

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPLE BENCH AT NEW DELHI
IN ORIGINAL APPLICATION NO. 1400/2024
(UNDER SECTION 18(1) READ WITH SECTION 14 & 15 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010**

IN THE MATTER OF:

Devendra Faujdar

....APPLICANT

VERSUS

State of UP and Ors

....RESPONDENTS

INDEX

Sr no.	Particulars	Page no.
1.	Reply/Objections on report filed by Respondents Along with Affidavit	1-7
2.	Annexure A1 True copy of the order dated 21.08.2025 passed in O.A. No. 556/2023	8-9
3.	Proof of Service	

Place: New Delhi

Date : **27.08.2025**

Harsh Vardhan Singh

FILED BY:

Harsh Vardhan Singh,

D/5265/2022

Chetan Jadon

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D/3704.2021

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
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Reply/Objections on reports filed by Respondents Along with Affidavit

1. In the original application, the Applicant has categorically alleged the illegal felling of more than 100 trees situated in Village Magogra, District Mathura, which falls within the environmentally sensitive Taj Trapezium Zone (TTZ). The Applicant is the lawful owner of the agricultural land in question, which was duly fenced and contains a garden with several mature trees including *Peepal*, *Neem*, *Jamun*, and others. It is further submitted that on 21.11.2024, due to rivalry arising out of the Pradhan elections, the private respondents unlawfully trespassed upon the land of the Applicant, broke the wire fencing, uprooted nearly 100 trees, and further carried out illegal excavation of sand not only from the Applicant's land but also from the adjoining *Chak road* situated adjacent to the said property.
2. That vide order dated 28.02.2025, this Hon'ble Tribunal issued notice and directed the respondents for filing the reply by way of affidavit and Respondent no. 7 DFO is directed to file a comprehensive report disclosing the number and nature of trees that have been uprooted.
3. It is respectfully submitted that as per the report of the District Forest Officer which is totally vague, a total of 41 trees were stated to have been illegally felled in two separate incidents dated 21.11.2024 and 08.12.2024,

and approximately 40 bushes/shrubs were cleared from the concerned site. However, in reality, the number of trees and shrubs felled was much higher than what has been recorded. It is further submitted that two separate *H2 cases* were lodged in respect of the said incidents at the same spot on 21.11.2024 and 08.12.2024. It is germane to mention here that chargesheets have already been filed in both matters under the relevant provisions of the Uttar Pradesh Protection of Trees Act. Despite this, the report remains completely silent on the failure of the concerned department to prevent and stop the illegal felling of trees, even though the incidents occurred within the span of one month. The omission of any explanation or accountability in this regard renders the report incomplete and misleading.

4. It is respectfully submitted that the reply of respondent's authorities under consideration is vague, incomplete, and fails to deal with the crucial issue of illegal soil excavation, which mandatorily requires prior permission from the District Magistrate. As per the statutory procedure, if any farmer or individual is in need of soil excavation, the only lawful method available is through the *Mine Mitra Portal*. The permission granted under this mechanism is strictly restricted to approximately 100 cubic meters, and upon such registration, mining and transportation are deemed automatically authorized. Furthermore, the Department of Geology and Mining has issued explicit directions mandating that the local police authorities shall remain present during the course of excavation to ensure strict compliance with law and to prevent any illegal extraction. However, the report is completely silent on whether such mandatory permission was ever sought or granted, and whether the statutory requirement of police presence was complied with. This deliberate omission not only undermines the credibility of the report but also demonstrates its vagueness and failure to reflect the true and complete factual position. True copy of the order

dated 21.08.2025 passed in O.A. No. 556/2023, wherein the Uttar Pradesh Pollution Control Board (UPPCB) imposed a substantial Environmental Compensation (EC) on the violator for similar illegal activities, is annexed herewith and marked as **Annexure A-1**. In the present case also, a *similar issue* is involved, where soil has been excavated illegally from the farmer's land without due permission, causing irreparable damage to the environment and agricultural utility of the land.

5. It is pertinent to mention here that the roots of the trees planted along the side of the land have been severely disturbed, resulting in permanent damage to the agricultural land. Owing to this illegal activity, the land has become unfit for cultivation. Specifically, an area measuring about 40 feet from the boundary towards the centre of the agricultural field, extending nearly 1200 feet in length and excavated to a depth of 5-6 feet, has been unlawfully dug up. This excavation was carried out without obtaining any prior permission either from the Department of Geology and Mining or from the District Magistrate, as is mandatorily required under law. Such illegal excavation has not only destroyed the cultivable character of the land but also constitutes a blatant violation of statutory provisions and departmental safeguards. Photographs of illegal excavation from the Reply on behalf of Respondent no. 4,7,8 is on **page 505**
6. That the Applicant totally refutes the claims of Respondent No. 9, which have been incorrectly supported by the reply of Respondent No. 5 / SSP Mathura. The stand taken therein is wholly irrelevant, as Respondent No. 9 cannot be absolved from his involvement in the illegal felling of trees and excavation of soil.
7. The Applicant had duly submitted a complaint dated 21.12.2024 to the District Magistrate, Mathura regarding the said illegal acts. However, the Police have attempted to shield Respondent No. 9 by accepting his version that he was engaged in road construction after receiving a work order. It is

highly questionable and strange that instead of making him an accused, the Police have chosen to make him a *witness* in the FIR, despite the fact that soil excavation was clearly alleged. This deliberate act of treating a prime violator as a witness in the H2 case is arbitrary, illegal, and cannot be ignored.

8. Further, the photographs annexed with the Applicant's original application clearly depict the JCB machine belonging to Respondent No. 9 operating at the site, thereby conclusively establishing his direct involvement in the illegal excavation. However, despite the existence of such clear and cogent evidence, no investigation whatsoever has been conducted on this crucial aspect. The deliberate omission to examine and verify the role of the JCB reflects a serious lapse on the part of the investigating authorities and amounts to suppression of material facts.
9. The report of Respondent No. 5 / SSP Mathura is self-contradictory, as it records that Respondent No. 9, Mr. Chiranji Lal Gola, a contractor, is "misplaced" and that his name does not figure in the FIR or investigation records at all. This assertion is manifestly false and stands disproved by Case Diary No. 5 dated 30.12.2024. It is further submitted that Respondent No. 9 was deliberately shown as a witness, instead of being arrayed as an accused, solely on account of collusion. **(Pg. 401)**
10. It is an admitted fact, as per the reply of Respondent No. 9 himself, that the work order was received only on 15.12.2024, whereas the incidents of illegal tree felling and soil excavation took place much earlier, on 21.11.2024, i.e., prior to the issuance of any work order. This clearly establishes that the acts complained of were a covert and unauthorized operation carried out on the private land of the Applicant, without any authority, sanction, or prior notice to the competent authorities.
11. The material on record further shows that the contractor had commenced work well before the receipt of the work order. To substantiate this claim,

the Applicant has annexed photographs depicting the JCB machine of Respondent No. 9 actively engaged in excavation at the site. However, in the present case, no proper investigation has been conducted with respect to the said JCB, nor has any effort been made to verify its role or ownership. This glaring omission reflects a serious lapse in investigation, rendering the proceedings biased and incomplete.

12. It is respectfully submitted that the Uttar Pradesh Pollution Control Board (UPPCB) has completely failed to discharge its statutory duties, inasmuch as no inspection whatsoever was carried out with regard to the illegal excavation, nor was any effective remedial or preventive action taken against the violators.

13. It is respectfully submitted that Respondent Authorities have failed in their duty to preserve and protect the environment, and have instead acted in complete disregard of the environmental safeguards mandated under law.

PLACE: NEW DELHI

DATE: 27.08.2025

Harsh Vardhan Singh

FILED BY:

Harsh Vardhan Singh,

D/5265/2022

Chetan Jadon

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1400/2024



IN THE MATTER OF:

DEVENDRA FAUJDAR

.....APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENT(s)

AFFIDAVIT

I, Devendra Faujdar, aged about 54 years, S/o Shri Badan Singh, R/o 188/3, Radha City, Krishna Nagar, Mathura, do hereby solemnly affirm and state as under:-

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present affidavit.
2. That the accompanying objections have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.




DEPONENT

VERIFICATION

Verified at Noida on this 27th day of August, 2025, that the contents of the above affidavit from paragraphs 1 to 2 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

**DEPONENT**

ATTESTED
K.P. YADAV
NOTARY PUBLIC

27 AUG 2025

Item No. 05

Court No. 1

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 556/2023

Arun Tiwari

Applicant

Versus

State of UP & Ors.

Respondents

Date of hearing: 21.08.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER
HON'BLE DR. PRASHANT GARGAVA, EXPERT MEMBER**

Applicants: None.

Respondents: Mr. Bhanwar Pal Singh Jadon, Ms. Hemlata Singh, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for UPPCB.
Mr. Atif Suhrawardy & Mr. Pankaj Kumar, Advs. for CPCB.
Mr. Ankit Verma, Adv. for the State of UP (Through VC).
Mr. R. Jawaharlal & Mr. Sayyam Maheshwari, Advs. for R – 6.

ORDER

1. In this Original Application (OA), the Tribunal is considering the grievance of the applicant that during the course of construction of Bundelkhand Expressway Project, the project proponent has done illegal mining of soil up to the depth of 10-15 meters from the farmer's land.

2. The Learned Counsel for the UPPCB has submitted that the Mining Officer had ascertained the quantity of illegally mined soil which is reflected in the communication dated 13.12.2024 sent by the Mining Officer (Page-1865). He submits that on taking into account the quantity of illegally mined soil, fresh show cause notice dated 12.06.2025 was issued to the project proponent and by order dated 09.07.2025 the Environmental Compensation (EC) of Rs. 2,76,99,185/- has been imposed.

3. On the perusal of the record, we find that the area which has been illegally dug up to extract the soil admeasures 37 hectares which is duly reflected in the order of the Mining Officer dated 04.12.2024 (Page-2077).

4. The environmental damage compensation is imposed by taking into account the damage caused to the environment by the project proponent and also the cost of restoration.

5. The Learned Counsel for the UPPCB is not in a position to disclose the value of 37 hectares of land which has become uncultivable because of the deep pits dug up by the project proponent therein. No formula in the order dated 09.07.2025 levying the EC has been disclosed on the basis of which EC of Rs. 2,76,99,185/- has been arrived at. The order also does not disclose that the said EC has been calculated taking into account, the extent of damage caused to the environment and also the cost which may be required for its restoration.

6. The Learned Counsel for UPPCB seeks 04 weeks' time to look into the above aspects of the matter and file a fresh response.

7. List on 14.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Ishwar Singh, EM

Dr. Prashant Gargava, EM

August 21st, 2025
O.A. No. 556/2023
AM



Chetan Jadon <jadonchetan969@gmail.com>

OA 1400 of 2024 (Devendra Faujdar Vs State of Uttar Pradesh and ors)

Chetan Jadon <jadonchetan969@gmail.com>

Thu 28 Aug at 9:22 am

To: <dmmat@nic.in>, <vcmvda2014@gmail.com>, <pccf-up@nic.in>, <csup@nic.in>, <commagr@up.nic.in>, <advpriyankaswami@gmail.com>, NK Goswami Advocate, Supreme Court <thendca@gmail.com>, <rachit@rmlawchambers.in>

Sir/mam,

PFA Reply/Objections on reports filed by respondents along with affidavit on behalf of Applicant in OA 1400 of 2024.

Regards

Adv. Chetan Jadon
Union of India

Reply (Devendra Faujdar).pdf