

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 108/2023/EZ



In the mater of:

Arsad Nasar

.....Applicant

Versus

The Dept. of Environment, Forest & Climate Change,
Govt. of Bihar &Ors.

.....Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT
NOS. .**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit		

Filed By

Surendra Kumar

Advocate Calcutta High Court

.....

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 108/2023/EZ

Affidavit No 02/2024
Date 12-02-2024
Page No 01 to 06

In the mater of:

Arsad Nasar

.....Applicant

Versus

The Dept. of Environment, Forest & Climate Change,

Govt. of Bihar &Ors.

.....Respondents

P.P. Oath Commissioner
Civil Court Sheikhpura
Distt. - Sheikhpura (Bihar)
as per Letter No - 13292/2015
Date-1th March 2015 Patna H.C.

COUNTER AFFIDAVITON BEHALF OF THE RESPONDENT
NOS. 2i.e District Maistate

I, J. Priyadharshini, D/O of Shri jothiraj working as Collector cum District Magistrate Sheikhpura do hereby do hereby solemnly affirm and state as under :

1. I say that I am working as the Collector cum District Magistrate Sheikhpura and I am well aquatinted with the facts of the case and I have been duly authorized to affirm this Affidavit on behalf of Respondent No 2 District Magistrate Sheikhpura.

2. Before giving paragraph wise reply to the averments made in the Original Application the answering respondents would like to bring some facts before the Hon'ble Court for proper adjudication of the case :

3. The Applicant Arsad Nasar, S/o Syed Abu Nasar, R/o Village-Charihari, P.O.-Pathraita, P.S. & District-Sheikhpura has filed the instant Original Application whereby and whereunder he sought relief for commanding the respondents to clarify and transmit to this Hon'ble Tribunal all records forming the basis of action regarding illegal felling of trees on the bank of Tati River and at the border of main road of Charihari and main road leading to Upgil and further sought relief to direct the respondent to stop the illegal felling of trees in Sheikhpura, Bihar and further made prayer to direct environmental compensation against respondent no. 4, 5, 6 and 7 for illegal felling of trees and further sought reliefs to direct respondent to carry out a census survey of trees and measurement of plant and sought other other reliefs.

4. In brief the fact is that the Applicant and respondent no. 4, 5 and 7 are residents of same Village namely Charihari where there is enmity among them and due to that previous enmity the Applicant has filed such type of application.

5. It is matter of fact that respondent no. 4, 5, 6 and 7 were taking a vehicle loaded with timber which has been seized by the forest Officer Sheikhpura who filed a complaint before the Court of learned Chief Judicial Magistrate. Sheikhpura being Case No.-93C/2 of 2022. Later the applicant submitted a representation before the respondent no. 2, 3 and 8 on about that afore mentioned incident for taking action against respondent no. 4, 5, 6 and 7 the respondent no. 2 has taken action and called for report from respondent no. 8. letter no. 1038/ Sa dated 29.09.2023 The respondent no. 8 commented that as that area is not belonging to forest area rather it is Aam Gairmazaura. So, it can be enquired through Circle Officer. So the respondent

no. 2 directed the Circle Officer Sheikhpura to enquire the matter and the inquiry with regard to felling the tree is going on through Circle Officer Sheikhpura.

6. I shall now deal with the Affidavit in seriatim :
7. With regard to paragraph no. 1 of the Original Application it is humbly submitted that the citizen of India hence requires no comments.
8. With respect to paragraph no. 2 of the Original Application it is humbly submitted that the paragraph is in connection with addresses of respondents and Jurisdiction of this Hon'ble Tribunal and hence requires no comments.
9. With respect to paragraph no. 3 of the Original Application it is humbly submitted that the answering respondents have quickly taken action and seized the vehicle of respondent no. 4, 5, 6 and 7 loaded with timber and filed a complaint bearing case no. 93C/2/22 against them so there is no question of inaction regarding the answering respondents.
10. With respect to paragraph no. 4(A), 4(B), 4(C) and 4(D) of the Original Applicant it is humbly submitted that the statement made therein are regarding geographical and topographical structure of the land of Sheikhpura and hence requires no comments.
11. So far as paragraph no. 4 (E) of the Original Application is concerned the statement made in paragraph no. 4 (E) is vehemently denied by the answering authority who have strictly utilized the state action plan and the respondent no. 2 and 3 are always conscious to prohibit the illegal felling of trees abovementioned vehicle loaded with timber has been seized by them and complaint has been lodged .

12. With respect to paragraph no. 4 (F) of the Original Application it is humbly submitted that it is with regard to complaint case hence requires no comment.
13. So far as paragraph no. 4(G) of the Original Application is concerned it is humbly submitted that the District administration is conscious and aware for protecting the of tree and nobody will be safe if they would try to cut the tree that is why respondent no. 4, 5, 6 and 7 have been arrested.
14. It is pertinent to mention here that with regard to paragraph no. 4(H) of the Original Application it is humbly submitted that on representation of applicant the answering respondents have taken quick action although the respondents are always aware and conscious about the illegal of trees.
15. with respect to Para 4 (K) of original application it is humbly submitted that the answering respondents are always making effort for afforestation in their jurisdiction.
16. With regard to paragraph nos. 5(A), 5(B), 5(C) and 5 (D) of the Original Application it is humbly submitted that the paragraph nos. 5(A), 5(B), 5(C) and 5 (D) are grounds for filing this application in which topography and geographical circumstances have been mentioned for which it does not requires any comments but so far as the State action plan on climatic change of Bihar is concerned the respondents are aware and conscious to comply the state action plan.
17. It is pertinent to mention here that with regard to paragraph nos. 5 (E), 5(F), 5(G) and 5(H) it is humbly submitted that the answering respondents have seized the timber on their consciousness and from getting information through their secrete sources and on the complaint filed by the answering respondents have forwarded it to the concerned Divisional Forest Officer, Jamui and instructed to take action on it after initiating the enquiry.

18. So the answering respondents are aware to comply the policy of State government and there is no question of inaction on the side of answering respondents.
19. Under the facts and circumstances enumerated hereinafter it is humbly submitted that the averments made in the original application which has not been specifically admitted are to be deemed to have been denied.
20. Under the facts and circumstances of the case stated above it is crystal clear that the has baseless statement therefore, the present original application has got no merit and value in the eye of law hence it deserves to be dismissed.



12/2

Deponent

District Magistrate Sheikhpura

Uday Narayan Singh
12-02-2024

P.P. Oath Commissioner
Civil Court Sheikhpura
Dist. - Sheikhpura (Bihar)
as per Letter No. - 13292/2015
Date - 1st March 2015

VERIFICATION

Verified at Sheikhpura on this the day of..... February 2024 that the averments and facts stated herein above are true and correct to my knowledge and belief nothing martial has been concealed there from.

12.02.2024

[Signature]
12/2/24

Deponent

District Magistrate Sheikhpura

9. Identity of structure of deponent

Shambhu sharon singh
Add. P.P. Sheikhpura
(Bihar)
12/2/2024
ENC - 2298/95

Affirmed before me by
J. B. Jha
who is identified by Shambhu Sharon
Singh, Add. P.P. Sheikhpura Bihar
I have satisfied my self by examining
the deponent that he/she understands
the contents of the affidavit which has
been had-over & explained to him/her
which acknowledge to be correct.
Date: 12-02-2024

Uday Narayan Singh

P.P. Oath Commissioner
Civil Court Sheikhpura
Distt. - Sheikhpura (Bihar)
as per Letter No. - 13282/2015
Date-1th March 2015 Patna H.C.