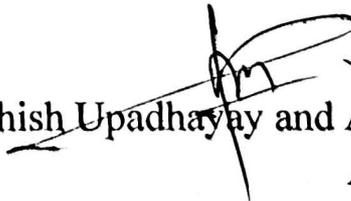
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New Delhi

Dated: 09/03/2024

Through


Ashish Upadhyay and Associates
Advocates

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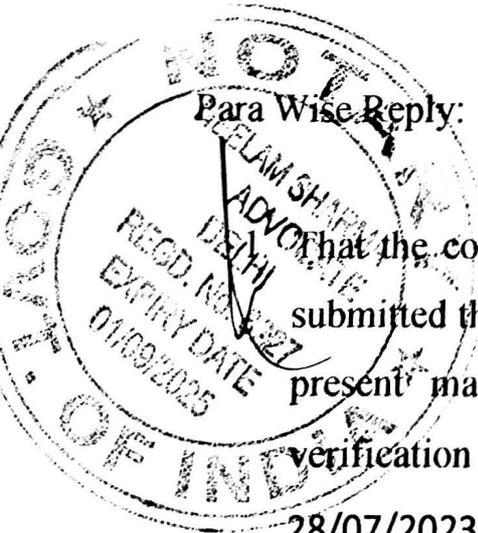
Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE MUKESH KUMAR,
KIRAN SHARMA & JATIN SHARMA TO THE REPLY FILED BY H.P.
STATE POLLUTION CONTROL BOARD**

We, Mukesh Kumar S/o. Bhagat Ram, Kiran Sharma W/o. Mukesh Kumar and Jatin Sharma S/o. Mukesh Kumar All R/o. Khasra No. 30/1/2, Modal Dodan, Khola Patwar Circle, Kandi, Tehsil Palampur, District Kangra, Himanchal Pradesh-176061, do hereby solemnly declares and affirms as under:

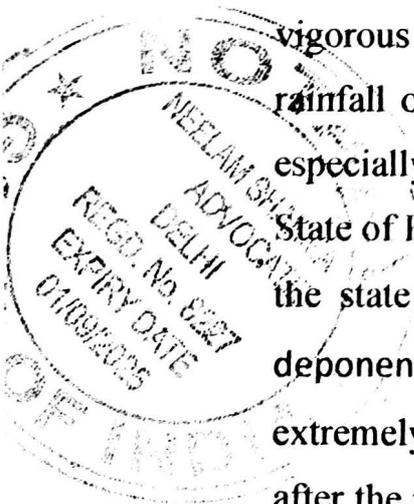
Para Wise Reply:

That the contents of para No. 1 of the reply are admitted, however it is submitted that the press release dated 28/07/2023 which is the basis of the present matter and released in the news paper Tribune is without verification of the correct facts by the Editor. In the press release dated 28/07/2023 while publishing a photograph, it is stated that some construction activities are going near Saurav Van Vihar, per contra the fact of the matter is that the land in question for which the present notice is issued to the deponents is a Private Piece of Land and has



nothing to do with the land of Saurav Van Vihar or any construction activities.

2. That in reply to the contents of Para No. 2, it is submitted that the Joint Committee Report filed by the Dy. Conservator of Forest, Palampur, Forest Division, Assistant Environmental Engineer, HP State Pollution Control Board and Collector, Sub-Division Palampur, Distt. Kangra, HP, clearly indicates that the deponents are the owner of land bearing Khasra No. 30/1/1, 30/1/2 and 30/2 measuring 02-14-72 hectares in Mohal Dodan Khla Patwar Circle Khandi Tehsil Palampur and in order to protect their land have constructed a boundary wall, which is a private land. Further the report states that there is no act which is done by the deponents contrary to law or than any loss is caused to the Environment. Per contra the report suggest that the Press Release thus states about "Saurav Van Vihar" and the same is at a distance of 500 Meters from the private property of the deponents.
3. That the contents of the Para No. 3 also clarifies that there was no encroachment on the Forest Land or that dumping of muck over forest land has been reported. As far as the averment of excavation work s concerned, the same is denied and the fact of the matter is that due to vigorous monsoon from 7th till 10th July 2023 there was widespread rainfall of very heavy to extremely heavy rainfall in most parts of State especially in Palampur led to Flash Floods and wide destruction in the State of Himanchal Pradesh. This was one of the maximum rain fall which the state received in last 100 Years. In the private piece of land the deponents had given a right to way to the other villagers. Due to the extremely heavy rainfall from 07th till 11th July 2023 caused huge loss and after the rainfall stopped the old boundary wall (constructed of stones and was in existence since decades) and the private road was found to be



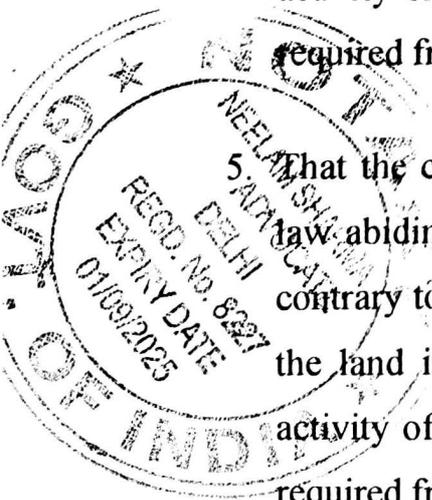
extensively damaged. The deponents got the boundary wall and the road repaired so that loss in future could be curtailed down in the event of heavy rain falls and the villages could still commute at any time. The road was repaired as an act for the community and the wall on the side was raised to protect the road for the Villages in case if Heavy Rain Fall takes place in future. Suitable culverts were provided to drain the rain water across the road and underneath the land.

Excavation work means trenching, digging, dredging, and site development. It is worth mentioning that there is no construction activities are going at the site. It was a old road and stones protecting road which was washed away in the flash floods of Himanchal Pradesh and the deponents from their own savings were getting the road repaired on private road with the modes as suggested for the benefit of the public at large.

The deponents did all for the benefit of public at their own piece of land and there is no loss caused to the environment of any nature.

4. That the contents of Para No. 4 are admitted. Further the deponents are law abiding citizens have in no matter acted contrary to law or will act contrary to law in future also. At the cost of repetition it is submitted that the land in question is a private owned land of the deponents and no activity of any nature is undertaken for which even any permission was required from any competent agency till date.

That the contents of Para No. 4 are admitted. Further the deponents are law abiding citizens have in no matter acted contrary to law or will act contrary to law in future also. At the cost of repetition it is submitted that the land in question is a private owned land of the deponents and no activity of any nature is undertaken for which even any permission was required from any competent agency till date.



6. That in view of the aforesaid facts it is requested that the present proceedings may kindly be closed and the deponents be kindly discharged.

M/S/2024 - KILAN S/LA

Deponent

Verification:

9 MAR 2024

Verified at New Delhi on this ___ day of March 2024 that the contents of my above affidavit are true and correct to my knowledge, no part of it is incorrect and nothing material has been added or concealed there from.

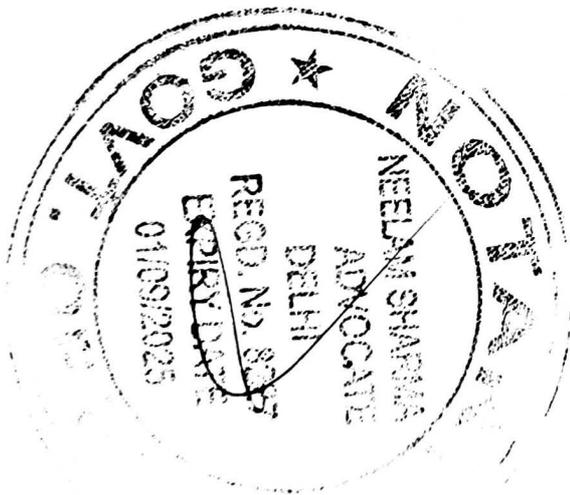
M/S/2024 - KILAN S/LA

Deponent

I identified the deponent who has signed in my presence

ATTESTED

NOTARY (Govt. of India)
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Patilala House Courts,
New Delhi-110001
(M) 9899408301



9 MAR 2024