

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI

ORIGINAL APPLICATION NO. 332 OF 2024

IN THE MATTER OF:

ATS One Hamlet Apartment Owners' Association Applicant

VERSUS

State of U.P. & Ors.

..... Respondents

INDEX

S.NO.	PARTICULARS	PAGE
1.	Objection on behalf of the Respondent No.6 to the affidavit filed by the Divisional Forest Officer, Gautam Budh Nagar, U.P. along with the joint inspection report and findings of team of forest officers constituted by the Forest Department, Gautam Budh Nagar, Uttar Pradesh along with supporting affidavit	1-7
2.	Annexure A-1 (Colly) – Photographs of the place in question.	8-18
3.	Proof of service	19

Through 
Respondent No. 6

Fides & Fiducial Law Firm
(Counsel for the Respondent No. 6)
123/11 Supreme Enclave
Mayur Vihar -1, Delhi – 110016
Mob. No. 971136273

New Delhi

Dated: 08.12.2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI

ORIGINAL APPLICATION NO. 332 OF 2024

IN THE MATTER OF:

ATS One Hamlet Apartment Owners' Association Applicant

VERSUS

State of U.P. & Ors.

..... Respondents

OBJECTION ON BEHALF OF THE RESPONDENT NO. 6 TO THE
AFFIDAVIT FILED BY THE DIVISIONAL FOREST OFFICER,
GAUTAM BUDH NAGAR, U.P. AS WELL AS THE JOINT
INSPECTION REPORT AND FINDINGS OF TEAM OF FOREST
OFFICERS CONSTITUTED BY THE FOREST DEPARTMENT,
GAUTAM BUDH NAGAR, UTTAR PRADESH

MOST RESPECTFULLY SHEWETH:

1. That the affidavit filed by the Divisional Forest Officer, Gautam Budh Nagar, U.P. (hereinafter referred to as DFO) along with the joint inspection report and findings of the team of forest officers constituted by the Forest Department, Gautam Budh Nagar, Uttar Pradesh are false and vexatious and has been filed only to support the unfounded, unreasonable and motivated complaint of the applicant. The falsehood of the report of the Forest Department, Gautam Budh Nagar, Uttar Pradesh can be easily appreciated from the timeline of the events of the present case and the way the enquiry was conducted and its enquiry report has been prepared.
2. That it has been alleged by the applicant in the present case that in the year 2024 the members of the applicant had observed that the trees were being cut inside Ashram of the respondent No. 6 for creating a residential plots and when they made enquiry, they came to know that the respondent No. 6 i.e. Maharishi Mahesh Ashram

Trust had made illegal plotting inside the Green Area and in a clandestine manner they were offering plots for sale to the innocent people. After that the members of the applicant approached the respondent No. 2 i.e. New Okhla Industrial Development Authority and made a representation against the alleged illegal cutting of trees by the respondent No. 6. The applicant further mentioned in the application that on their representations, the local administration made site visit and upon due inspection of the area and directed the concerned police to register FIR against the accused persons. Further, the applicant made representation to the office of the Commissioner of Police and filed the present case i.e. Original Application No. 332 of 2024 on 11.03.2024 thereafter. It is apt to mention herein that the applicant has clandestinely twisted the fact before this Hon'ble Court and concealed the fact that its complaint dated 04.03.2024 was only with respect to the alleged encroachment or construction and not for felling down of trees at the land of the respondent No. 6.

3. That as per the affidavit of the DFO, the complaint of the alleged act of cutting of trees at the land of the respondent No. 6 was received to the Regional Forest Officer on 29.04.2024 and the First Information/Complaint was registered on the same day i.e. 29.04.2024 against Trustee of Maharishi Ashram under Section 4 and 10 of the U.P. Protection of Trees Act, 1976. In pursuant to the First Report/Complaint, the Regional Forest Officer visited the alleged site along with other forest officers on 29.04.2024 and found the illegal cutting of trees on 1/2 hectares of land of the respondent No. 6 which was adjacent to the Gate No. 4 of the residential society of the applicant. On enquiry from the neighbouring people, his team found that cutting of trees was

carried out for the pathway inside the Ashram and when his team searched on google earth through GPS reading, they found that the alleged cutting was carried out in the month of March, 2024.

4. That the Divisional Forest Officer, Department of Forest, Gautam Budh Nagar, U.P. passed an office order dated 20.06.2024 thereby constituting a team of 5 officers to investigate the facts/allegation as mentioned in the complaint dated 29.04.2024. The team visited the place on 05.07.2024 and carried out a joint investigation by taking photographs of the places inside the respondent No. 6's Ashram of their choice and without involving any of the persons of the Ashram and prepared its report on the same day in the most unreasonable manner. It is apt to mention herein that despite the fact the investigating team did not find any proof or residue of the alleged felled tree at the place, they prepared the report against the respondent No. 6 thereby speculating that the trees of Subabul, Prosopis Juliflora, Siras, Neem, Bel, Mango, Peepal, etc. were cut for clearing the pathway on the 0.51 hectare of land and ascertained the number of trees cut there on the basis of sampling of adjacent plot of the respondent No. 6. It is admitted position of the DFO that the team had neither found any rootstock or remnants at the site from that could indicate whether trees had been cut down there or if trees had previously existed there. The team of the Forest Department did not give any reasoning as on what basis they had the conclusion that the aforesaid trees were cut in the month of March, 2024 by the respondent No. 6. While carrying the investigation, no enquiry was made from any of the independent persons or the officials/members of the answering respondent and the photographs were taken of the selected place i.e. already a pathway of the sewer treatment plant installed insider the Ashram

of the respondent. Further, the falsehood of the report can be easily appreciated from the fact that the investigating team deliberately did not take photographs of the Sewage Treat Plant which was adjacent to the site in question as if they had taken the picture of it, it would have become clear that there was path leading from Ashram to the said STP.

5. That it is most surprising that those photographs of the spot were taken on 05.07.2024 and the joint report was also prepared and signed on the same very day i.e. 05.07.2024 but the fine of Rs. 2,50,000/- was taken from the respondent No. 6 on 04.07.2024 itself. Further, the report of the forest department is completely silent as to how the Global Positioning System (GPS) reading of the place helped them in concluding that the trees were fell at the place or they were existing in the month of March, 2024 or prior to that. It is duly brought to the knowledge of this Hon'ble Tribunal that the Global Positioning System (GPS) is a satellite network providing precise positioning, navigation, and timing (PNT) globally, using signals from orbiting satellites that receivers on Earth interpret to pinpoint location, velocity, and time, essential for everything from smartphones to precision agriculture and defense. Hence, the GPS could not help in ascertaining the facts as to whether trees were felled or not at the spot or they were existing more than one and half months prior to the date of taking the photographs.

6. That the falsehood of the affidavit and the reports and findings annexed with it is further writ large from the fact that neither it has been mentioned nor shown in in the report that the entire Ashram is spread over approximately 300 acres of land, and only 5 to 10% of that land is having building area consisting of school, college,

various Ashrams, Vedshala, Yagna Sthal, residences of the staffs and members of the Ashrams and basic amenities including STP, pump house, etc.. It comprises a vast expanse of lush greenery, developed through the plantation of millions of trees by its founder and trustees over the past several decades and owing to its dense vegetative cover, the area now resembles a self-sustained mini-forest ecosystem. It serves as a natural habitat for a variety of avian species, including several migratory birds, which frequent the region annually. Whereas, the allegations made in the applicant in the present case is false and motivated as it was made only with respect to ½ hectares of land of the Ashram near the gate of the applicant's residential society as the member applicant did not want the said gate to be opened near their residential society. Further, it is reiterated that not a single tree was cut down at the alleged place and only shrubs and bushes, which are not fit to qualify the definition of a tree in terms of Section 3(xi) of the U.P. Protection of Trees Act, 1976, were cleared from the place for the safety and convenience of occupants and employees of the respondent No. 6's society. Photographs of the spot are annexed hereto as **Annexure A-1** (Colly).

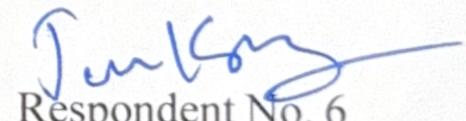
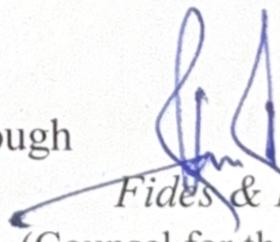
7. That the respondent No. 6 is a philanthropic organisation engaged in various charitable and religious activities across the world and due to the tireless efforts of its members and inhabitants, the Ashram has millions of trees grown from the scratch, which can be seen there today. It is not out of way to mention herein that the forest department had not found the allegations of the applicant to be true and therefore, closed the complaint in the month of March, 2024 itself but when they were pressurised or won over by the members of the applicant, they registered the false complaint

against the answering respondent and carried out a perfunctory enquiry with the predetermined mind set to give their findings against it. Further, initially the respondent No. 6 was caused to make the payment of fine of Rs. 2,50,000/- even before the alleged joint report of the forest department even there was no fault on its part and later, the forest department submitted these reports contrary to the actual facts and only to harass the answering respondent.

8. That in light of the aforesaid, it is evidently clear that the forest department has intentionally prepared the adverse report against the answering respondent on the instance of the members of the applicant society and there is not an iota of truth in the same. Further, the report is completely silent and has failed to give any reasoning as on what basis the joint investigating team of the forest department came to the conclusion that those trees were cut despite the fact that they did not get even the residue of the trees. Hence, the affidavit and the documents on which the same was deposed before this Hon'ble Tribunal are false and frivolous and therefore, the same deserves to be rejected in the interest of justice.

In view of the aforesaid, it is most respectfully prayed that this Hon'ble Court reject the reports of the forest department as being false and devoid of merit in the interest of justice, equity and fair play.

Through


Respondent No. 6

Fides & Fiducial Law Firm
(Counsel for the Respondent No. 6)
123/11 Supreme Enclave
Mayur Vihar -1, Delhi - 110016
Mob. No. 971136273

New Delhi

Dated: 08.12.2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI

ORIGINAL APPLICATION NO. 332 OF 2024

IN THE MATTER OF:

ATS One Hamlet Apartment Owners' Association Applicant

VERSUS

State of U.P. & Ors.

..... Respondents

AFFIDAVIT

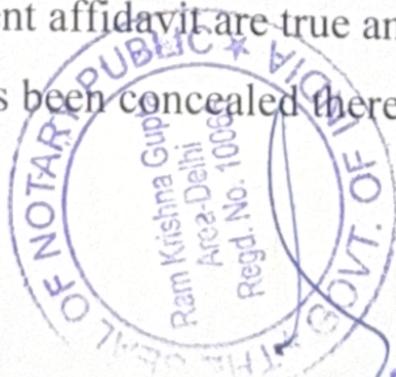
I, Jaikishan Thapliyal, S/o Late Sh. Chandermoni, R/o 865, Flat No. FF5, Shalimar Garden Extension - 1, Sahibabad, Ghaziabad, U.P. - 201005 aged about 63 years do hereby solemnly affirm and state as below;

1. That I am the authorized representative of the respondent No. 6 in the above named case and being conversant with the facts and circumstances of the case I am competent to swear the present affidavit.
2. That the accompanying objection to the affidavit of the D.F.O., Gautam Budha Nagar, Uttar Pradesh has been drafted by my counsel under my instructions and the contents of it have been read over to me in vernacular and as such the same are true and correct to my knowledge and nothing material has been concealed therefrom

Jaikishan
DEPONENT

VERIFICATION

Verified at New Delhi on this day of December, 2025 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.



Jaikishan
DEPONENT

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA (DELHI)

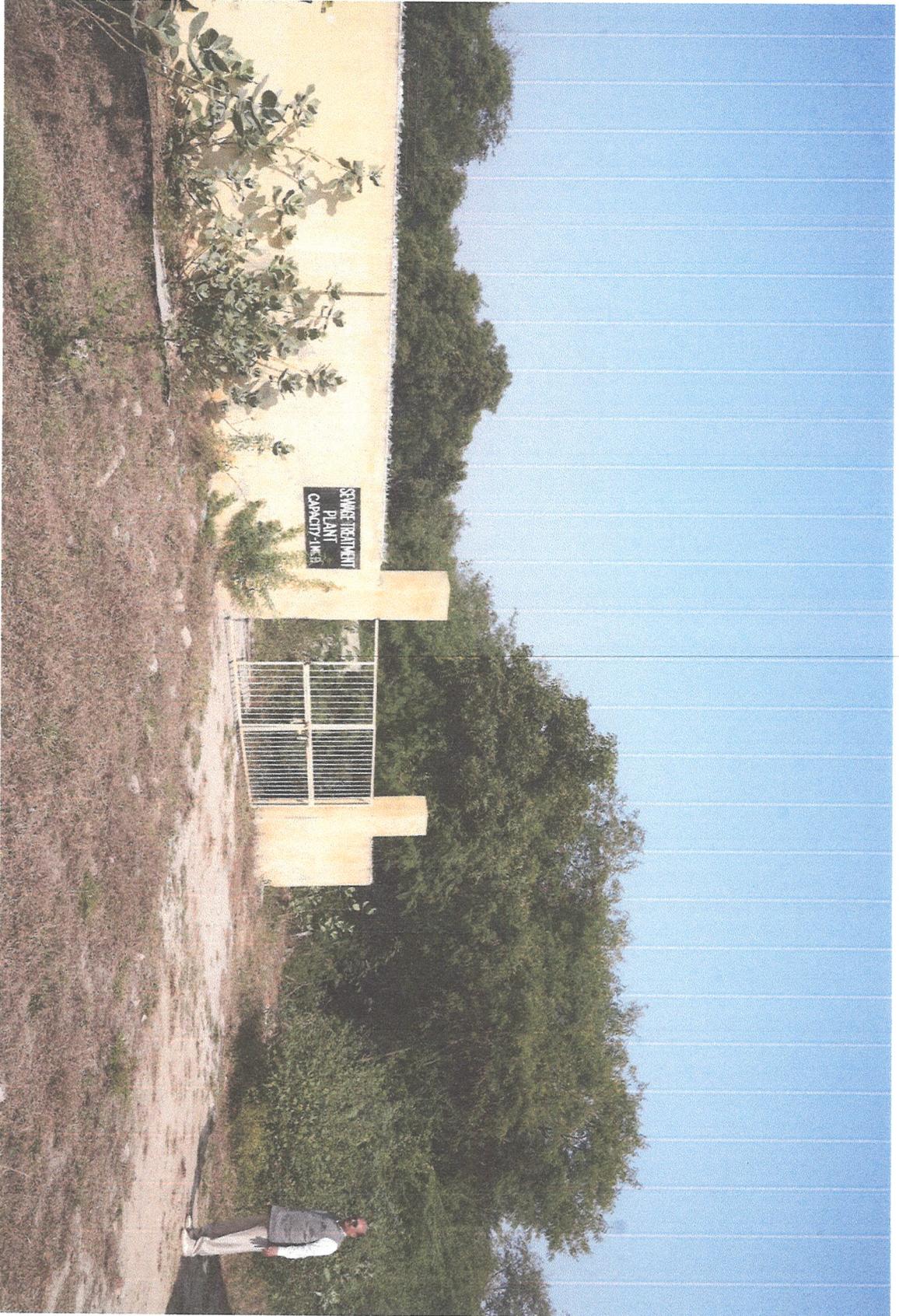
- 8 DEC 2025

333

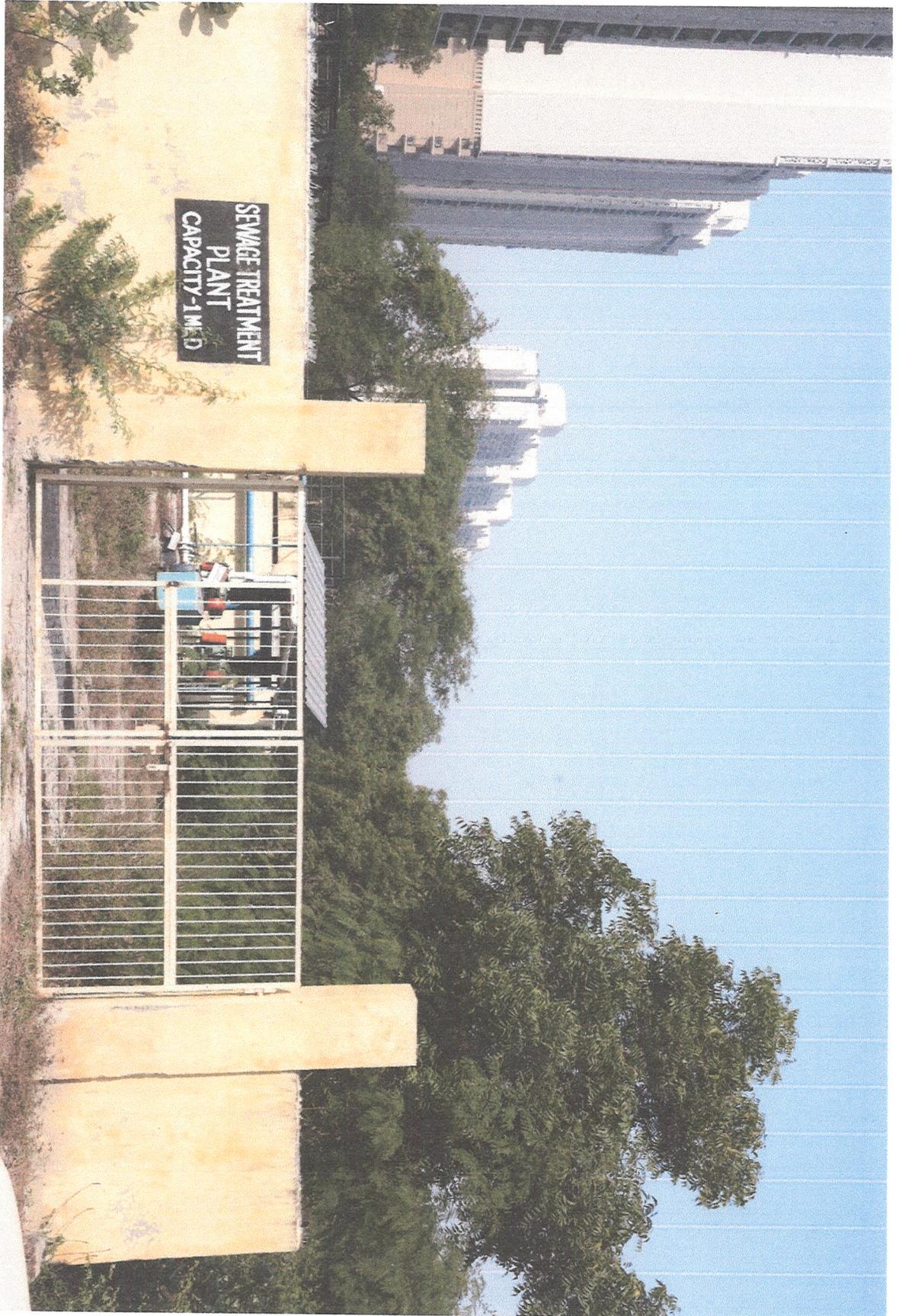


ANNEXURE-A-1

2



335



336



337



338





340



341





