

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 881 OF 2018

IN THE MATTER OF:

ADITY DAWESHWAR ...PETITIONERS

VERSUS

STATE OF MADHYA PRADESHRESPONDENTS

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NEW DELHI
DATE: 31/01/2020

THROUGH

RESPONDENT

RSB

MS. RUKHMINI BOBDE
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STATE OF M.P

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

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ORIGINAL APPLICATION NO. 881 OF 2018

In the matter of:

21 JAN 2020 Dity Daweshwar

...Petitioner

Versus

State of Madhya Pradesh

...Respondent

**AFFIDAVIT IN COMPLIANCE OF ORDER DATED 05.12.2019,
FILED ON BEHALF OF P.W.D., STATE OF MADHYA PRADESH**

I, **Deepesh Gupta**, Son of Lt. Shri Srivallabh Gupta, aged about 57 years, currently posted as Executive Engineer in P.W.D. Division Ratlam, having its office at Rambagh, Near Old Collector Office Ratlam, do here by solemnly affirm and state as under:-

1. That I am fully acquainted with the facts of the case as gathered from the official records and competent in the official capacity to swear this present affidavit on behalf of P.W.D., State of M.P.
2. I state that present affidavit is filed in compliance of order dated 05.12.2019 passed by this Hon'ble National Green Tribunal, Principal Bench, New Delhi. The copy of order dated 05.12.2019 passed by this Hon'ble Tribunal is annexed as **Annexure "R-1"**.
3. I state that Govt. of Madhya Pradesh vide memo No. F-43/27/2015/19/Yo Bhopal dated 16.02.2016 sanctioned permission to built two lane rigid pavement from Ratlam to Bajna.
4. I state that Hon'ble Chief Minister of Madhya Pradesh on his visit to Ratlam, announced that from Ratlam to Sagod 3.60 Km patch road would be developed as four lane road.

ATTESTED

Notary

Deepak Gupta

Executive Engineer
Ratlam

5. I state that in compliance to Hon'ble Chief Minister announcement, original detail project report (hereinafter referred to as "DPR") was reviewed and it was decided that, the Ratlam to Sagod 3.60 Km patch road can be developed from two lanes to four lane road without getting any separate administrative approval from the concerned authority.
6. I state that as per the revised plan a survey was conducted and total no of 395 trees were identified and was proposed to be cut, proposal for the above was send to forest office vide SDO, PWD letter No. 111-13 dated 03.02.2018, but forest department in its survey identified 472 trees which were required to be cut vide their letter No. 1498 date 03.05.2018.
7. I state that upon receipt of this letter matter was reviewed and it was decided to remove only those trees which were obstructing the road construction and only 60 trees were identified to be removed for which due permission was sought from Nagar Nigam Assistant Commissioner and the same was granted vide order no. 0001/8000197816 dated 01.10.2018 to cut 60 trees.
8. I state that at present in the State of Madhya Pradesh for regulation of felling of trees for the purpose of preservation and replanting of trees in Urban Areas Madhya Pradesh Vrikshon Ka Parrirakshan (Nagriya Kshetra) adhiniyam, 2001 (herein after referred to as "Act") is applicable. I State that when a person seeks permission to fell, remove, uproot or sever stem from the root system, or dispose of by any means, files an application before a tree officer of the concerned area having jurisdiction to grant permission.
9. I state that in exercise of the powers conferred by Section 24 of the Act, the State Govt. has notified Madhya Pradesh Vrikshon Ka Parirakshan (Nagriya Kshetra) Niyam, 2002 (hereinafter refred to as "the Rules"). As per the Regulation



ATTESTED

[Signature]

Notary

Deepak Joshi

51, Laxmi Nagar, RATLAM
Reg. MP35/10/06/21-अ(ए)/20

21 JAN 2020

[Signature]
Executive Engineer
Ratlam

3 of the Rules applicant is required to deposit cash contribution of Rs. 500/tree within 30 days from the date the tree is felled.

10. I state that in addition to the above, the actual no. of trees to be cut down was 60, for which an amount of Rs. 30,000/- @ Rs. 500/- per tree was deposited to the Nagar Nigam Ratlam. The amount which was deposited to Nagar Nigam Ratlam includes planting of the trees to compensate the loss to the environment. With reference to the time limit prescribed by the Nagar Nigam only 24 trees were cut down.

11. I state that the P.W.D. department vide letter dated 02.08.2019 requested Ratlam Nagar Nigam to extend permission for the time limit for cutting of 36 remaining trees, which was subsequently granted vide letter dated 06.01.2020.

The copy of the letter dated 06.01.2020 sent by Ratlam Nagar Nigam is marked herewith was **Annexure R-2**.

12. I state that as far as issue regarding development of green belt on the side of the road is concerned, the Ratlam Nagar Nigam vide letter no.28 dated 06.01.2020 has informed to the PWD department that there is enough developed green belt/trees in and around the vicinity. The said road is adjacent to private land/building, hence, there is no space to plant more trees. In order to compensate environment loss, the Nagar Nigam, Ratlam has planted new plants 80 trees on mahu road.

The copy of the letter no.28 dated 06.01.2020 and photograph sent by Ratlam Nagar Nigam is marked herewith was **Annexure R-3**.

ATTESTED

[Signature]

Notary
Deepak Joshi

RAJYOGI, RATLAM

Deepak
Executive Engineer
P.W.D. Divn. Ratlam



13. That it is prayed that this Hon'ble Court may be pleased to take the aforesaid Affidavit into the consideration and pass such orders as it may deem fit in the facts and circumstances of the case and in the interests of justice.



VERIFICATION:

The contents of paras 1 to 13 of my above affidavit are true and correct to my knowledge and belief based on the records. No part of it is false, and nothing material has been concealed therefrom.

Verified at Ratlam on this the _____ day of 21.01, 2020.

Deepesh

DEPONENT
Executive Engineer
P.W.D. Divn. Ratlam

Deepesh

DEPONENT
Executive Engineer
P.W.D. Divn. Ratlam

Sworn before me on the
Day of 21 JAN 2020
of / 20 by Shri Deepesh Joshi
Son of Shri Shri. V. K. Joshi
Resident of Eng. P.W.D. Ratlam (MP)
Who has been identified by
Shri _____
Who personally known to me
Whose signature is here appended

Identified By Me *[Signature]*
Name Rajiv Kumar
Address H 44, Anand Nagar, Ratlam
Signature 987311258

ATTESTED

[Signature]
Notary
Deepak Joshi
51, Laxmi Nagar, RATLAM
Reg. MP35/10/06/21-ब(न)/2018

21 JAN 2020

Item No. 03

Court No. 1

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Annexure R-1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 881/2018

Adity Daweshwar

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 05.12.2019

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

ORDER

1. On 28.05.2019, following order was passed:

"In response to the order of this Tribunal dated 19.12.2018, a report has been received from the Principal Chief Conservator of Forests, Madhya Pradesh, stating that cutting of trees was after due permission. However, it is not clear whether green belt has been developed on the sides of the road, in accordance with the prescribed norms.

Let such report be furnished by e-mail within one month by the Collector, Ratlam and the PWD Department which may be coordinated by the Collector, by e-mail at judicial-nqt@gov.in.

A copy of this order be sent to the Collector Ratlam by e-mail for compliance.

List for further consideration on 22.08.2019."

2. No response was received from the Collector, Ratlam and PWD Department of the State of Madhya Pradesh. The matter was deferred to 14.10.2019 and thereafter to today.

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3. In view of the above, only option available is to take coercive measures for securing compliance from the Collector, Ratlam under Section 25 of the National Green Tribunal Act, 2010 read with Section 51 of CPC. The measures may include securing presence by issuing warrant of arrest or attaching the salary. Before doing so, we give last opportunity for compliance before the next date.

A copy of this order be sent to Collector, Ratlam directly as well as through Resident Commissioner of State of Madhya Pradesh stationed at New Delhi by e-mail for compliance.

List again on 12.02.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

December 05, 2019
Original Application No. 881/2018

A



कार्यालय, नगर पालिक निगम, रतलाम (म0प्र0)457001

01, कालेज रोड रतलाम, दूरभाष-07412-270555, फेक्स नं.07412-270556

Website- www.rmcratlam.in, Email- commratlam@mpurban.gov.in

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क्रमांक...../28 /2019

रतलाम, दिनांक 6 /01 /2020

संशोधित पत्र

Annexure R-3

प्रति,

कार्यपालन यंत्री
लो.नि.वि. संभाग
रतलाम म.प्र.

विषय:- रतलाम बाजना कुशलगढ़ मार्ग पर काटे गये वृक्ष के बदले में किये जाने वाले वृक्षारोपण बाबत।

सन्दर्भ:- आपका पत्र क्रमांक 3447 /टी.एस./19-20 रतलाम दिनांक 31.12.2019।

उपरोक्त सन्दर्भित विषय में लेख है कि आपके द्वारा रतलाम बाजना कुशलगढ़ मार्ग पर नगर पालिक निगम रतलाम से अनुमति उपरांत काटे गये वृक्षों के बदले में रोड़ साईट पर वृक्षारोपण किया जाना था, किन्तु पूर्व से रोड़ किनारे वृक्ष उपलब्ध होने एवं उसके पीछे प्राइवेट भूमि/भवन होने से नगर निगम रतलाम द्वारा महु रोड़ फोरलेन डिवाईडर पर 80 पौधे लगाये गये हैं।

जिसके फोटोग्राफ संलग्न है।


6-1-2020

कार्यपालन यंत्री
नगर पालिक निगम रतलाम

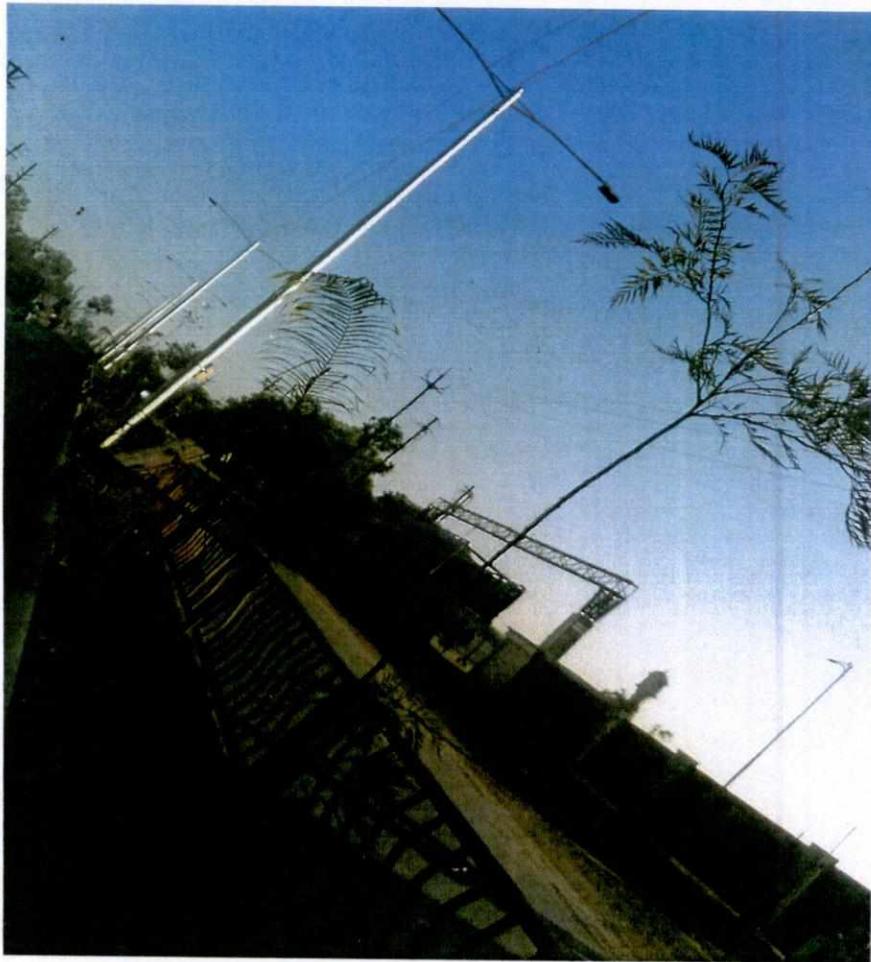
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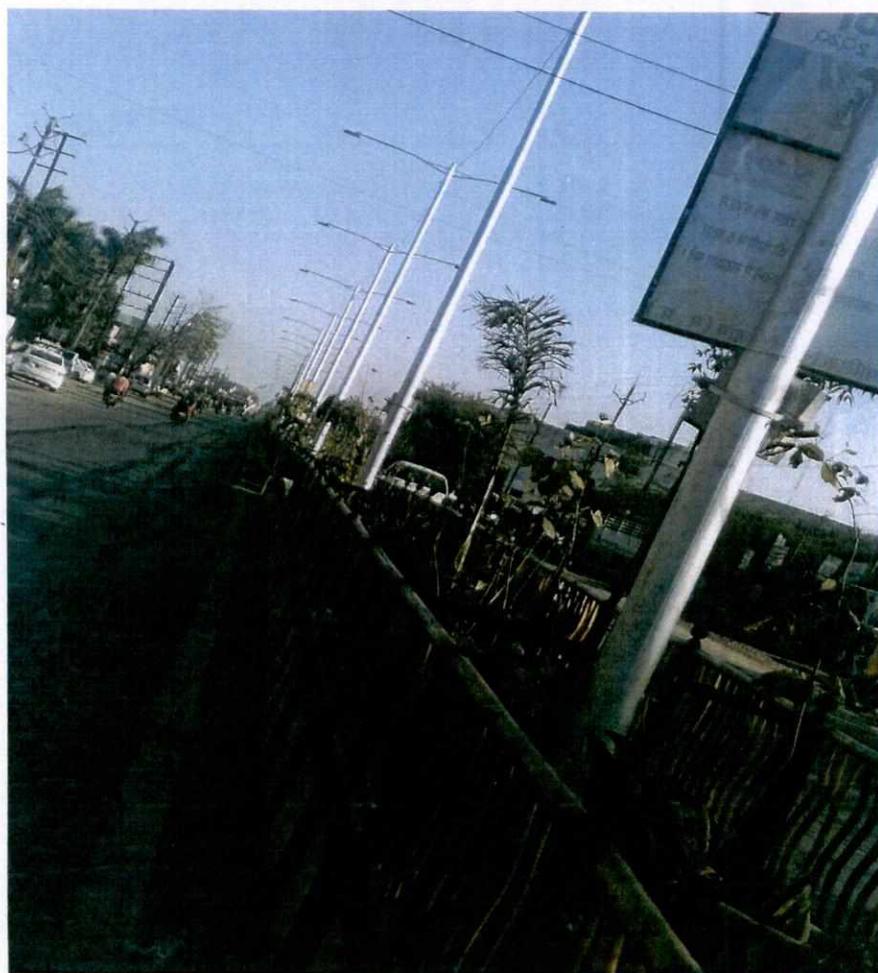
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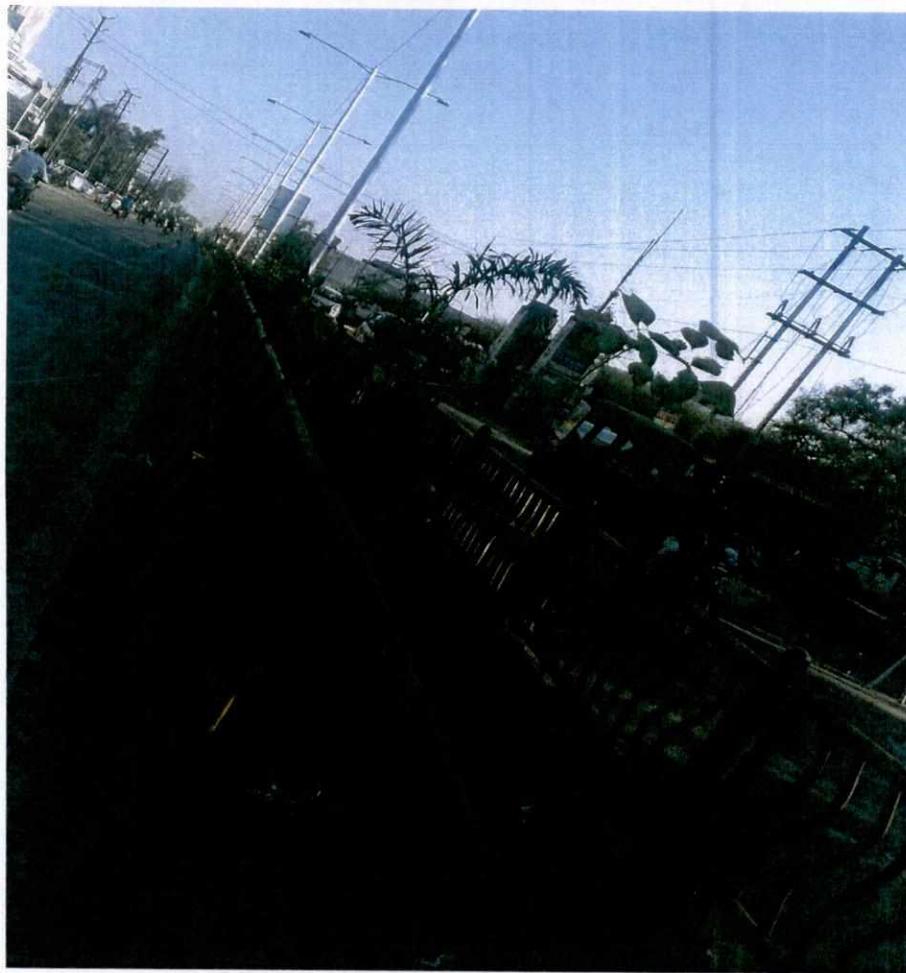
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रतलाम-बाजना मार्ग पर काटे गये वृक्षो के ऐवज में वृक्षारोपण

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रतलाम-बाजना मार्ग पर काटे गये वृक्षो के ऐवज में वृक्षारोपण

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