

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

IA NO. 9 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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Date: 13.01.2026

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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, which are facing severe threats from illegal encroachment and deforestation.
2. That the Proposed Respondents in I.A. 9/2026 (Subhash Chand & Ors.) have approached this Hon'ble Tribunal claiming to be residents whose homes and livelihoods 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 this Hon'ble Tribunal dated 09.01.2026, the Applicant is filing the present response without prejudice to his rights and contentions, based on material available on record in the OA and public records.
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 applicant would like to refer to the submissions made previously in OA No. 915/2024 by the Original Applicant at ***Judicial Page No. 889 - 900*** and point that if the affected villagers are not heard as per law, they must be given opportunity to before any eviction takes place.
7. That the IA No. 9/2026 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.
8. ***It is most respectfully submitted that if residential structures and livelihoods are indeed impacted, they must be afforded a fair opportunity to be heard by the Forest Department. Should it be found they were not heard, this Hon'ble Tribunal may consider their plea in accordance with natural justice.***
9. That the Original Applicant would however like to point out that the Original Application was filed for the restoration of 'Reserved forests'
10. 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:

11. That the contents of Para 1 & 2 are a matter of record and hence require no response.
12. That the contents of Para 3 are denied as legally untenable. The 'right to shelter' cannot be invoked to regularize illegal encroachments on notified 'Reserved Forest' land held in public trust. Actions of authorities are in accordance with the statutory mandate to restore the environment.
13. That the contents of Para 4 are denied. The Intervenors' status as 'affected persons' stems solely from the receipt of eviction notices for occupying forest land. No person can claim a right to equity based on a continued illegal act of encroachment on forest (*in pari delicto*) **except if the Forest Right Act is applicable to them.**
14. With respect to Para 5, it is submitted that the Forest Department is discharging statutory duties following a legally mandated process. It is denied that the Proposed Respondents were unaware of the proceedings; encroachment on forest land is illegal *ab initio*. Material on record shows that the local community was aware of the restoration issues as early as May 2025 (Ref: Letter from Gram Pradhan. Bibipur Jalalabad at ***judicial page 277***).
15. 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 internal administrative hearings, Respondent No. 7 has placed material on record suggesting that the Proposed Respondents were given an opportunity to justify their position. The veracity of these claims is for Respondent No. 7 to address directly.
16. That the contents of Para 7 are denied as legally inapplicable. Since Respondent No. 7 asserts that show-cause notices were served, the principles of natural justice have been initiated. Civil consequences arising

from removing illegal encroachments do not grant a right to regularize such occupations.

17. In response to Para 8 & 9, *it is submitted that if residential structures and livelihoods are indeed impacted, they must be afforded a fair opportunity to be heard by the Forest Department. Should it be found they were not heard, this Hon'ble Tribunal may consider their plea in accordance with natural justice.*
18. That the contents of Para 10 & 11 are denied as unsubstantiated. Their claims must be cross-referenced with Survey of India and Revenue records to determine ownership prior to notification. The Proposed Respondents have placed no documentary evidence of title on record.
19. That the contents of Para 12 & 13 are subject to be addressed by Respondent No. 7.
20. That the contents of Para 14 are denied. There is no "undue haste"; rather, the proceedings seek to rectify decades of illegal encroachment that has depleted the green cover of Shamli.
21. That the contents of Para 15 are denied. Continued damage to Reserved Forest causes irreparable loss to the environment, violating the 'Public Trust Doctrine.'
22. That the contents of Paras 16 to 38 are primarily to be addressed by Respondent No. 7. The Applicant reiterates that any action must adhere to the constitutional mandate of fairness and due process as laid down in *Olga Tellis* regarding the right to shelter under Article 21.
23. 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.

Filed by:



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