

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

MA No. 91/2025

In

ORIGINAL APPLICATION No. 772 OF 2022

IN THE MATTER OF:

MOHAN CHANDRA SATI

APPLICANT

VERSUS

STATE OF UTTRAKHAND
THROUGH ITS CHIEF SECRETARY & ORS

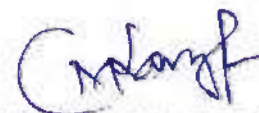
RESPONDENTS
LDOH - 21.01.2026
NDOH - 22.04.2026

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Delhi

Dated: 10th, April, 2026



MOHAN CHANDRA SATI

Applicant

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Chamber No. 203, Civil Wing,

Tis Hazari Court, Delhi-54

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OBJECTIONS ON BEHALF OF THE APPLICANT TO THE RESPONSE REPORT BY WAY OF AFFIDAVITS FILED BY THE RESPONDENT 2 & 3 (The Director Rajaji National Park & Divisional Forest Officer)

MOST RESPECTFULLY SHOWETH:

1. That the above titled OA has resulted from an application filed by the applicant along with 218 aggrieved village farmers, seeking protection of the forest environment, agricultural land of applicants, biodiversity, and escalating human-wildlife conflict in the area adjoining Rajaji National Park.
2. That the present objections are being filed on behalf of the Applicant in response to the status report submitted by Respondent No. 2 & 3 in compliance with the directions of this Hon'ble Tribunal dated 19.11.2024 passed in M.A. No. 27/2024 in the above-mentioned Original Application.

PRELIMINARY SUBMISSIONS-

1. That, without prejudice to the submissions made herein, the Applicant hereby objects to each and every averment and submission contained in the status report filed by the Respondents. The Respondents have

advanced a wholly untenable and moonshine defence and have made only a feeble attempt to evade and circumvent their liability. It is respectfully submitted that the Respondents' assertions are founded upon mere presumptions and assumptions, devoid of any credible evidentiary basis.

It is further submitted that the Respondents have deliberately and mala fide obstructed compliance with the orders of the Hon'ble National Green Tribunal by advancing misleading, sanitized, irrational, frivolous, and baseless statements, including inter alia claims that regular patrolling is being conducted by forest personnel; that 15 camera traps have been installed at various locations within the area to monitor wildlife movement; that such camera traps have not recorded the presence of elephants or other wildlife over the past six months; and that the area in question has not suffered any damage from elephants or other wildlife during the said period.

2. That the present status report filed by Respondent No. 3, through the incumbent Divisional Forest Officer, is ex facie contradictory, misleading, and untenable, inasmuch as it materially deviates from and is inconsistent with the earlier status report submitted by the predecessor Divisional Forest Officer in compliance with the same directions issued by this Hon'ble Tribunal.
3. That the predecessor Divisional Forest Officer, Shri Naveen Chandra Pant, prior to the tenure of the subsequent predecessor DFO, Shri Akash Gangwar, vide letter dated 27.04.2024 (**Running Page No. 102 on record**), addressed to the Conservator of Forests, Shivalik Circle, Uttarakhand, Dehradun, inter alia conveyed the necessity for construction of an Elephant Protection Wall measuring 1500 running meters from Simbalkhal to the SIDCUL boundary, and accordingly submitted an estimated budget of Rs. 2,67,22,000/- (Rupees Two Crore Sixty-Seven Lakh Twenty-Two Thousand Only) for requisite approval.
4. That in the Action Taken Report dated 15.11.2024 (**Running Page No. 106**), submitted before this Hon'ble Tribunal by Respondent No. 3 through the then Divisional Forest Officer, Shri Akash Gangwar, it has been categorically stated that, in compliance with the order dated 12.08.2024, the State Administration and Van Anubhag-2, vide letter No. 1954/X-2/2024-12(37) dated 29.10.2024, had assigned the work of construction

of the Elephant Protection Wall to the Uttarakhand Peyjal Sansadhan Vikas & Nirman Nigam.

5. That in compliance with the order dated 19.11.2024 passed by this Hon'ble Tribunal, a Detailed Project Report (DPR) for the construction of approximately 1402 running meters of Elephant Protection Wall, involving an estimated cost of Rs. 479.51 lakh, has already been prepared pursuant to the Uttarakhand Government Office Memorandum dated 20.10.2024, and the same has been duly processed for consideration and necessary further action, including the release of funds (**Running Page No. 152 on record**).
6. That upon reconciliation of the revenue records with the notified forest area, including Pampidanda Kham notified under Section 4 vide Notification No. 938/1-C-236-C/1948 dated 31.03.1951 (issued for the purposes of Section 20), the survey work was duly commenced from the starting point of the previously constructed Elephant Security Wall. It is, therefore, clearly established that the existing Elephant Security Wall, measuring 487 meters, having GPS coordinates 29°47'39.28"N and 78°22'47.69"E, was constructed only after following the requisite process of demarcation (**Running Page No. 153 on record**).
7. That the construction of the boundary wall has also commenced on the southern bank of the non-perennial river Sigaddi Soat, falling within the Reserved Forest area of Sigaddi Compartment No. 20A of the Laldhang Range, extending from the eastern side at SIDCUL Phase II up to the western side at Simbalkhal.
8. That, in stark contrast, the present status report submitted by the incumbent Divisional Forest Officer seeks to dilute, deny, and materially alter the ongoing process of compliance with the directions issued by this Hon'ble Tribunal, without furnishing any cogent explanation or reliable supporting documentation, and is thus obstructive rather than facilitative in nature.

GROUND OF OBJECTION-

1. **Because the impugned status report is self-contradictory and unreliable**

Respondent No. 3 cannot be permitted to adopt mutually destructive and inconsistent stands before this Hon'ble Tribunal so as to impede and derail the constructive and ongoing process initiated by the predecessor Divisional Forest Officers in compliance with the orders of this Hon'ble Tribunal. The absence of any cogent explanation for such deviation renders the impugned report wholly unreliable and liable to be rejected.

2. **Because the report appears to be mala fide and influenced by extraneous considerations**

That the abrupt departure from the earlier stand raises serious apprehensions that the present report has been filed under the undue influence of vested interests, particularly those engaged in illegal mining activities in and around the forest area, thereby constituting a gross violation of the mandate of the Wildlife (Protection) Act, 1972.

3. **Because the averments made in status report defeat the purpose of environmental protection**

The construction of the Elephant Security Wall, as previously acknowledged, constitutes a crucial measure for preventing encroachment, curbing illegal mining, safeguarding wildlife, and preventing the degradation of forest land, which squarely falls within the mandate of this Hon'ble Tribunal under the National Green Tribunal Act, 2010.

4. **Because non-implementation of admitted measures amounts to non-compliance**

That once the State has taken a decision, carried out demarcation, and prepared a Detailed Project Report (DPR), any subsequent inaction or reversal of such measures without justifiable cause amounts to willful non-compliance of both administrative and judicial directions.

5. **Because the report lacks transparency and supporting records. The present report fails to annex-**

- i. the document rescinding the earlier Government decision.

- ii. any order cancelling or modifying the DPR.
- iii. any justification for halting, withholding or altering the procedural continuation of proposed construction of Elephant Security Wall.

6. **Because it obstructs effective adjudication**
Filing contradictory affidavits obstructs this Hon'ble Tribunal from arriving at a just conclusion and delays environmental justice.

7. **Because the affected area is ecologically sensitive and habitually impacted**

That the lands adjacent to Reserved Forest Compartment No. 20-A, situated within the Laldhang Range of the Lansdowne Forest Division (Kotdwar-Sigaddi Bhabar region), comprise agricultural fields and residential premises of villagers from Bhupdevpur, Dalippur, Mandevpur, Jaidevpur, and adjoining areas, which are directly vulnerable to recurring instances of human-wildlife conflict.

8. **Because the alteration of notified boundaries of tiger reserve is in contravention of the Section 38W of The Wild Life (Protection) Act, 1972**

That the response/report filed by Respondent No. 3 purports to present an updated account of the factual position in compliance with the order dated 19.11.2024 passed by this Hon'ble Tribunal. However, a careful examination of the same reveals that the conclusions therein are founded solely on assumptions and presumptions, devoid of any cogent or substantive basis.

It is further submitted that the Respondents are resorting to strategically dilatory tactics by unnecessarily raising disputes regarding the demarcation of the boundary between the Buffer Zone of the Rajaji Tiger Reserve within the Eco-Sensitive Zone and the jurisdiction of the Revenue Department.

It is a settled legal position that no alteration or modification of the duly established boundary of the Buffer Zone of the Rajaji Tiger Reserve, situated within the Eco-Sensitive Zone, can be effected except upon the recommendation of the National Tiger Conservation Authority and with the prior approval of the National Board for Wildlife.

9. **Because repeated grievances of affected persons have not been redressed**

That the local inhabitants have repeatedly approached the competent forest authorities with complaints regarding extensive damage to crops,

property, livestock, and livelihood; however, no effective or meaningful remedial action has been undertaken by the Respondents to address or mitigate such grievances.

10. Because the Respondents have made vague and unsubstantiated assertions

The Respondents have sought to justify their inaction by making general and unsubstantiated claims regarding patrolling and installation of camera traps, without placing any verifiable data, reports, or records on affidavit, thereby rendering such assertions devoid of evidentiary value.

11. Because the denial of wildlife presence is factually incorrect and misleading

That the assertion that no wildlife activity, including that of elephants, has been recorded over the past six months is vague, wholly unsupported by any scientific or documentary evidence, and is contrary to the actual ground realities prevailing in the area. Prima facie, the impugned action appears to have been deliberately concocted with the intent to confer unlawful and undue benefits upon a stone crusher unit situated at a distance of merely 25 meters from the boundary of the Buffer Zone of the Rajaji Tiger Reserve, within the Eco-Sensitive Zone. Such action has been undertaken at the cost of significant environmental degradation and consequential agricultural losses suffered by the large number of local inhabitant farmers, whose sole source of livelihood is dependent upon agricultural produce. Such non-compliance with the order dated 19.11.2024 of this Hon'ble Tribunal would effectively provide a safe haven to the owner of the stone crusher for the unchecked extraction of riverbed material, boulders, and other resources in the future. This assertion of the Respondent may, therefore, be viewed as a deliberate suppression of truth, in accordance with the principle of *Suppressio veri, suggestio falsi*.

12. Because incidents of wildlife intrusion continue unabated

In the Sigaddi area of the Laldhang Range, particularly in the stretch from Simbalkhal to SIDCUL, wildlife incursions into human habitations occur with alarming regularity, resulting in repeated conflict and damage to life and property.

13. **Because documentary evidence establishes continued wildlife activity (Annexure-A)**

In October 2023, an elderly tusker elephant died in Village Chillarkhal, adjacent to the Reserved Forest boundary. The incident resulted in legal proceedings against a local farmer, causing grave hardship. The said incident is substantiated by photographic evidence annexed as **Annexure-A**.

14. **Because recent incidents further corroborate ongoing conflict (Annexure-B)**

On 06.09.2025, a tusker elephant entered agricultural fields and caused extensive destruction to standing crops over several hours. Despite repeated complaints, no timely response was forthcoming from the forest authorities. The said incident is supported by photographic and media evidence annexed as **Annexure-B**.

15. **Because damage to residential property remains unaddressed (Annexure-C)**

On 16.12.2025, an elephant caused substantial damage to the residential premises and agricultural property of Smt. Jayanti Devi and other villagers. Despite repeated attempts to seek assistance, no response was provided by the Respondents. Supporting material is annexed as **Annexure-C**.

16. **Because even wildlife casualties have been negligently handled (Annexure-D)**

In January 2026, the carcass of a Nilgai remained unattended in agricultural fields for a prolonged period despite repeated complaints. Such inaction reflects gross negligence and abdication of statutory duties. Photographic evidence is annexed as **Annexure-D**.

17. **Because the purported compliance is illusionary and amounts to an eyewash**

The contents of the impugned report reveal a pattern of perfunctory and superficial compliance, which is merely intended to create an illusion of

action while effectively delaying and defeating the implementation of the directions of this Hon'ble Tribunal.

18. **Because false statements on affidavit warrant appropriate action in accordance with law**
 The submission of misleading and incorrect statements on affidavit by the Respondent Divisional Forest Officer is a matter of serious concern and may warrant appropriate action in accordance with applicable legal provisions.
19. **Because illegal activities appear to be shielded in violation of settled law**
 The conduct of the Respondents indicates a tacit attempt to protect the interests of entities engaged in unlawful activities, including to favour in resuming operation of stone crushers situated in close proximity to the Reserved Forest area, in violation of environmental norms and binding judicial precedents, including the judgment of the Hon'ble Supreme Court in *T.N. Godavarman vs. Union of India* (W.P. (C) No. 202 of 1995, order dated 11.12.2018), governing Eco-Sensitive Zones around protected areas such as Rajaji National Park.
20. **Because the affected farmers have repeatedly lodged complaints with the competent authorities for constructing the Elephant Security Wall**
 That the aggrieved farmers continue to suffer ongoing damage caused by wildlife to their boundary-adjacent fields, crops, homes, and livestock, in addition to incurring irreparable losses arising from recurring human-wildlife conflict.
21. **Because pursuant to the time bound judgment of the Hon'ble High Court of Uttarakhand, dated 02.01.2023 in W.P.(PIL) No. 168 of 2019; the operating part of judgment is reproduced herein below,**

**"IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
 THE HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI**

AND
THE HON'BLE SRI JUSTICE RAMESH CHANDRA KHULBE

Date of hearing : 30.08.2022

Date of Judgment : 02.01.2023

WRIT PETITION (PIL) NO. 168 OF 2019

Between:

Devendra Singh Adhikari Petitioner
and

State of Uttarakhand & others Respondents

.....

99) Accordingly, we allow the petition and direct Respondent Nos. 5 and 6 to stop the operation of the stone crusher forthwith. Respondent Nos. 5 & 6 shall apply to the NBWL to obtain its clearance for running its stoner crusher plant . The NBWL shall examine the case threadbare, and shall also examine, amongst others, the aspects taken note of in paragraph 97 hereinabove, and by a speaking order shall either grant, or refuse, its approval for the running of the stone crusher plant of Respondent Nos. 5 & 6. The NBWL shall take its decision, and communicate the same within three months from the date of this judgment. In the event of the NBWL granting approval to the stone crusher plant of the Respondent Nos. 5 & 6, it may resume operation. On the other hand, if the NBWL refuses to grant its approval, the Respondent Nos. 5 & 6 shall proceed to dismantle its stone crusher plant, and remove all its equipments and machinery from the site within two months of the order being passed by the NBWL.

100) The directions contained in the paragraph 98 shall also be strictly complied with. The parties are left to bear their respective costs.

VI PI N SANGHI , C.J.

R.C. KHULBE, J.

Dt : 02nd JANUARY, 2023"

CONCLUSIVE SUBMISSION-

That although the operation of the stone crusher has been halted in partial compliance of the above quoted five months time-bound judgment, dated 02.01.2023, passed by the Hon'ble High Court Nital, the complete and substantive compliance of the said judgment, both in letter and in spirit, remains outstanding.

It is respectfully submitted that neither has the stone crusher unit been dismantled, nor has the plant and machinery—situated at a distance of merely 25 meters from the boundary of the Buffer Zone of the Rajaji Tiger Reserve, within the Eco-Sensitive Zone—been removed. The continued existence of such infrastructure indicates a clear intent to resume operations, including excavation activities, at the earliest opportunity, in blatant disregard of the binding directions of the Hon'ble Court.

In view of the continued inaction on the part of the Respondents, the Applicant has a strong and reasonable apprehension that such deliberate and persistent non-compliance is being facilitated or influenced by vested interests, including the state instrumentalities associated with mining, forest, and land mafias. These entities stand to benefit from the ongoing failure to construct the Elephant Security Wall and from the unchecked and illegal extraction of riverbed material from the Sigaddi Soat River, which lies within the Eco-Sensitive Zone of the reserved forest area of Rajaji National Park.

Such actions, or omissions, not only undermine the authority of judicial orders but also pose a serious threat to the fragile ecology and wildlife of the protected area, thereby warranting immediate and strict intervention by this Hon'ble Tribunal.

PRAYER

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) initiate proceedings against the Respondents under Sections 25, 26, and 28 of the National Green Tribunal Act, 2010, for wilful and deliberate non-compliance of the order dated 19.11.2024 passed in MA No. 27/2024 in OA No. 772/2022.
- b) issue firm, clear, and time-bound directions to the Respondents for strict compliance with its earlier order, failing which the Respondents are likely to continue delaying implementation through procedural maneuvers, thereby causing grave prejudice to the Applicant and rendering the directions of this Hon'ble Tribunal ineffective.
- c) direct the concerned State authorities to file a duly sworn affidavit placing on record the specific steps already undertaken, along with a clear and time-bound schedule for full compliance, particularly with respect to the construction of the Elephant Protection Wall from Simbalkhal to the SIDCUL boundary. Such a direction is necessary to preclude any further delays under the guise of procedural formalities and to ensure that the orders and directions of this Hon'ble Tribunal are implemented in their true letter and spirit, and are not rendered nugatory to the serious prejudice of the Applicant.
- d) impose exemplary environmental compensation and costs upon the Respondents for the continued environmental damage caused due to their inaction and non-compliance, as well as for the prolonged hardship and prejudice suffered by the Applicant and the 218 similarly aggrieved farmers.
- e) pass any other or further order(s) as it may deem fit and proper in the interest of justice, environmental protection, and for safeguarding the rights and interests of the affected farmers.

Mohan Chandra Sati
Applicant

Place: Delhi
Date: 10.04 2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
MA No. 91/2025
ORIGINAL APPLICATION NO. 772 OF 2022

IN THE MATTER OF:
Mohan Chandra Sati Applicant
VERSUS
State of Uttarakhand & Ors. Respondent

AFFIDAVIT

I, Mohan Chandra Sati S/o Shri Bala Dutt Sati, R/o Village- Mandavepur, P.O.- Lokmanipur, Distt.- Paurigarhwal, Uttrakhand-246149, presently at Delhi, aged about 67 years, do hereby solemnly affirm and declare as under:-

1. That the deponent is the applicant in the above matter and as such is well conversant with fact of the same and competent to depose this affidavit on oath.
2. That the contents of the accompanying objections are true and correct. The contents of the same be read as part and parcel of this affidavit which are not repeated herein for the sake of brevity.

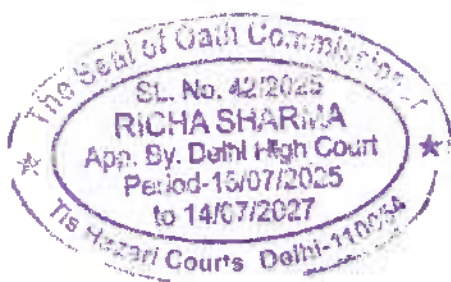
Mohan Chandra Sati
DEPONENT

VERIFICATION:

10 APR 2026

Verified at Delhi on this 10th day of April, 2026, that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Richa Sharma
Adv.
I identify the deponent who has signed
put thumb impression in my presence



CERTIFIED TRUE
Signature of Mohan Chandra Sati
D/o, P/o, D/o Shri Bala Dutt Sati
Identified by Shri/Smt. Richa Sharma
has read and attested by me
on 10 APR 2026
That the contents of the above affidavit
have been read over and the contents
are true & correct to the best of my knowledge

Richa Sharma
Oath Commissioner, Delhi

Image showing the dead elderly tusker
(OCT 2023)



आबादी में आ धमका टस्कर हाथी, लोगों में दहश

भाबर के लोकमणिपुर का मामला, वन विभाग की उदासीनता से लोगों में बढ़ रहा आक्रो

वाद न्यूज एजेंसी

एवघाटी/किशनपुर। भाबर के ई लोकमणिपुर में दो सप्ताह से स्कर हाथी की लगातार आमद हो ी है। जिससे लोगों में दहशत का हील है।

वन विभाग को बार-बार सूचना े के बाद भी आमजन की सुरक्षा र फसलों को बचाने के लिए दम नहीं उठाया जा रहा है। ससे लोगों में आक्रोश है।

स्थानीय निवासी पंकज पटियाल, देवेन्द्र जोशी, जगदंवा खमोला, नवीन कपटियाल और द्रप्रकाश जोशी ने बताया कि ऋवार देर रात करीब 11 बजे जनौर वन प्रभाग के जंगल से रु टस्कर हाथी गंदरियाखाल स्थित



कोटद्वार भाबर के लोकमणिपुर में खेतों में घुसा टस्कर हाथी। स्रोत: ग्रामीण

काशतकारों के खेतों में घुस गया। खेतों पर पहुंचे और शोर मचाकर किसानों ने जब हाथी की चिंघाड़ हाथी को भगाने का प्रयास करने सुनी, तो वे जान हथेली पर लेकर लगे। हाथी वहां से जयदेवपुर की

वन विभाग से कई बार गु लगाने के बाद भी नहीं उठाया जा रहा कदम

और चला गया। वहां से भी हाथ खदेड़ने पर हाथी फसलों को र और खाता हुआ टलीपपुर मनदेवपुर स्थित खेतों में पहुंच

काशतकारों का कहना है कि सप्ताह से यह टस्कर हाथी लग खेतों में आ रहा है और लोगों धान, उड़द और सोयाबीन फसल को नुकसान पहुंचा रह वन विभाग को सूचना देने के भी कोई कार्रवाई नहीं की जा रह वन विभाग की उदासीनता से में आक्रोश है। उन्होंने समस्या निजात दिलाने के साथ ही मुआ देने की मांग की है।

Photographic evidence showing entrance of stranded tusker in paddy fields of farmers.

हाथी और जंगली सुअरों ने राँदी धान की फसल, किसान परेशान

किशनपुर/कणवघाटी। कोटद्वार भाबर में वन सीमा से इलाकों में हाथी समेत अन्य वन्यजीवों की धमक थमने का नाम नहीं ले रही है।

बृहस्पतिवार रात जहां यूपी के जंगलों से खूनीबड़ क्षेत्र में धमके दो हाथियों ने उत्पात मचाकर धान की फसल नष्ट कर दी, वहीं, लोकमणिपुर के मनदेवपुर व दलीपपुर में लैंसडौन वन प्रभाग के जंगलों से घुसे सुअरों के झुंड ने धान की फसल राँद दी।

छह महीने की मेहनत पर पानी फिरने से क्षेत्रीय काश्तकारों में आक्रोश बना हुआ है। उनका कहना है कि वन विभाग को आबादी से सटे इलाकों में हाथी समेत वन्यजीवों की आमद रोकने के लिए प्रबंध करने चाहिए। खूनीबड़ निवासी ध्रुव रावत ने बताया कि बृहस्पतिवार रात बिजनौर वन प्रभाग के जंगल से दो हाथी उनके खेत की बाड़ तोड़कर धान के खेत में घुस गए।

सारी रात उत्पात मचाते हुए उन्होंने धान की फसल चट कर दी। शुक्रवार सुबह जब काश्तकार अपने खेत की ओर गए तो हाथियों को देख उसके

भाबर में वन सीमा से सटे खूनीबड़ और लोकमणिपुर में नहीं थम रहा वन्यजीवों का उत्पात

होश उड़ गये। उसने शोर मचाकर किसी तरह मुश्किल से हाथियों को जंगल की ओर खदेड़ा।

दूसरी ओर लोकमणिपुर वार्ड के मनदेवपुर व दलीपपुर में पंकज और पान सिंह के धान के खेतों में जंगली सुअरों का झुंड घुस गया और कई बीघा धान की फसल राँद दी।

लोगों का कहना है कि आए दिन जंगली जानवर खेतों में धान, उड़द व सोयाबीन की फसल राँद दे रहे हैं। वन विभाग को सूचना देने के बाद भी कोई कार्यवाही नहीं की जा रही है। ग्रामीणों ने वन विभाग पर उदासीनता बरते जाने का आरोप लगाया।

कोटद्वार के रेंज अधिकारी बीसी जोशी ने बताया कि क्षेत्र में गश्त बढ़ाई जाएगी। नुकसान का आकलन करवाया जाएगा। किसानों को रेंज कार्यालय में लिखित में नुकसान की जानकारी देनी चाहिए। संवाद

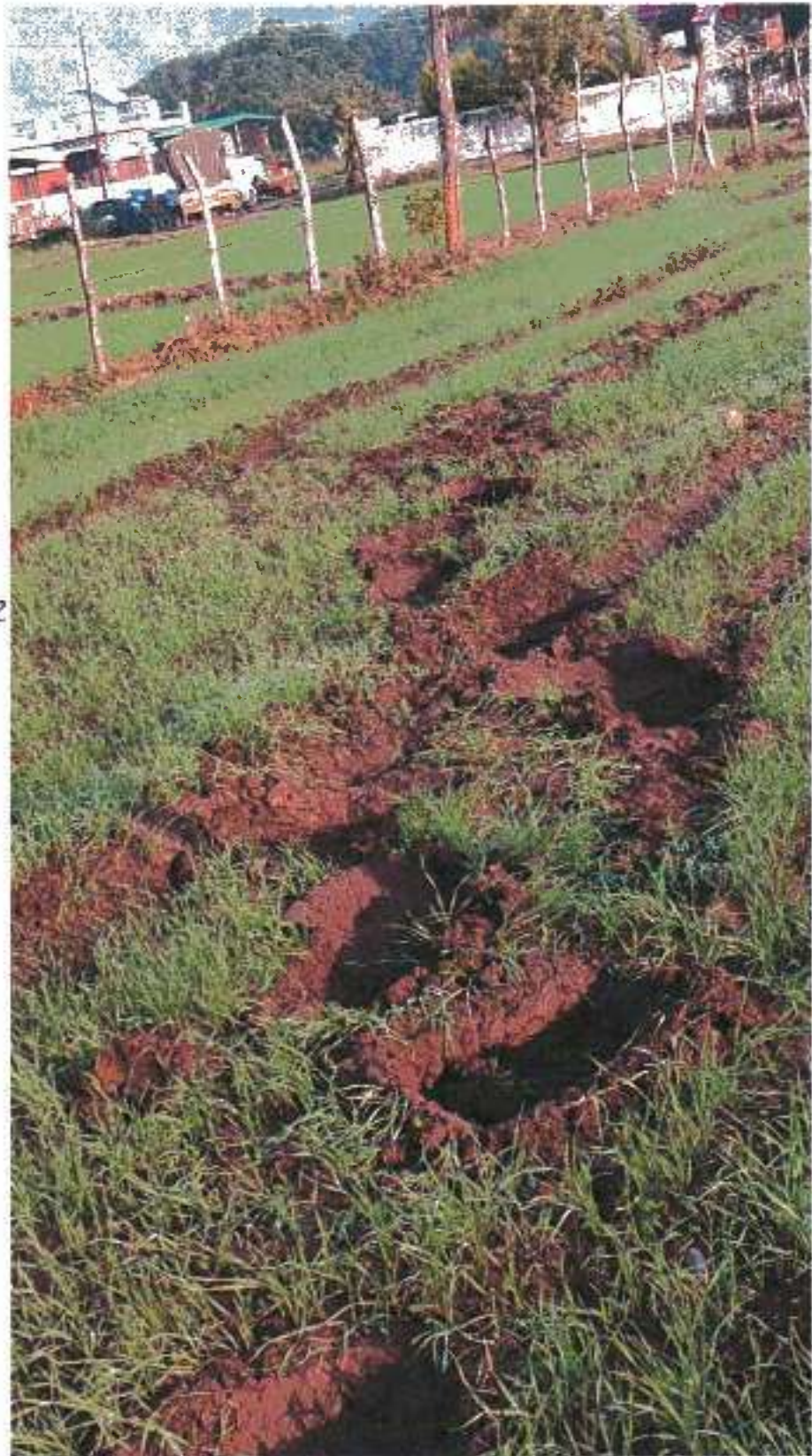


Image showing
Substantial damage
to the residential
premises and
agricultural field
caused by storm
tweaks,
16.12.2025

ANNEXURE C (ii)

Image showing substantial damage to the residential premises (water tank) caused by stranded trucker 16.12.2025



Carcass of Nilgai in
agricultural fields adjacent to reserved
forest of Rajaji
National park.

January 2026

