

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA NO. 915 OF 2024

IN THE MATTER OF:

AMIT KUMAR

.....APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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FILED BY:



Amit Kumar (Applicant in person)

Place - New Delhi

Date - 28.05.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA NO. 1225 OF 2024

IN THE MATTER OF:

AMIT KUMAR

.....APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

REJOINDER/SUBMISSIONS BY APPLICANT IN RESPONSE TO THE
DFO SHAMLI R-7 AFFIDAVITS DATED 25.02.2025 & 24.05.2025

MOST RESPECTFULLY SHOWETH:

1. That the Applicant respectfully submits the following brief objections to the affidavits dated 25.02.2025 filed by the DFO Shamli i.e. Respondent No. 7. These replies are riddled with factual inconsistencies, omissions of material facts, and a demonstrable failure to curb ongoing encroachment on Reserved Forest lands.
2. The Applicant reserves the liberty to file a detailed para-wise reply, as and when required, and places these concise objections before this Hon'ble Tribunal to assist in the effective implementation of its directions and to ensure meaningful environmental compliance and protection of public interest.

Preliminary Submissions

3. At the outset, it is submitted that the village Akbarpur Sunheti has been entirely excluded from the ongoing survey on the pretext that the Khasra details were not submitted by the Applicant. This is factually untenable. The Survey of India toposheet, annexed as *Annexure 1 of the Original Application (Page 10)*, clearly identifies the Reserved Forest in Akbarpur Sunheti. Moreover, the Annexure-10 of the DFO's own affidavit dated 24.05.2025 (Page no. 282) contains a very detailed boundary description of the Reserved

Forest in Akbarpur Sunheti. Hence, the exclusion of Akbarpur Sunheti is wholly arbitrary.

4. That the Forest Department has only surveyed 176 of 526 khasras (just one-third), and now seeks 25 more weeks to complete the remainder. This is in violation of the 12-week time frame proposed by Respondent No. 7 itself and accepted by the Tribunal during the last course of hearing as also mentioned in the order dated 27.02.2025. No explanation is offered for the delay, nor is there any accountability fixed for the failure.
5. That the total encroachment reported in the Annexure R1 of DFO's affidavit dated 25.02.2025 (Page 37-43) is approx 3.77 hectares which is claimed to have been freed from encroachment in the same annexure. However, the encroachment shown to have been removed in the affidavit dated 24.05.2025 on page no. 109, remained the same as 3.77 hectares. It is clear from this fact that no new encroachment has been removed by the Forest Department since the last date of hearing which is in violation of the orders of this Hon'ble Tribunal.
6. That both the affidavits have claimed to remove approximately 3.77 hectares of encroachment, however, no reliable evidence of the same have been placed on record by the Forest Department. In fact, the records placed on record shows that the DFO Shamli office have issued several notices to the encroachers in which they have been asked to show cause and the encroachment is still there. The notice placed on record on Page No. 255 alone shows the pending encroachment to be removed from 1.8 hectares of the forest land.
7. That despite the Hon'ble Tribunal's clear direction dated 27.02.2025 to identify officials responsible for allowing or facilitating encroachment, the DFO's affidavit fails to name any officer or initiate disciplinary proceedings. The explanation that such identification is "difficult" lacks credibility.
8. That the letters annexed from the Gram Pradhan of different village panchayats are formality to cover up the role of forest department in facilitating the encroachment.

9. The the said forests were declared to be the reserved forest under section 4 and 20 of the Indian Forest Act 1927 vide the Uttar Pradesh gazette dated 22.10.1955 and 31.12.1970 (Annexure 10 of DFO's affidavit dated 24.05.2025 Page No. 281-300. According to the DFO's affidavit and the letters from the gram pradhan, the encroachments happened even before it was declared as the reserved forest.
10. The affidavits confirm that entire villages like Bibipur Hatia, Rataund, and large parts of Paoti Khurd, Barnawi, and Bibipur Jalalabad remain unsurveyed. The so-called actions taken are limited primarily to Dabhedhi Bujurg. This selective action is inadequate and does not comply with the spirit of the Tribunal's orders.
11. That the DFO's claim that Shamli district's forest cover has increased by 0.4% (ISFR 2023) is misleading. The Indian Forest Survey Report is satellite-data based and cannot identify illegal encroachments or the actual legal status of land parcels under Reserved Forest notifications. The FSI data should not be used to dismiss documented field encroachments or to counter specific illegal occupation of Khasras notified under Sections 4 and 20 of the Indian Forest Act, 1927 as the reserved forest.
12. The affidavit vaguely states that protection trenches have been dug and that saplings will be planted during monsoon. There is no site-specific plan, survival monitoring framework, or proof of actual afforestation. Such statements appear routine and symbolic.
13. While lack of cooperation from the revenue department is cited, no strong action or escalation is shown. The DFO has not approached the PCCF or sought intervention from higher authorities. Mere correspondence is not sufficient in the face of clear orders and continuing forest loss.
14. In light of continued non-compliance and delay, the Applicant respectfully prays that:
 - a. A Court-appointed Commissioner or Joint Monitoring Committee be constituted to oversee the completion of the survey and eviction operations;

- b. The Chief Secretary of Uttar Pradesh be directed to ensure immediate and full cooperation from the Revenue Department;
- c. Periodic compliance reports with geo-tagged photos and GPS-linked status updates be submitted;
- d. Time-bound restoration of all notified Reserved Forests be ordered in line with the Indian Forest Act, 1927.

It is, therefore, respectfully prayed that the submissions of the applicant be taken on record and appropriate directions be issued in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.



Amit Kumar (Applicant in person)

Place: New Delhi

Dated: 28.05.2025