

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

IA NO. 7 OF 2026

IN

OA NO. 915 OF 2024

IN THE MATTER OF

AMIT KUMAR

.....APPLICANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

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**REPLY ON BEHALF OF THE ORIGINAL APPLICANT TO THE
APPLICATION FOR INTERVENTION/IMPLEADMENT (I.A. NO. 7/2026)**

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application (OA NO. 915/2024) was filed by the Applicant seeking the urgent restoration of 'Reserved Forests' in various villages of Shamli District, including Barnawi, which are facing severe threats from illegal encroachment and deforestation.
2. That the Proposed Respondents in I.A. 7/2026 have approached this Hon'ble Tribunal claiming to be "bona fide residents" whose "sole homes" are under threat due to demarcation and eviction proceedings initiated by the Forest Department (Respondent No. 7).
3. That in compliance with the orders of the Hon'ble National Green Tribunal dated 05.01.2026, whereby the Registry was directed to place on record the applications for impleadment and interim protection filed by the intervenor applicants, and further pursuant to the order dated 09.01.2026 in IAs No. 07/2026 and 09/2026, wherein the Original Applicant was granted time and liberty to file replies to the said applications, the Applicant is filing the present response before this Hon'ble Tribunal without prejudice to its rights and contentions, and prays that the same be taken on record and considered in accordance with law.

4. That the Applicant is filing the present response on the basis of material already available on record in the OA and such documents as could be accessed by the Applicant in his individual capacity from public records and official government databases, and the Applicant has not conducted any personal site inspection.

PRELIMINARY SUBMISSIONS OBJECTIONS:

5. That the land in question is part of a *Reserved Forest* and notified under the *Indian Forest Act, 1927*. It is a settled principle of law that no right, title, or interest can be claimed over Reserved Forest land through illegal occupation, regardless of the duration of stay.

The true copy of Gazette Notification under Section 4 and Section 20 of the Indian Forest Act, 1927 are already on record at *judicial page number 281-300* of the OA No. 915/2024 and are not produced here again for the sake of brevity.

6. That the IA No. 7/2026 is devoid of any supporting material and the pleas raised by the proposed impleaders/respondents are bald, unsubstantiated, and made without placing any documentary or other evidence on record.
7. That the application for impleadment appears to be a strategy to delay the forest restoration process and the removal of illegal structures that are directly contributing to the low forest cover in district Shamli.
8. That the Original Applicant would however like to point out that the Original Application was filed for the restoration of 'Reserved forests'
9. The Applicant further submits that it is a settled position of law, as laid down by the Hon'ble Supreme Court in *Olga Tellis v. Bombay Municipal Corporation* and reaffirmed in *Sudama Rai v. State of Bihar*, that eviction of persons from their dwelling houses cannot be carried out arbitrarily and without following due process of law, and that the right to shelter is an integral facet of the right to life under Article 21 of the Constitution of India. The Hon'ble Supreme Court has categorically held that, wherever eviction is contemplated, the State authorities are under an obligation to consider rehabilitation and resettlement in accordance with law and applicable policies before any coercive action is undertaken.

PARA-WISE REPLY:

10. That the contents of Para 1 & 2 are a matter of record and hence require no response.
11. That the contents of Para 3 of the application are denied as being legally untenable. It is submitted that the 'right to shelter' cannot be invoked to regularize illegal encroachments on notified 'Reserved Forest' land, which is held in public trust for ecological preservation. Any 'consequences' faced by the Intervenors are a direct result of their own unauthorized occupation of forest land, and the actions of the authorities are strictly in accordance with the 'due process' and 'statutory mandate' provided under the *Indian Forest Act* and the directions of this Hon'ble Tribunal to restore the environment.
12. That the contents of the Para 4 are denied as being a misrepresentation of facts and law; it is submitted that the Intervenors' status as 'affected persons' stems solely from them receiving eviction notices due to occupation of notified 'Reserved Forest' land, and as per the settled principle of *in pari delicto*, no person can claim a right to equity or 'human rights' based on a continued illegal act of encroachment.
13. With respect to the contents of the Para 5, it is submitted that while the initiation of the Original Application and the subsequent actions of the Forest Department are matters of record, the same are strictly in discharge of statutory duties for the restoration of notified 'Reserved Forest' land and follow a legally mandated process of joint demarcation and verification of revenue records.

It is vehemently denied that the Proposed Respondents were unaware of the proceedings, as the encroachment on forest land is an illegal act ab initio and all notices served by Respondent No. 7 are in accordance with the law to protect ecological zones. Furthermore, it is a matter of record that initial notices were served upon the proposed impleaders as early as September 2025; as per the copies of these notices placed on record by the Forest Department, the proposed impleaders were specifically directed to appear and justify their side, proving they were aware of the matter and the legal status of the land at that time. ***In fact, the Gram Pradhan of Barnawi had issued a letter dated 13.05.2025 (judicial page number 279 of O.A.***

915/2024) which clearly demonstrates that the Gram Panchayat and the local residents were well aware of the forest restoration issues and the pendency of the matter long before the filing of this application.

14. That the contents of Para 6 are denied to the extent that they allege a total lack of opportunity; while the Applicant cannot comment on the specifics of the internal administrative hearings conducted by the Forest Department, it is submitted that Respondent No. 7 has placed material on record suggesting that the Proposed Respondents were indeed given an opportunity to justify their position (if they were given an opportunity), and the veracity of these claims is a matter for Respondent No. 7 to address directly.
15. That the contents of Para 7 are denied as being legally inapplicable to the present facts; it is submitted that since the Forest Department (Respondent No. 7) has placed material on record asserting that show-cause notices were served providing a forum for explanation. Furthermore, the Applicant maintains that 'civil consequences' arising out of the removal of illegal encroachments from notified 'Reserved Forest' do not grant a right to regularize such occupations, and the veracity of the hearing process is a matter for Respondent No. 7 to address.
16. In response to para 8 & 9, it is submitted while the Applicant cannot comment on the specifics of the internal administrative hearings conducted by the Forest Department, *it is submitted that if the residential structures and livelihoods of the Proposed Respondents are indeed impacted, they must be afforded a fair and meaningful opportunity to be heard by the Forest Department.* It is further submitted that Respondent No. 7 has placed material on record suggesting that such an opportunity was provided, and the veracity of these claims is a matter for Respondent No. 7 to address; however, *should it be found that they were not heard, this Hon'ble Tribunal may consider their plea in accordance with the principles of natural justice.*
17. That the contents of Para 10 & 11 are denied as unsubstantiated; it is submitted that while the *Applicant is not in a position to personally verify the historical possession of the Proposed Respondents, it is essential that their claims are strictly cross-referenced with available Survey of India*

records and verified by the Forest Department through revenue records to determine the ownership of the land prior to the notification. It is further asserted that the Proposed Respondents have not placed any documentary evidence of title or allotment on record to support their statements, and therefore, their claims of 'long-standing settlement' must be subjected to rigorous official verification.

18. That the contents of Para 12 & 13 are subject to be addressed by the Respondent no.7.
19. That the contents of Para 14 are denied. The allegation that the Applicant or the Authorities are acting with "undue haste" is baseless. The proceedings are moving delayed but under the directions of this Hon'ble Tribunal to rectify decades of illegal encroachment that has severely depleted the green cover of Shamli.
20. That the contents of Para 15 are subject to the material to be placed by the proposed impleaders. It is submitted that the continued damage of Reserved Forest causes irreparable loss to the environment and the public at large, violating the 'Public Trust Doctrine.'
21. That the contents of Paras 16 to 38 are primarily required to be addressed by Respondent No. 7. However, the Applicant respectfully submits that any action contemplated must strictly adhere to the principles of natural justice, and that environmental protection measures must be balanced with due consideration of a lawful rehabilitation and resettlement plan prior to any eviction by Respondent No. 7. It is a settled position of law, as laid down by the Hon'ble Supreme Court in *Olga Tellis v. Bombay Municipal Corporation* and reaffirmed in *Sudama Rai v. State of Bihar*, that eviction from dwelling houses cannot be carried out arbitrarily or without due process of law, and that the right to shelter is an integral facet of the right to life under Article 21 of the Constitution of India. The Hon'ble Supreme Court has further held that, wherever eviction is contemplated, the State authorities are under a legal obligation to consider rehabilitation and resettlement in accordance with law and applicable policies before undertaking any coercive action.

22. In view of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to take the present reply on record, ensure strict adherence to the principles of natural justice and the settled position of law, and direct that any additional or relevant material, if so required, be called for from the proposed impleaders. *It is further prayed that Respondent No. 7 be directed to act strictly in accordance with law, applicable statutory provisions, and binding judicial precedents, while balancing environmental protection with due process, including lawful consideration of rehabilitation and resettlement wherever mandated.*

VERIFICATION

Verified at New Delhi on this 13th day of January 2026 that the contents of the above submission, are correct and true to the best of our knowledge, belief, and official records. No part of it is false, and nothing material has been concealed therein.

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