

Factual Report in the matter of Girraj Prasad Yadav V/s District Forest Officer&Ors. Original Application No. 109/2023 (CZ)Hon’ble NGT, Central Zone Bench, Bhopal, linked with O. A. No. 781/2022 Hon’ble NGT (Principal Bench)

Background

In the case filed by Sh. Girraj Prasad Yadav against District Forest Officer & Anr. before the Hon’ble National Green Tribunal, Principal Bench, New Delhi, and subsequently before the Hon’ble National Green Tribunal, Central Zone, Bhopal the applicant has raised the issue, that Principal, Government High School, Bahram Ka Bas, Tehsil Bansur, District – Kotputli-Behror (then District Alwar) has uprooted green trees through JCB operator without obtaining permission from the concerned Authorities.

Order

Hon’ble NGT, Principal Bench in its order dated 07/11/2022 has directed:

“.....we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising Regional Officer, MoEF& CC, Jaipur, State PCB and District Magistrate, Alwar and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within two months.....”

Accordingly, District Collector, Kotputli-Behror, vide letter dated 20/10/2023 has nominated Sub-Divisional Magistrate, Bansur as representative on her behalf. Letter dated 20/10/2023 has been enclosed as **Annexure-1**.

And accordingly Scientist "D, SRO, MoEF&CC, Jaipur was nominated on the behalf of Regional Officer, MoEF& CC, Jaipur vide letter dated 24/10/2023. Copy of letter has been enclosed as **Anneuxre-2**.

Field Visit

In accordance with the aforementioned order, following officials/persons visited the site on 25/10/2023 in connection with this case:

- i. Sh. Mahesh Dutt Purohit, Scientist-D, Regional Office, MoEF & CC, Jaipur.
- ii. Sh. Deependra Jharwal, Regional Officer, Rajasthan State Pollution Control Board, Alwar.
- iii. Sh. Rahul Saini, Sub-Divisional Magistrate, Bansur
- iv. Sh. Girraj Prasad Yadav, Applicant

- v. Sh. Raj Pal Singh, Principal, Government High School, Bahram Ka Bas, Tehsil Bansur

Other officers from Revenue Department, Sarpanch were also present. Attendance sheet is enclosed as **Annexure-3**. A brief meeting with the petitioner, principal of Government High School, Bahram Ka Bas, Sarpanch was held and during meeting it was noted that the uprooting of trees was done during the reorganization of boundary encroachment. As alleged by petitioner, school administration uprooted a total of 06 trees, out of which 01 fully matured tree (about 15 years old) was uprooted on the applicant's land, 03 other semi matured trees (5-6 years old) were uprooted at the backside boundary of school and 02 semi-matured trees were uprooted near the roadside boundary of the school without any prior permission from District Administration and thereafter school administration sold these trees. It was also noted that the Tehsildar is competent authority to give permission for uprooting the trees in case the no. of tree to be uprooted are up to 05 and in case of more than 05 trees, concerned SDM is the competent authority to give permission in accordance with the provisions of Rajasthan Tenancy Act, 1955.

Observations

During field visit and on perusal of records, following observations were made:-

- i. On site only 01 fully matured tree of species *Morus alba* (Shehtoot) (about 15 years old) was found lying uprooted on the applicant's land.
- ii. School Administration, however, planted two saplings around the boundary of the school and some trenches were also dug near the boundary wall for plantation.
- iii. GPS based photographs taken during site visit are enclosed as **Annexure-4**.

Conclusion

Prima facie it appears that during reorganization of the boundary encroachment near school, the aforementioned trees were uprooted by the school administration without any prior permission from the competent authority.

Enclosures

- i. Copy of Letter dated 20/10/2023, issued by District Collector, Kotputli-Behror (Annexure-1),
- ii. Copy of SRO Jaipur MoEF nomination letter (Annexure-2),
- iii. Attendance sheet (Annexure-3)
- iv. GPS based photographs taken during site visit (Annexure-4)


(Rahul Saini)
SDM, Bansur


(Deependra Jharwal)
SEE and Regional Officer


(Mahesh Dutt Purohit)
Scientist-D, Regional Office,
MoEF&CC, Jaipur



Fig 01: Officials visited the site along with the petitioner and other representatives.



Fig 02: One fully grown tree (about 15 years old) was uprooted in the applicant's land.



Fig 03: Three semi matured trees (5-6 years old) were uprooted at the backsideboundary of school.



Fig 04: Two semi matured trees were uprooted at this place located near the roadside boundary of the school.

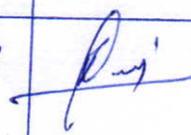


Fig 05: Some plantation was done on the roadside boundary of the school.

Reg. NGT O.A. NO. 109/2023
Attendance sheet
Meeting

Annexure - 3

Date: -
 25/10/2023

I. No.	Name	Designation	Contact No.	Signature
1.	RAHUL SAINI	SDM BANSUR	9990464524	
2.	M AHESHA DUTT PURWA	SO/SE-8	9413845550	
3.	DEEPAENDRA JHARWAL	SEE and R.O. AINAR	9461773878	
4.	Arjun Lal Salodiya	NTR Har, 8029	9950249683	
5.	CIRRAJ P. yadav	complainant	7042509292	Cirraj
6.	Raj Pal Singh	Sr. Teacher PRINCIPAL	9928936876	
7.	Hitesh Mathur	ICR	8769586211	
8.	Rajender Singh yadav	ICR	9982192584	
9.	RAVI TIWARI	TEE, RSPCB, Awar	9718537173	

IRO/JPR/NGT/03

I/56099/2023



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

क्षेत्रीय कार्यालय, गांधीनगर/उप क्षेत्रीय कार्यालय, जयपुर /Regional Office,
Gandhinagar/(Sub-Regional Office, Jaipur)



ए 218&बी216 "अरण्यभवन", झालानासंस्थानिक क्षेत्र, जयपुर - ३०२००४/ A-218& B2-216, "ARANYA BHAWAN"
Jhalana Institutional Area, Jaipur-302004
दूरभाष/Tel No: 0141-2713858, 2713786 Email: iro.jaipur-mefcc@gov.in

Dated: 24th October, 2023

To
The Member Secretary,
Rajasthan State Pollution Control Board,
4-Institutional Area, Jhalana Doongri
Jaipur - 302001.

Sub: Nomination of an official as a member of committee constituted by
Hon'ble NGT vide order dated 25.09.2023 in the matter of O.A. No. 109/2023
(CZ); Girraj Prasad Yadav Vs. District Forest Officers & Ors. - Reg.

Ref: Letter received from RPCB, Alwar, Rajasthan dated 19.10.2023.

Sir,

With reference to the above cited subject, and captioned letter regarding nomination of the Officer from Ministry of Environment, Forests and Climate Change, Government of India in O.A. No. 109/2023 (CZ); Girraj Prasad Yadav Vs. District Forest Officers & Ors., the undersigned has been nominated with the following contact details (Mob: 9413845550; email: mahesdutt.purohit@gov.in) for the said committee.

2. This issues with the approval of the Competent authority.

Sincerely,

(Er. Mahesh Dutt Purohit)
Joint Director/Scientist 'D'
Ministry of Environment, Forests and Climate Change
SRO, Jaipur

Copy to:

1. Smt. Shruti Rai Bhardwaj, Director/Scientist 'F', Monitoring Cell, MoEF&CC, New Delhi - For information please.

कार्यालय जिला कलक्टर एवं जिला मजिस्ट्रेट, कोटपूतली-बहरोड

Email: DM.KOTPUTLI.BEHROR@RAJASTHAN.GOV.IN

क्रमांक/राजस्व/एन.जी.टी./2023/66

दिनांक:- 20.10.2023

:- आदेश :-

माननीय राष्ट्रीय हरित प्राधिकरण भोपाल के प्रकरण संख्या 109/2023(CZ) प्रकरण गिर्राज प्रसाद यादव बनाम जिला वन अधिकारी एवं अन्य में पारित आदेश दिनांक 07.11.2022 एवं दिनांक 25.09.2023 की पालना तथा क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मंडल, अलवर के पत्रांक आर.पी.सी.बी./आर.ओ./अलवर/जी-370/2992 दिनांक 19.10.2023 के क्रम में राजकीय उच्च माध्यमिक विद्यालय, बहराम का बास, तहसील बानसूर जिला कोटपूतली-बहरोड के संबंध में जांच हेतु उपखण्ड अधिकारी बानसूर को अधोहस्ताक्षरकर्ता का प्रतिनिधि नियुक्त कर निर्देशित किया जाता है कि वह दिनांक 25.10.2023 को प्रकरण में गहन जांच कर आवश्यक कार्यवाही करते हुये तथ्यात्मक रिपोर्ट बिन्दुवार अधोहस्ताक्षरकर्ता के समक्ष प्रस्तुत करना सुनिश्चित करेंगे।

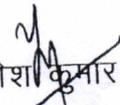
संलग्न:-मा0 एन.जी.टी. का आदेश
मय संलग्न दस्तावेज।


(शुभम चौधरी)
जिला कलक्टर,
कोटपूतली-बहरोड

क्रमांक/राजस्व/एन.जी.टी./2023/67-69
प्रतिलिपि:-सूचनार्थ एवं आवश्यक कार्यवाही हेतु:-

दिनांक:- 20.10.2023

1. उपखण्ड अधिकारी, बानसूर।
2. क्षेत्रीय अधिकारी, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, जयपुर।
3. क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मंडल, अलवर।


(योगेश कुमार डागुर)
अति0 जिला कलक्टर
प्रभारी अधिकारी, राजस्व शाखा,
कलेक्ट्रेट, कोटपूतली-बहरोड