

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI

In the matter of:-

Chander Prakash

Versus

Haryana State Pollution Control Board & Others

Original Application No. 677/2024

APPLICATION U/S 18(1) READ WITH
SECTION 14 & SECTION 15 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010.

**REPLY TO THE APPLICATION U/S 18 OF THE ACT IBID ON BEHALF
OF RESPONDENT NO. 3&4.**

RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:-

Before giving the para wise reply to the application of the applicant it is necessary to give a brief look into the backdrop of the case for kind perusal of this Hon'ble Tribunal.

The present application has filed by the applicant being a Social worker with regard to illegal felling of trees and selling them in violation of Rules and Regulations with the prayer for taking penal action against the respondents NO. 8, 9 and 10 for illegal set of cutting, felling and pruning of trees with further prayer to restore the trees and planting of trees in **the school premises in Village Ahmedpur** and also to register FIR against the respondents No.8,9 and 10. Further with request to payment of compensation which shall be used for welfare and betterment of the school at Village Ahmedpur along with litigation expenses to the tune of Rs.1,50,000.

It is pertinent to mention here that the applicant has arrayed answering respondent as respondent No. 3&4 in the present application, who has no concern or connection with the subject matter of the present application as the trees in question which allegedly shown to be illegally fell/cut/sell are not belongs to the answering respondent department as the trees in question were neither notified under Haryana Government Forest Department Gazette Notification/ Indian Forest Act-1927 nor the same were the part of protected forest and the same also does not cover under the P.L.P.A. ACT 1900. Moreover on one hand the O.A. has been filed showing as social worker and on the other

hand applicant has claimed Rs. 1,50,000/- as litigation charges which smells of blackmailing.

Further it is relevant to mention here that the applicant has unnecessary impleaded the answering respondent in the present application and no relief has been claimed against the answering respondent by the applicant, hence the application in hand qua the answering respondent is liable to be dismissed on this score alone.

PARAWISE REPLY:

- I. That para No. 1 of the application do not relate with the answering respondent, hence requires no reply.
- II. That para no. 2 of the application is matter of record and is required to be proved by the applicant by leading cogent and convincing evidence.
- III. That para No. 3 of the application is matter of record.
- IV. Sub para wise reply is as under:-
 - A. That para No. 4-A of the application does not relate with answering respondent, hence requires no reply.
 - B. That para No. 4-B of the application does not relate with answering respondent, hence requires no reply.
 - C. That para No. 4-C of the application does not relate with answering respondent, hence requires no reply.
 - D. That para No. 4-D of the application does not relate with answering respondent, hence requires no reply.
 - E. That in reply to para No. 4-E of the application it is submitted that no complaint has ever been received in the office of answering respondent as alleged in this para. Further it is relevant to mention here that answering respondent has no concern or connection with the subject matter of the present application as the trees in question which allegedly shown to be illegally fell/cut/sell does not belong to the answering respondent department as the trees in question were neither notified under Haryana Government nor the same were the part of

protected forest and the same also does not cover under the P.L.P.A. ACT 1900. Rest of para is matter of record and is required to be proved by the applicant by leading cogent and convincing evidence.

- F. That para No. 4-F of the application does not relate with answering respondent, hence requires no reply.
- G. That para No. 4-G of the application does not relate with answering respondent, hence requires no reply.
- H. That para No. 4-H of the application does not relate with answering respondent, hence requires no reply.
- I. That para No. 4-I of the application does not relate with answering respondent, hence requires no reply.
- J. That para No. 4-J of the application does not relate with answering respondent, hence requires no reply.
- K. That para No. 4-K of the application does not relate with answering respondent, hence requires no reply.
- L. That in reply to para No. 4-L of the application it is submitted that answering respondent has no concern or connection with the subject matter of the present application as the trees in question which allegedly shown to be illegally fell/cut/sell are not belongs to the answering respondent department as the trees in question were neither notified under Haryana Government nor the same were the part of protected forest and the same also does not cover under the P.L.P.A. ACT 1900.
- M. That para No. 4-M of the application do not relate with answering respondent, hence requires no reply.
- N. That para No. 4-N of the application do not relate with answering respondent, hence requires no reply.
- O. That para No. 4-O of the application do not relate with answering respondent, hence requires no reply.

V. GROUNDS

(a) to (o):- That in reply to paras (a) to (o) of the application it is submitted that answering respondent has no concern or connection with the subject matter of the present application as the trees in question which allegedly shown to be illegally fell/cut/sell are not belongs to the answering respondent department as the trees in question were neither notified under Haryana Government Forest Department Gazette Notification/ Indian Forest Act-1927 nor the same were the part of protected forest and the same also does not cover under the P.L.P.A. ACT 1900. Detailed reply stands already given in the foregoing paras which may be read as a part of reply to this para also.


VI. LIMITATION

That para No.VI of the application is matter of record and required to be proved by the applicant by leading cogent and convincing evidence.

That prayer clause of the application is wrong and incorrect, hence denied. The application of the applicant is not maintainable and sustainable qua the answering respondent and same is liable to be dismissed qua answering respondent with costs, in the interest of justice.


Place:
Dated:

--Submitted by,


Divisional Forest Officer,
Sirsa, District Sirsa
...Respondent No. 3&4.

Verification:-

Verified that contents of above para no. 1 to 6 of the reply to the application and submission made in Preliminary objections are true and correct to the best of my knowledge based on official record. No part of it is false and nothing material has been kept concealed therefrom.


Divisional Forest Officer,
Sirsa, District Sirsa
...Respondent No. 3&4.

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AFFIDAVIT.

I, Satish Kumar, HFS, Divisional Forest Officer, Sirsa, District
Sirsa, do hereby solemnly affirm and declare as under:-

1. That deponent is well conversant with the facts of the above case and is also competent to swear this affidavit.
2. That facts stated in the reply to the application is verified to be correct within my knowledge and as per information derived from official record.

Sirsa/dt.


Deponent

Verification:-

Verified that contents of the above affidavit are true and correct within my knowledge and no part of it is false and nothing have been concealed therefrom.

Sirsa/dt.


Deponent