

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 146/2025

(I.A. No. 260/2025)

IN THE MATTER OF:

ANAND BHUSHAN

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT,

FOREST & CLIMATE CHANGE & ORS.

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 8 GRAM

PANCHAYAT KANVI

PAPER BOOK

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ADVOCATE FOR THE PETITIONER: MR. ABDUL QADIR ABBASI

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MOST RESPECTFULLY SHOWETH:**PRELIMINARY OBJECTIONS AND SUBMISSIONS**

1. That the present Original Application is misconceived, devoid of merit, and liable to be dismissed in limine. The allegations levelled against the answering Respondent are based on conjectures and assumptions without any material proof. The Applicant has made sweeping charges of encroachment, illegal felling, and unauthorised construction without any documentary or official corroboration.
2. That the answering Respondent, Gram Panchayat Kanvi, discharges civic, social, and administrative functions at the village level and acts strictly under the control and supervision of the competent authorities. The said land forms part of the Aravalli Plantation Area, under the management of the Forest Department, and any activity within the same is governed exclusively by the *Forest (Conservation) Act, 1980* and the directions of this Hon'ble Tribunal.
3. That the answering Respondent has not carried out any new construction, road building, excavation, or tree felling in the plantation area or within the said Khasra numbers. The allegations made by the Applicant are entirely baseless. No development activity of any nature has been executed by the Gram Panchayat in this area after the order dated 24.10.2017 passed by this

Hon'ble Tribunal in *O.A. No. 570/2015 (Anand Bhushan v. MoEF&CC & Ors.)*.

4. That the pathway referred to in the Application is an old village track that predates the Aravalli Plantation Project (1990–2001). The said track is a traditional kacha Road used by local villagers to commute to the hanuman mandir located on the hill. It has existed for decades, long before any plantation work commenced, and has not been widened or modified by the Panchayat. (Photograph of the said kacha road has been herewith annexed as **Annexure R-1**)
5. That it is further submitted that the only proposed and ongoing development work undertaken by the Gram Panchayat pertains to the establishment of a Wellness / Sub Health Centre in Khasra No. 48/17, which is being carried out strictly under the supervision and sanction of the competent authorities. The said Khasra is entirely distinct and separate from Khasra Nos. 166–167 and does not form part of the Aravalli Plantation Area. The proposed project is a legitimate public welfare initiative aimed at providing basic healthcare facilities to the local residents and bears no connection whatsoever with the plantation land forming the subject matter of the present Application.

It is submitted that the Applicant Anand Bhushan has given an application stating that the Gram Panchayat is laying a water GI pipeline in Khasra No.

166. It is further clarified that no water pipeline has been laid by the Gram Panchayat in Khasra No. 166, nor is any Sub Health Centre being constructed therein. Although an initial proposal was contemplated, upon it coming to the knowledge of the Panchayat that Khasra No. 166 falls within the Aravalli Plantation Area, the proposal was not proceeded with, and the project was accordingly shifted to Khasra No. 48/17, which lies outside the plantation area. The said factual position has been verified by the concerned Patwari, who has submitted a report in this regard. True copy of the letter dated 29.01.2026 issued by the Sarpanch, Gram Panchayat Kanvi, clarifying that no water pipeline has been laid and no Sub Health Centre is being constructed in Khasra No. 166 and Patwari's verification report along with photographs of the site of the proposed Sub Health Centre are annexed hereto and marked as **Annexure R-2**

6. That the answering Respondent has not issued any resolution, sanction, or approval for any civil work or tree felling in the said plantation area, and no work order or execution record exists. The Applicant's allegations are thus devoid of factual foundation. It is further submitted that Google Earth images of the concerned area have also been annexed for reference to demonstrate that no new construction or felling of trees has been undertaken in Khasra Nos. 166–167. (photos of the google earth image has been annexed hereto and marked as **Annexure R-3**)

7. That the answering Respondent has consistently complied with the directions issued by this Hon'ble Tribunal and the competent State authorities. The order dated 24.10.2017 in *O.A. No. 570/2015* directed that if any construction was found in Khasra Nos. 166 and 167, appropriate action shall be taken by the State. Pursuant to that direction, no further construction or activity was ever undertaken by or under the supervision of the Gram Panchayat Kanvi.

It is further submitted that photographs of Khasra No. 166 are annexed herewith, which clearly depict that no construction, non-forest activity, or tree cutting has been carried out in the said land. (True copies of the said photographs are annexed hereto and marked as **Annexure R-4**)

8. That the answering Respondent categorically denies any complicity in felling of trees or unauthorised use of plantation land. If any isolated incidents of felling or trespass have taken place, the same are acts of private individuals, without the knowledge, consent, or participation of the Panchayat. The answering Respondent has always extended full cooperation to the Forest Department and the District Administration in preventing such activities.

PARA WISE REPLY

1. The contents of the para 1 regarding the Applicant's educational qualifications and professional background are not within the personal knowledge of the answering Respondent and hence no comments are offered. The same are irrelevant to the issue at hand. However, it is denied that the Applicant's credentials have any bearing on the allegations made against the Gram Panchayat Kanvi.
2. That for the content of the para 2, It is admitted that Village Muraripur and Village Kanvi are adjoining villages separated by the Aravalli ridge. However, the answering Respondent denies that any part of the Applicant's ancestral land has been affected or encroached upon by the Panchayat or any of its acts. The Panchayat has not undertaken any activity within Khasra Nos. 166–167 or in any portion of land adjoining Muraripur.
3. That the content of the para 3 stating the statement that the Aravalli Plantation Project covers portions of Village Kanvi, including Khasra Nos. 166 and 167, is a matter of record. It is, however, denied that the Panchayat has ownership or control over the plantation land in question. The said land vests with the Forest Department, and the Panchayat exercises no administrative or developmental authority over it. No activity has been initiated or authorised by the Panchayat in these Khasras.
4. The contents of the paragraph 4 are denied, except to the extent expressly admitted herein. It is submitted that the objectives of the Aravalli Plantation

Project are duly acknowledged and respected by the answering Respondent. The Panchayat has consistently supported plantation and conservation drives within its jurisdiction. However, the insinuation that the Panchayat has acted contrary to these objectives is false, misleading, and unsupported by any material on record.

5. The contents of the paragraphs 5 -6 are denied, except to the extent expressly admitted herein. It is submitted that the Applicant had earlier filed O.A. No. 570/2015 before this Hon'ble Tribunal. The answering Respondent, as Respondent No. 8 therein, had categorically submitted that no non-forest activity had been or would be undertaken in Khasra Nos. 166-167, which statement was duly recorded in the Tribunal's order dated 24.10.2017. Since then, the Panchayat has neither sanctioned nor carried out any activity in the said plantation area, and the allegations of renewed mobilisation are false, baseless, and unsubstantiated.
6. The contents of the paragraph 7 is a matter of record to the extent that Respondent Nos. 1 and 3 had filed a joint reply affidavit in O.A. No. 570/2015 before this Hon'ble Tribunal. It is respectfully submitted that the said affidavit itself clarifies that no proposal for diversion of forest land for construction of road by the Sarpanch of Gram Panchayat Kanvi in Khasra Nos. 166-167 was ever received under Section 2 of the Forest (Conservation) Act, 1980. This unequivocally establishes that the

answering Respondent had neither initiated nor sought approval for any non-forest activity within the said Khasras.

7. The contents of the paragraph 8 are partly admitted to the extent that Respondent Nos. 4 and 6 (the Forest Department) had filed their written statement in O.A. No. 570/2015, wherein it was correctly stated that the area planted under the Aravalli Project carries the same legal status as forest land under the *Forest (Conservation) Act, 1980*, and that any non-forestry activity therein requires prior permission of the competent authority. The answering Respondent submits that this very statement supports and reinforces the Panchayat's consistent position that it has no authority, ownership, or jurisdiction to undertake any activity in Khasra Nos. 166 and 167 without such prior approval. The answering Respondent reiterates that no work of construction, road-building, or tree felling has been carried out under its directions or with its sanction.
8. The contents of Para 9 are denied, except to the extent expressly admitted herein. It is submitted that this Hon'ble Tribunal, while disposing of O.A. No. 570/2015 vide order dated 24.10.2017, had duly recorded the statement made on behalf of Respondent No. 8 (Gram Panchayat Kanvi) that no construction existed nor would any non-forest activity be carried out in Khasra Nos. 166 and 167. The answering Respondent has faithfully

complied with the said undertaking and continues to abide by the directions of this Hon'ble Tribunal in letter and spirit.

9. The contents of Para 10 are denied, except to the extent expressly admitted herein. It is specifically denied that any “fresh mobilisation,” “stacking of construction material,” or “illegal cutting of trees,” as alleged by the Applicant, has taken place with the knowledge, participation, or approval of the Panchayat. The photographs and assertions relied upon by the Applicant are unverified and fail to establish any nexus with the Panchayat. Any such acts, if they have occurred, are attributable to unauthorised private individuals and fall within the enforcement domain of the Forest Department.
10. The contents of Para 11 are denied. It is submitted that the Applicant's reliance on Google Earth imagery is not accurate. Any visible thinning of vegetation may be attributable to climatic or natural causes and not to any act or omission of the answering Respondent.
11. The contents of Paras 12 and 13 are denied. It is submitted that the allegation of reluctance or inaction on the part of the Panchayat is incorrect and baseless. The answering Respondent has no authority under the *Forest (Conservation) Act, 1980* to initiate preventive or punitive action. Such

functions lie solely with the Forest and District authorities, with whom the Panchayat has always extended full cooperation.

12. The contents of Para 14 are denied. It is submitted that there has been no deliberate attempt by the Panchayat or any of its members to amalgamate plantation land or uproot vegetation. No resolution has ever been passed, nor has any land been allotted or expenditure incurred by the Panchayat in relation to Khasra Nos. 166–167. The allegations are speculative, unfounded, and intended to malign the reputation of the Panchayat.

13. The contents of Paras 15 and 16 are denied. It is submitted that the Panchayat has not received any direction, complaint, or notice from competent authorities regarding any new construction or tree felling in Khasra Nos. 166–167 after 2017. The Right to Information responses relied upon by the Applicant only show the regular monitoring undertaken by the Forest Department. The Panchayat has no role in inspection, patrolling, or enforcement functions, which lie exclusively within the domain of Respondent No. 6.

14. The contents of Para 17 are denied. It is submitted that the photographs annexed by the Applicant are unverified, unauthenticated, and fail to establish that any construction or activity has been carried out by or under

the authority of the Panchayat. The allegations are based on assumption and conjecture, without any factual or documentary basis.

15. The contents of Para 18 are denied. The allegations and contentions raised against the answering Respondent are false, misleading, and devoid of merit. The Panchayat has at all times complied with the directions of this Hon'ble Tribunal and other competent authorities. The present Application, insofar as it pertains to Respondent No. 8, is misconceived and liable to be dismissed.

PARA-WISE REPLY TO THE GROUNDS

1. The contents of the para A are denied. While it is true that Khasra Nos. 166–167 form part of the Aravalli Plantation Project, the allegation that any “current construction activity” or “tree cutting” is being carried out by or under the instructions of the Gram Panchayat Kanvi is false and baseless. The answering Respondent reiterates that no construction, road work, or non-forest activity has been undertaken or approved by it. Any such alleged activity, if found, falls within the jurisdiction of the Forest Department and not the Panchayat
2. The contents of this ground B pertain to a judicial precedent and hence require no reply from the answering Respondent. The Respondent,

however, submits that nothing in the said ground is applicable or attributable to the acts of the Gram Panchayat Kanvi

3. The contents of the para C regarding the Aravalli Plantation Project and its geographical location are a matter of record. However, it is emphatically denied that any activity amounting to construction, alteration, or non-forest use has been undertaken by the Gram Panchayat within Khasra Nos. 166–167, Village Kanvi. The answering Respondent submits that the said land is under the administrative jurisdiction of the Forest Department, and the Panchayat exercises no control over it. The insinuation that the Panchayat is engaged in any “illegal occupation” is false, misleading, and without basis.
4. The allegation in the para C that the answering Respondent has permitted or participated in illegal tree felling, encroachment, or any non-forest activity is wholly denied. The Applicant has not placed on record any complaint, inspection report, or official communication substantiating such a claim.
5. The contents of the para D is denied, that the answering Respondent has scrupulously complied with the Tribunal’s order dated 24.10.2017. No construction exists in Khasra Nos. 166–167 under the Panchayat’s purview. The allegation that authorities have ignored the order or failed to act in its spirit is unsubstantiated. The Panchayat has never undertaken any work in

violation of the Tribunal's directions and has acted within its lawful jurisdiction at all times

6. The contents of the para E is denied, The allegations made in this ground do not concern the answering Respondent. The functions of inspection and action against illegal felling or construction in plantation areas lie solely with Respondent No. 6 and the Forest Department. Respondent No. 8 has neither authority nor involvement in such matters.

7. The contents of the para f is denied, The contention that the Panchayat failed to demarcate or warn individuals about the plantation area is misplaced. Demarcation of forest boundaries is a technical function of the Forest and Revenue authorities. The Panchayat does not possess such statutory powers. Nevertheless, the answering Respondent has at all times promoted environmental awareness and has not permitted any illegal activity within its territorial jurisdiction.

8. That the content of the para G stating alleged "encroachments" and "disturbance to wildlife" are not attributable to any act or omission of the Panchayat. The plantation and adjoining areas are under the supervision of the Forest Department. The Panchayat has neither allotted nor permitted any private occupation in the said Khasras.

9. That the content of the para G is denied in entirety. The sweeping allegation that trees have withered due to the Panchayat's laxity is wholly unfounded. The Panchayat does not exercise control over maintenance of plantation trees. Natural factors such as drought or climatic variation may have contributed to vegetation loss. The Panchayat bears no responsibility for such natural degradation

10. The contents of the para I is denied, It is admitted that the Applicant has filed various representations seeking demarcation and fencing of the plantation area. However, such matters fall exclusively within the purview of the Forest Department. The Panchayat has no authority to erect fencing or undertake demarcation of forest land. The Applicant's grievance, therefore, is misdirected.

It is further submitted that the Applicant is habitual in making incorrect and misleading assertions. The Applicant's grievance is, therefore, misdirected and based on erroneous assumptions, and no liability can be fastened upon the Gram Panchayat on such grounds.

PRAYER

In light of the above, the answering Respondent most respectfully prays that this Hon'ble Tribunal may kindly:

1. Dismiss the Original Application No. 146/2025 filed by the Applicant;
2. Pass any other order deemed fit and proper in the facts and circumstances of this case.

FILED BY:

Filed on: 10.02.2026

New Delhi

A handwritten signature in black ink, reading "Abdul Qadir Abbasi", is written over a horizontal line.

(ABDUL QADIR ABBASI)

Advocate for the Petitioner

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 146 OF 2025

IN THE MATTER OF:

ANAND BHUSHAN

PETITIONER

VERSUS

MINISTRY OF ENVIRONMENT,
FOREST & CLIMATE CHANGE & ORS.

RESPONDENTS

AFFIDAVIT

I, Urmila, W/o NITYANAND, R/o Village Kanvi, Tehsil-Narnaul, Mahindergarh, Haryana 123001, the deponent is the sarpanch of the Gram Panchayat-Kanvi in the aforementioned matter do hereby solemnly affirm and state on oath as under.



That I, the deponent is the Respondent No.8 in the aforementioned Original Application and Interlocutory Applications filed along with and I am well conversant with facts and circumstances of the present case deposed in the Special Leave Petition and hence competent to swear the instant affidavit.

2. That the contents of the accompanying Counter Affidavit filed along with have been explained to me in my vernacular languages and have understood the contents therein and

state that the same are true and correct to the best of my knowledge and belief.

- 3. I state that, the annexures annexed to the Counter Affidavit are true and correct copies of their respective originals.

उमिला
 DEPONENT
 ग्राम संचायक
 काँवी

VERIFICATION

I the above named Deponent do hereby verify that, the contents of paras 1 to 3 of the above aforesaid Affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Affirmed on this 22 day of JULY, 2025 presently at Tehsil-Narnaul, District Court, District-Mahendergarh, Haryana.

उमिला
 DEPONENT
 ग्राम संचायक
 काँवी

Affirmed
 U.S. Notary
 Notary Public Narnaul
 22-7-2025

















सरपंच उर्मिला



Mob. 8901196274

सरपंच ग्राम पंचायत काँवी (खण्ड-नारनौल)



तह. नारनौल, जिला महेन्द्रगढ़ (हरि)-123001

क्रमांक.

दिनांक 29/01/2026

स्वामी,

श्रीमानं जी,

निवेदन है कि श्री आनन्द भूषण जी ने
 श्री प्राथना पत्र दिया है कि ग्राम पंचायत काँवी खेसरा नं 166
 में पानी की व.ा. पाइप लाइन डाल रही है और इसी खेसरा नं
 में सब हेल्थ सेंटर बना रही है। इस बारे में आपकी सूचित
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 में सब हेल्थ सेंटर का काम शुरू करवाया है। जिसकी पहचान
 न.ा. तशदीक करके रिपोर्ट की है। पटवारी की रिपोर्ट और
 सब हेल्थ सेंटर की फोटो साथ लफ है।

उर्मिला
 सरपंच
 ग्राम पंचायत
 काँवी

ਮੈਂ ਹੋਰ ਦਿਖਾਏ ਮੈਂ ਹੋਰ ਕੀਤਾ | ਦਿੱਤਾ 04/09/2025

ਮੈਂ ਕੀਤਾ ਹੈ।

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Arjun Kumar Pat
04/09/2025





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