

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No. 1279/2024

Tejasvi Minhas and Ors.

.....Applicant

Versus

State of Punjab and Ors.

.....Respondents

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Place: Jalandhar

Dated: 25-2-2025


Nirmal Singh, PPS
Assistant Commissioner of Police,
(Central) Jalandhar

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No. 1279/2024

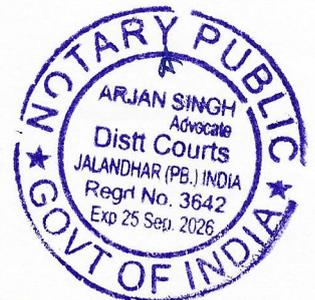
1. Tejasvi Minhas, aged about 34 years son of Sh. Harbir Singh Minhas resident of 163-L, Model Town, Jalandhar City-144003, Punjab, India.
2. Senior Superintendent of post Offices (SSPO'S) Shri Subhash Chandra Meen, aged about 32 years, son of Shri Moti Lal Meena resident of E-5 P & T Colony Jalandhar-144001, Punjab, India.
3. Anshu Verma aged about 29 years son of Sh. Manohar Lal resident of Quarter No. G-80, First floor, P & T Colony Jalandhar-144001, Punjab, India.

.....Applicants

Versus

1. Director General of Police, Punjab (Punjab Police Head Quarters, Sector-9, City Chandigarh;





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2. Commissioner of Police, Jalandhar (Police Commissioner Office, Tehsil Rd. Master Tara Singh Nagar Jalandhar, Punjab 144001);
3. Chief Secretary, Punjab (Chief Secretary Office, 6th Floor, Punjab Civil Secretariat-1, Sector-1, Chandigarh, 166001);
4. Department of Forest & Wildlife Conservation, Punjab (Forest Complex Sector 68 SAS Nagar, Punjab);
5. Forest Range Office, Jalandhar (Forest Conservation Department, Maqsudan Chowk, Ravidass Nagar, Jalandhar, Punjab, 144008);
6. Municipal Commissioner, Jalandhar (Dr. B.R. Ambedkar Admin Complex, 1st Floor, Nehru Garden, Municipal Corporation, Jalandhar-144001, Jalandhar Punjab, India);
7. Divisional commissioner, Jalandhar (Office of Commissioner Jalandhar division, Jalandhar, New court Road, Adjoining NRI Sabha Punjab, Jalandhar 144001, Punjab, Jalandhar, Punjab);
8. Residents of Master Tara Singh Nagar, Jalandhar (Unidentified).

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..... Respondents

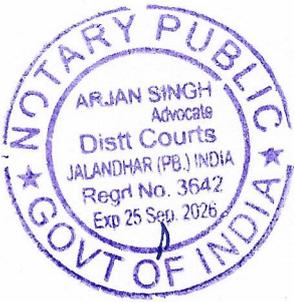
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Reply by way of Affidavit of Nirmal Singh, PPS,
Assistant Commissioner of Police, Sub Division
Central, Commissionerate Jalandhar on behalf of
respondents No. 1 to 2 in compliance of order dated
11.11.2024 passed by this Hon'ble Tribunal.

Most Respectfully Showeth:-

I, the above named deponent do hereby solemnly declare and affirm as under: -

1. That it is respectfully submitted that the present application is pending adjudication before this Hon'ble Court and is fixed for hearing on 27.02.2025.
2. That it is respectfully submitted that the present petition came up for hearing before this Hon'ble Court on 11.11.2024, vide which this Hon'ble Court directed the answering respondents to file response/reply before the next date of hearing.
3. That it is humbly submitted that the deponent is filling the present affidavit on the basis of detailed report submitted by the SHO, P.S. Navi Baradari, Jalandhar with respect to the facts and status regarding the present application. It is

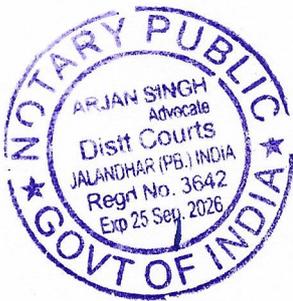


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respectfully submitted that a case/FIR No. 272 dated 21.11.2024 under sections 329 (4), 324 (3) and 3 (5) of BNS was registered at P.S. Navi Baradari, Jalandhar on the basis of complaint bearing No. 78-5BH dated 02.10.2024 moved by Subhash Chandra Meena, Senior Superintendent of Post Office, Jalandhar against unknown persons. He stated that on 02.10.2024, some people of Master Tara Singh Nagar had illegally entered the P & T Colony along with JCB having No. PB08EW6352 and two other tractor trolleys and had uprooted three big shady and fruit-bearing trees and had cut around ten other trees and destroyed many of the trees in that colony, without permission from any department. So, they requested for taking legal action against them.

4. That it is submitted that the enquiry of aforesaid complaint was conducted by ASI Vinod Kumar. After receiving complaint, ASI Vinod Kumar reached at the spot. Regarding this, Rapat No. 29 dated 02.10.2024 under section 324 (3) of BNS was entered on the same day.

5. That it is humbly submitted that on dated 03.10.2024, a letter was sent to the Range Officer, Forest Department, Jalandhar vide letter No. 843-P dated 03.10.2024 for taking

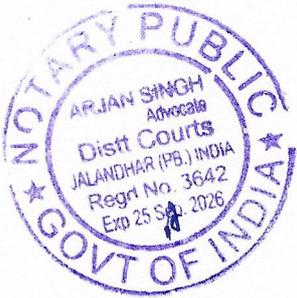


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action regarding cutting of trees without permission from any department. On which, the Range officer, Forest Department Jalandhar vide their letter No. 532-J dated 07.10.2024 stated that 'the subjected complaint moved by SSOP for cutting of trees in P & T Colony Jalandhar. That area does not come under the jurisdiction of Forest Department Jalandhar and it is also informed that no letter has been received by this office for fixing the reserve price of these trees. And hence no action is to be taken by this office on the cutting of trees'.

6. That it is humbly submitted that on dated 13.11.2024 the SHO, Navi Baradari, Jalandhar vide letter No. 950-5/P dated 13.11.2024 requested the Commissioner of Corporation to submit report 'whether the trees which were cut on 02.10.2024 with JCB machine by unidentified persons in P & T Colony near Shastri Market Jalandhar, falls under their jurisdiction or not. If those trees fall under your jurisdiction, then what action will be taken against the accused persons, so that further legal action be taken against them.

7. That it is humbly submitted that on dated 15.11.2024 and 17.11.2024, statements of Vinay Singh son of Ajay Kumar and Anshu Verma son of Manohar Lal both residents of P& T



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Colony Jalandhar were got recorded, who stated that on dated 02.10.2024, 4-5 unidentified persons along with JCB machine No. PB08EW6352, which was being driven by Harpreet Singh son of Hardyal Singh resident of Village Saiflabad, Kapurthala, entered illegally in the colony and cut down three big trees of different types without permission from any department which includes one chinaberry tree, one mango tree and one papdi tree.

8. That it is humbly submitted that after recording statement of residents of P & T Colony, offences under sections 329 (4) and 3 (5) of BNS were added and legal proceedings against driver of JCB namely Harpreet Singh and 4-5 unidentified persons were initiated by registration of FIR No. 272 dated 21.11.2024 under sections 329 (4), 324 (3) and 3 (5) of BNS.

That it is humbly submitted that after registration of FIR house of accused Harpreet Singh (driver) was raided, but he was not present in his house. After getting information about him, the place of his work was raided and he was present there, as such, after serving notice under section 35 (3) of BNSS, he was directed to present at the police station on 23.11.2024 along with JCB.



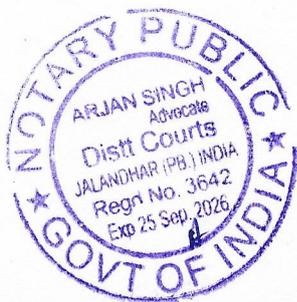
A handwritten signature in blue ink, appearing to be "Arjan Singh", written in a cursive style.

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10. That it is humbly submitted that due to typographical mistake office under section 329 (4) of BNS was mentioned instead of 329 (3) of BNS. The same was corrected vide Rapat No. 22 dated 22-11-2024.

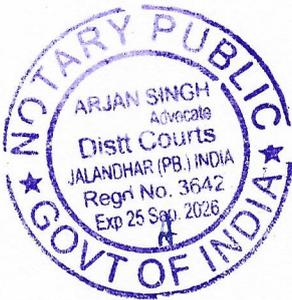
11. That it is humbly submitted that on dated 24.11.2024 accused Harpreet Singh (driver) was got arrested and released on bail. On the same day he suffered a disclosure statement which is reproduced as under: -

'I am a JCB operator at Surinder Pal, resident of village Firoz, District Jalandhar. On dated 02.10.2024, Prem Chauhan son of Roop Lal resident of House number 410, Master Tara Singh Nagar, Jalandhar and Amit Chauhan son of Tirath Ram, resident of Master Tara Singh Nagar, Jalandhar came to us. They told us that there are some trees behind their house, which have to be uprooted with JCB. Thereafter, I reached at P & T Colony situated near Shastri Market, Jalandhar with JCB No. PB 08 EW 6352. On which, aforesaid persons Prem Chauhan and Amit Chauhan took me alongwith aforesaid numbered JCB to the back side of Master Tara Singh



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Nagar inside P & T Colony near Shastri Market Jalandhar, where Ashok Kumar son of Tilak Raj Sahani resident of New Kalgidhar Avenue, Jalandhar and one unknown person were already present with them. They asked me to uproot big trees in P & T Colony, I asked them this is a government colony, have you taken any permission from the senior officers of P & T Colony to uproot these trees? Then aforesaid Prem Chauhan, Amit Chauhan and Ashok Kumar and one unknown person told me that we do not need any permission. On the asking of aforesaid Prem Chauhan, Amit Chauhan and Ashok Kumar and one unknown person, I started uprooting big trees behind Master Tara Singh Nagar inside P & T Colony with JCB. I uprooted three big trees with JCB. On which, the residents of P & T Colony gathered and came to the spot, they stopped us from uprooting the trees and they asked aforesaid Prem Chauhan, Amit Chauhan and Ashok Kumar and one unknown person why you are entering the P & T Colony and uprooting the trees without any permission/approval



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from our senior employees, then aforesaid Prem Chauhan, Amit Chauhan and Ashok Kumar and one unknown person ran away from the spot. I made a by mistake by entering in the P & T Colony with my above numbered JCB and uproot the trees on the asking of aforesaid Prem Chauhan, Amit Chauhan and Ashok Kumar and one unknown person.'

The driver of JCB stated that the aforesaid JCB is not working, as such, he will produce the JCB as soon as it will be in working condition.

12. That it is respectfully submitted that on the basis of disclosure statement of Harpreet Sigh (driver), Prem Chauhan, Amit Chauhan and Ashok Kumar were named in the FIR vide Rapat No. 26 dated 24.11.2024.



13. That it is humbly submitted that on dated 26.11.2024 all the other accused persons namely Prem Krishan Chauhan, Amit Chauhan, Ashok Sahani were got arrested and released on bail.

14. That it is submitted that on dated 27-11-2024, the investigating officer vide letter No. 1011/5P dated 27.11.2024 wrote to the Range Officer, Forest Department, Jalandhar

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that the cut down trees will be required to be taken into police possession, as such, it is requested to send their officer to the spot and send a report regarding the value and kind of trees. So that the trees will be taken into police possession. On which, the Range Officer, Forest Department, Jalandhar vide their letter No. 844-J dated 10.02.2025 stated that the area doesn't fall under the Forest Department. That area falls under the jurisdiction of Municipal Corporation, Jalandhar.

15. That it is humbly submitted that on dated 20.01.2025, an application for obtaining search warrant of JCB No. PB08EW6352 was moved before the Id. Court and the same was allowed vide order dated 03.02.2025 by the Id. Court. Thereafter, on dated 04.02.2025, the JCB was taken into police possession vide Rapat No. 10 dated 04.02.2025.
16. That it is humbly submitted that on dated: 07.02.2025 the statement of Lovepreet Thapar (owner of JCB) was got recorded.
17. That it is submitted that on dated 08.02.2025, the JCB was identified by complainant Subhash Chandra Meena and residents of P & T Colony.



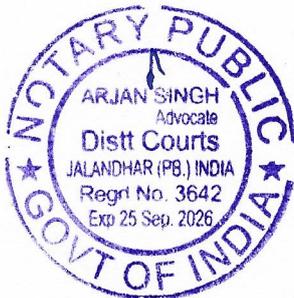
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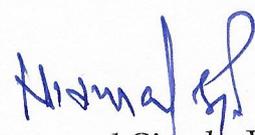
18. That it is humbly submitted that on dated 11.02.2025, the trees uprooted by the accused persons were taken into police possession and the measurement of trees was conducted.
19. That the present case is still under investigation and the challan is yet to be presented in the court.
20. That it is humbly submitted that action on the complaint has been taken as per law and on the basis of complaint FIR has also been registered. Case properties are also taken into police possession. After completion of investigation, challan will be presented in the court.
21. That the present reply is being filed in compliance of order dated 11.11.2024 passed by this Hon'ble Tribunal.

It is, therefore, respectfully prayed that the reply may kindly be brought on record and the present may kindly be dismissed, in the interest of justice, equity and fair play.

Place: Jalandhar

Dated: 12 5 FEB 2025




Nirmal Singh, PPS
Assistant Commissioner of Police,
(Central) Jalandhar

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Verification:-

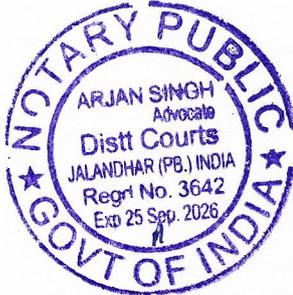
Verified that the contents of the para no.1 to 21 of the reply by way of affidavit are true and correct to the best of my knowledge and information derived from the official record. No part of it is false and nothing has been concealed therein.

Place: Jalandhar

Dated:

25 FEB 2025


Nirmal Singh, PPS
Assistant Commissioner of Police,
(Central) Jalandhar



Enter in Notary Register
Sr. 121 Dt. 25/2/2025

ATTESTED

NOTARY, Jalandhar (Pb.) India
(M) 98881-37034

25 FEB 2025