

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

VIJAY KUMAR PADALIA

... Applicant/Petitioner

VERSUS

STATE OF UTTARAKHAND & Ors.

... Respondents

INDEX

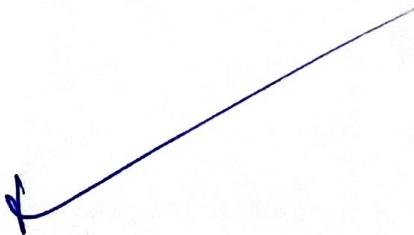
Sr. No.	Particulars	Page No.
1.	Response affidavit by District Magistrate, Nainital in compliance with directions passed by the Hon'ble National Green Tribunal vide order dated 09/10/2025	1-7
2.	Annexure I - reply of the Public Works Department along with true copy of translation	8-18
3.	Annexure II -letter to Executive Engineer, PWD, Haldwani, Nainital along with true copy of translation	19-20
4.	Annexure III- letter to Chief Engineer , PWD, Haldwani, Nainital along with true copy of translation	21-22
5.	Annexure IV- letter to Chief Engineer, PWD, Haldwani, Nainital along with true copy of translation	23-25

FILED BY



DEEPAK BORA,

Counsel for the State of Uttarakhand
17, New Lawyers Chambers, Setalvad Block,
Supreme Court of India, New Delhi-110001
Mobile No.- 9971578987



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 279 of 2025

IN THE MATTER OF:

VIJAY KUMAR PADALIA

... Applicant/Petitioner

VERSUS

STATE OF UTTARAKHAND & Ors.

... Respondents

**RESPONSE AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 4, DISTRICT
MAGISTRATE, NAINITAL, UTTARAKHAND**

I, Shri Lalit Mohan Rayal, son of Shri Mukund Ram Rayal, aged about 49 years, currently posted as the District Magistrate, Nainital, Uttarakhand, do hereby solemnly affirm and state as follows

1. That I am the District Magistrate of the Nainital District of Uttarakhand, and as such, am fully conversant with the facts and circumstances of the present case on the basis of the official records. I am duly authorised to swear and file this affidavit as the answering Respondent No. 4.
2. That the answering Respondent No. 4 respectfully submits that they have perused and duly comprehended the averments contained in Original Application No. 279 of 2025, assiduously filed by the Applicant herein. The present submissions are tendered in categorical rebuttal to the factual assertions and legal contentions advanced therein.
3. That the Hon'ble Tribunal vide order dated 9/10/2025, was pleased to pass the following directions - "*Reply on behalf of Respondents No. 6, 10 and 11 have been filed. Four weeks' time is granted to other respondents to file their replies. thereafter, Rejoinder can be filed within two weeks. It has been pointed out that, except Respondent no 9 all other respondents are represented today and the Respondent No. 9 has also been served. Listed on 16.01.2026*"
4. That, in compliance with the above aspects raised by the Hon'ble Tribunal, the learned District Magistrate of Nainital was pleased to direct the office of the Public Works Depart (PWD) to submit its report vide letters dated 20/8/2025 & 19/9/2025. The said letters are annexed herewith for the kind perusal of the Hon'ble Tribunal.

1



Register S. N 279



YOGI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

5. It is pertinent to mention that on the basis of the response submitted by PWD to the office of the District Magistrate, the deponant is submitting his response which is herein as follows:
6. It is submitted, with due reverence to the Hon'ble Tribunal, that the proposed construction of the Dakaroli to Malla Niglat motor road, situated in District Nainital, is an infrastructural initiative of profound public significance. The said project is designed to afford critical accessibility to hitherto isolated villages, enabling the local populace to avail medical services, market avenues for agricultural yield, and ensuring robust mechanisms for the protection and management of ecology, forest resources, notably during exigencies.
7. Throughout each stage of the implementation process, the answering respondent has scrupulously complied with statutory mandates and procedural prerequisites in accordance with the information provided by the PWD, Haldwani (Nainital). The chronological sequence of material compliance is delineated herein below:
- Administrative and financial sanction for the construction of a 1.500 km road was duly accorded by the Government of Uttarakhand on 20 September 2011 for an allocated budget of ₹18.90 lakhs.
 - The Ministry of Environment, Forest, and Climate Change, Government of India, issued in-principle sanction for the diversion of 0.54 hectares of forest land on 21 May 2016.
 - Formal approval for the aforementioned diversion was subsequently conferred by the Government of Uttarakhand (Paryavaran Anubhag-4) on 14 March 2017.
 - All mandatory deposits towards compensatory afforestation and Net Present Value (NPV) have been meticulously remitted into the CAMPA Fund, specifically: ₹7,30,000 for the afforestation of 730 trees (ten-fold the number affected) and ₹4,56,300 towards NPV.
8. It is of relevance to state and submit that the present Applicant had previously instituted Original Application No. 543 of 2017 before this Hon'ble Tribunal challenging the identical project, which culminated in dismissal on 2 March 2018. Manifestly, the instant application constitutes a renewed attempt to impede a public welfare undertaking and patently amounts to an abuse of judicial process.
9. Further, it is apparent that the Applicant's opposition is anchored in private interests rather than any bona fide environmental anxiety. The Applicant, whose residential premises abut NH-109, has been brazenly endeavoring to secure realignment of

2



Jyoti Prakash
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

the road to facilitate personal convenience—thereby exposing a colourable exercise intended to undermine the sanctioned alignment.

10. It is humbly submitted that the report of the Public Works Department is annexed herewith as **Annexure I**.
11. It is humbly submitted that the letter dated 20/08/2025 to the Executive Engineer, Provincial Division, PWD, Nainital is annexed herewith as **Annexure II**.
12. It is humbly submitted that the letter dated 19/8/2025 to the Chief Engineer, Public Works Department, Haldwani Nainital is annexed herewith as **Annexure III**.
13. It is humbly submitted that the letter dated 27/10/2025 to the Chief Engineer, Public Works Department, Haldwani Nainital is annexed herewith as **Annexure IV**.

PARA-WISE RESPONSE

1. That the contents of paragraphs 1 and 2 of the application are matters of record, necessitating no further response.
2. That the allegations contained in paragraph 3 are categorically refuted. The construction is of paramount public utility, and the diversion of 0.54 hectares of forest land has been sanctioned strictly in accordance with the Forest (Conservation) Act, 1980, only after due procurement of all requisite statutory approvals of competent authorities has been granted. The applicant's contention of being a public spirited person and his application being in favour of the people of the villages stands untrue as required No Objection Certificates have been obtained from the inhabitants of the village and their legal representatives and no grievance of any kind arose amidst the process.
3. That the contentions in paragraph 4 are denied in toto. The proposal for forest land diversion was initiated post obtaining No Objection Certificates (NOCs) from all concerned villagers and public representatives—viz., Gram Pradhan and Kshetra Panchayat Members, as evidenced by the record dated 15 November 2014. There



JYOTI PRAKASH, Advocate
 NOTARY H.Q. Nainital
 Reg. No. 21 (10) 2005

villagers have denied any objection through the NOCs obtained. Further the information based on which the proposal was tendered stands complete and correct.

4. That the averments in paragraph 5 stand denied. Of the total road length (1.500 km), a mere 600 metres traverse forest land, while the remaining 900 metres span private/revenue land. All necessary consents have been properly obtained from all engaged parties. Furthermore, as of 30 September 2025, written consent from every landowner has been obtained and compensation is being accorded prior to commencement of construction.
5. That allegations in paragraph 6 are not accepted. The project substantially accrues benefit to all local residents by enhancing access to essential amenities. The project site and ecological survey has been undertaken, inspected and approved by a Senior Geologist
6. That paragraph 7 is emphatically denied. The efforts of the Applicant to maneuver the alignment in his favor are manifestly unwarranted, the forest land transfer complies strictly with legal requirements.
7. That no remarks or replies are called for vis-à-vis paragraph 8 and are hence not tendered.
8. That the statements in paragraph 9 are repudiated. The construction of the roadway directly serves the collective interest of residents of Malla Niglat village. As per Census undertaken in 2011, the village population stands at 593, and in recent Panchayat Elections, 738 eligible voters are recorded—underscoring the imperative need for road connectivity.
9. That the assertions made in paragraph 10 are dismissed . All administrative and financial sanctions were granted post which comprehensive route surveys and forest land transfer initiatives were finalized and undertaken.
10. That the claims in paragraph 11 are declined. The road facilitates movement of agricultural produce, ensures prompt healthcare access, and empowers critical response during fire emergencies. All required sanctions and procedures have been duly complied with.
11. That allegations in paragraph 12 are unsubstantiated. Despite the Applicant's reference to a document dated 25.05.2012, the Department had secured formal NOCs from stakeholders comprising the village population and their local representatives in 2014 prior to pursuing further procedure and activity under the project. It is stated that no coercion, threat or undue influence was involved, as contended by the applicant. The NOC stands true and bona fide.

4



NOTARY H.O. Nainital
Reg. No. 21 (10) 2005

12. That paragraph 13 recapitulates issues already detailed above which have already been addressed and replied to. The procurement of NOCs from the villagers and their elected representatives show that no obstruction was created for the project.
13. That the allegations in paragraph 14 are denied. Alignment was properly scrutinized and sanctioned by a Senior Geologist (3 November 2011) and the Superintending Engineer, PWD, Nainital (14 December 2011) and only thereafter was the proposal for forest diversion forwarded in 2014 after fulfilling all requirements and securing NOCs from all interested and affected parties.
14. That paragraph 15 is denied. The project remains sanctioned and true under the Government Order dated 20th September 2011.
15. That paragraphs 16 and 17 do not call for any specific replies hence none tendered. The project is to be undertaken for the well being of the villages and their inhabitants and has proceeded only after proper surveys, NOCs, and planning was undertaken.
16. That paragraph 18 is not admitted. Diversion of forest land has transpired strictly in compliance with the Forest (Conservation) Act, 1980. All conditions and prerequisites have been considered and complied with and all required sanctions of competent authorities have been granted
17. That the assertions in paragraph 19 are incorrect and impractical. The proposed road meets engineering standards in terms of gradient and alignment, and the referenced CC pedestrian path is unsuitable for conversion to a motorable route and will be a hazard to the people if done so.
18. That Paragraph 20 is admitted only to the extent congruent with existing records. Any contention beyond the existing official records are hereby denied.
19. That statements in paragraph 21 are refuted. All stipulations attendant upon the land transfer have been strictly observed. There has been no transgression of any manner against the Forest (Conservation) Act, 1980.
20. That paragraph 22 is denied. The Applicant's statement regarding non-receipt of tree enumeration under RTI is contradicted by the Applicant's detailed mention of the list of trees in paragraph 24 of his application. All the information was procured by the Applicant through RTI and the same was provided.
21. That paragraph 23 is denied. NOCs were indeed obtained on 15 November 2014.
22. That the reply submitted against paragraph 24 stands covered under the reply to paragraph 22 stated hereinabove.



NOIYI Prakash
 ADVOCATE
 HQ, Nainital
 Reg. No. 21 (19) 2005

23. That the contentions of paragraph 25 stand denied. The forest diversion has been conducted in accordance with law and the Forest (Conservation) Act, 1980 and Forest (Rules) 2003. The form reflects the following of the procedure established by law and the intent of the concerned authorities to work under it.
24. That paragraph 26 stands denied. All aspects of diversion of .54 hectares of forest land have strictly adhered to legal prescriptions and procedure.
25. That all contentions of paragraph 27 are denied. Alternative alignment suggested by Applicant is technically infeasible; the project and selection attempts in full to minimize ecological impact on the trees, land and environment. The angle of the suggested motor road would be too steep for any safe and practical usage and can lead to harm and inconvenience thus leading to the necessitated project.
26. That with reference to paragraph 28, it is submitted that the queries raised in the stage of proposal review by the Forest Department were standard in nature and not specific to the concerned project. The queries were addressed in accordance with law and only after due diligence were approvals granted .
27. That paragraphs 29 to 31 are hereby denied. The project proposal adheres to all governmental directives regarding specifications, tree enumeration, and geological vetting. The expert opinion of a geologist was taken and considered prior to commencement of any activity under the concerned project.
28. That paragraph 32 is denied, save and except that which is supported by official records. Any contention beyond the official records is vehemently denied.
29. That the replies to paragraphs 33 to 35 have already been comprehensively submitted hereinabove. All approvals were granted by following the due process of law.
30. That paragraphs 36 and 37 are denied. The public utility of the project is unequivocal and is the main concern for the undertaking of this project and cannot be overlooked and buried under the private interest of any individual.
31. That paragraphs 38, 40, and 41 require no response hence none is submitted. Paragraph 39 is admitted only insofar as it correlates with official records.
32. That the reference to landslide made in paragraph 46 holds ordinary character to hilly terrains as it is a common occurrence and cannot be specifically linked to the concerned project. As the applicant himself has stated the landslides were of small to medium magnitude and only one specific landslide was of grave nature. There is failure to connect the landslides to the concerned project or any of its implications that the Applicant is concerned of.



NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

- 33. That the contentions of paragraph 47 stand disputed. The project is aimed at improving and aiding the infrastructure of the villages and promoting accessibility. This development stands planned and sanctioned. The articles of the newspapers, cited by the Applicant, bear no relevance to this specific project and fail to establish any connection.
- 34. That any and all contents of remaining paragraphs are hereby denied. All required legal formalities have been meticulously complied with, including procurement of NOCs from residents of villages and their local representatives. The project site is approximately 15 km from the central Nainital township hereinabove referred by the Applicant. The Department shall scrupulously observe and comply with any and all geological advisories made prior to or during the execution of the activities of this project. The applicant has repetitively and blankly questioned the procedure of law that has been followed meticulously and has raised false concerns over the true and good intentions of the concerned authorities and departments.
- 35. In light of the foregoing facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be graciously pleased to dismiss Application No. 279 of 2025 as being devoid of any merit, engineered by motives of ulterior and personal nature, and constituting a manifest abuse of the process of law.

DEPONENT

VERIFICATION

Verified at Nainital on this 04 day of Nov. 2025, that the contents of paragraphs 1 to 35 of the above affidavit are true and correct to my knowledge and belief, based on official records maintained in my office. No part of it is false and nothing material has been concealed therefrom.

DEPONENT



Certified that Sri Latit Mohan Rayal
 the Deponent Identified by Self
 Sworn & Verified the Contents of
 his Affidavit at Nainital on 04/11/25

IYOTI PRAKASH, Advocate
 Notary H.O. NAINITAL
 Reg. No. 21 (10) 2008

माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में दायर वाद संख्या 279/ 2025 विजय कुमार पलडिया बनाम उत्तराखण्ड शासन एवं अन्य के संबंध में संक्षिप्त विवरण।

(A) वर्तमान तक मार्ग निर्माण से संबंधित खण्ड द्वारा की गयी कार्यवाही का विवरण।

1. कार्य का नाम:- जनपद नैनीताल में राज्य योजना के अन्तर्गत डाकारोली से मल्ला निगलाट मोटर मार्ग का निर्माण।
2. प्रशासकीय एवं वित्तीय स्वीकृति:- अनु सचिव उत्तराखण्ड शासन लोक निर्माण अनुभाग-2 के शासनादेश संख्या 2339/ 111 (2) / 11-30 (प्र0आ0)/11 दिनांक 20 सितम्बर 2011 द्वारा 1.500 किमी0 मार्ग के निर्माण हेतु रु0 18.90 लाख की स्वीकृति प्राप्त है। जिसके अनुसार मार्ग का नव निर्माण किया जाना है।
1. सैद्धान्तिक स्वीकृति:- भारत सरकार पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय क्षेत्रीय कार्यालय पिर्यस रोड वन अनुसंधान संस्थान परिसर देहरादून के पत्र संख्या 08बी/यू0सी0पी0/06/193/2015/ एफ0सी0 / 367 दिनांक 21.05.2016 द्वारा प्राप्त।
2. विधिवत स्वीकृति:- अपर सचिव उत्तराखण्ड शासन के पत्रांक के पत्रांक 1256/X-4-16/1 (487)/2015 दिनांक 14.03.2017 द्वारा वन भूमि प्रत्यावर्तन (0.54है0) की विधिवत स्वीकृति प्राप्त हुई है। प्रस्तावित मार्ग का सीमांकन आर0सी0पी0 पिलर लगाकर किया गया है। वन विभाग द्वारा प्रभावित वृक्षों के छपान का कार्य कर लिया गया है।
3. इस खण्ड के अन्तर्गत स्वीकृत डाकारोली से मल्ला निगलाट मार्ग के समरेखन में आ रहे पेड़ों के पातन के संबंध में अवगत कराया जाना है कि एन0जी0टी0 में दायर वाद संख्या 543/ 2017 विजय कुमार पलडिया बनाम उत्तराखण्ड राज्य का वाद चल रहा था जो दिनांक 02.03.2018 को माननीय (एन0जी0टी0) द्वारा उक्त वाद खारिज कर दिया गया था। तत्समय उक्त ग्राम वासियों द्वारा मार्ग निर्माण से संबंधित कार्यवाही शीघ्र करने हेतु बार-बार अनुरोध किया गया। उक्त मार्ग समरेखन में पड़ने वाले वृक्षों का छपान पूर्व में ही किया जा चुका है। ग्रामीणों से अनापत्ति प्रमाण पत्र प्राप्त है, एवं उक्त कार्य व्यापक जनहित में किया जाना आवश्यक है।
4. उक्त मार्ग समरेखन में वन भूमि में 91 वृक्ष एवं नाप भूमि में 05 विभिन्न प्रजाति के वृक्ष प्रभावित हो रहे हैं, जिसमें से 0-10 एवं 10-20 व्यास के कुल 39 वृक्ष का प्रत्यारोपण किया जा सकता है। शेष 57 वृक्षों का पातन मात्र किया जाना है।
5. उक्त मार्ग समरेखन में प्रभावित होने वाले वृक्षों के 10 गुनी संख्या में वृक्षारोपण की धनराशि रु0 730000.00 एवं एन0पी0वी0 की देय धनराशि रु0 456300.00 तदर्थ कैम्पा कोष में जमा कर दी गयी है।
6. पुनः माननीय न्यायालय एन0जी0टी0 में वाद संख्या 522/ 2018 विजय कुमार पलडिया द्वारा अपील की गयी है जिसकी सुनवाई की तिथि दिनांक 09.10.2025 निर्धारित की गयी है।

(B) याचीकर्ता द्वारा दायर किया गया वाद याचिका संख्या 279/2025 के क्रम में विभागीय मन्तव्य निम्नवत् है:-

1. याचिका के प्रस्तर संख्या 1, एवं 2 में किसी टिप्पणी की आवश्यकता नहीं है, विभागीय अभिलेखों पर आधारित होने तक मान्य है।
2. याचिका के प्रस्तर संख्या 3 जिस प्रकार से वर्णित है मान्य नहीं है अपितु मार्ग का निर्माण जनहित में किया जाना अत्यन्त आवश्यक है, मार्ग निर्माण में प्रभावित हो रही मात्र 0.54 है0 वनभूमि हस्तान्तरण हेतु नियमानुसार वन अधिनियम के अन्तर्गत प्रस्ताव गठित कर वन विभाग से विधिवत स्वीकृति प्राप्त की गयी है, एवं आवश्यक क्षतिपूरक वृक्षारोपण हेतु धनराशि भी कैम्पा कोष में जमा की जा चुकी है।
3. याचिका का प्रस्तर संख्या 4 जिस प्रकार वर्णित है मान्य नहीं है मार्ग निर्माण हेतु वन अधिकार अधिनियम के अन्तर्गत ग्रामीणों एवं स्थानीय जनप्रतिनिधियों जैसे ग्राम प्रधान एवं क्षेत्र पंचायत सदस्य की अनापत्ति दिनांक 15.11.2014 को प्राप्त करने के उपरान्त ही वन भूमि हस्तान्तरण प्रस्ताव गठित किया गया है।
4. याचिका का प्रस्तर संख्या 5 जिस प्रकार वर्णित है मान्य नहीं है, मार्ग निर्माण जिसकी कुल ल0 1500.00 मी0 है के सापेक्ष 600.00 मीटर ही वनभूमि प्रभावित हो रही है, शेष 900.00 मीटर नाप भूमि प्रभावित हो रही है जिसका सम्पूर्ण उल्लेख गठित प्रस्ताव में किया गया है, तथा अनापत्ति पूर्व में ही ली जा चुकी है।
5. याचिका के प्रस्तर संख्या 6 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग के निर्माण से दूरस्थ स्थित समस्त ग्रामीण इससे लाभान्वित हो रहे हैं जिसके क्रम में उनसे अनापत्ति भी प्राप्त की गयी है। मार्ग का निर्माण आवश्यक सेवा जैसे चिकित्सा स्वास्थ्य आदि हेतु किया जाना व्यापक जन हित में अत्यन्त आवश्यक है, साथ ही यह भी अवगत कराना है कि उक्त समरेखन का वरिष्ठ भू वैज्ञानिक द्वारा निरीक्षण करा कर उनकी आख्या भी प्राप्त की जा चुकी है।



JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

6. याचिका के प्रस्तर संख्या 7 जिस प्रकार से वर्णित है वह मान्य नहीं है याचीकर्ता का अपना आवास एन0 109 के समीप ही स्थित है तथा याचिकर्ता द्वारा अपने आवासीय भवन को मोटर मार्ग से जोड़ने हेतु अनुरोध किया जा रहा है,जिस हेतु अनावश्यक रूप से मार्ग निर्माण में बाधा पहुंचाई जा रही है। जबकि मोटर मार्ग निर्माण हेतु वन अधिनियम के अन्तर्गत ही वनभूमि हस्तान्तरण कराया गया।
7. याचिका के प्रस्तर संख्या 8 में टिप्पणी की आवश्यकता नहीं है।
8. याचिका के प्रस्तर संख्या 9 जिस प्रकार से वर्णित है मान्य नहीं है,उक्त मार्ग के निर्माण से ग्राम मल्ला निगलाट लाभान्वित होगा।
9. याचिका के प्रस्तर संख्या 10 जिस प्रकार से वर्णित है वह मान्य नहीं है मोटर मार्ग उत्तराखण्ड शासन लोक निर्माण अनुभाग-2 के शासनादेश संख्या 2339/111 (2) /11-30 (प्रो0आ0)/11 दिनांक 20 सितम्बर 2011 द्वारा 1.500 किमी0 मार्ग के निर्माण हेतु रु0 18.90 लाख की प्रशासकीय एवं वित्तीय स्वीकृति प्राप्त है। जिसके अन्तर्गत प्राथमिक सर्वे,डिटेल सर्वे,समरेखण गठन वन भूमि प्रस्ताव का हस्तान्तरण प्रस्ताव कराया जा चुका है।
10. याचिका के प्रस्तर संख्या 11 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग का निर्माण दूरस्थ स्थित ग्रामीणों के आवासों के संयोजन हेतु किया जाना है उक्त मार्ग निर्माण से आवश्यकीय सेवा चिकित्सा स्वास्थ्य एवं ग्रामीणों को अपनी फसल को नजदीक स्थित मण्डी में ले जाने हेतु आसानी होगी,मोटर मार्ग निर्माण से वनाग्नि से वनों को आग से बचाने में भी आसानी होगी।
11. याचिका के प्रस्तर संख्या 12 जिस प्रकार से वर्णित है मान्य नहीं है याचीकर्ता द्वारा दिनांक 24.05.2012 का उल्लेख किया गया है जबकि मार्ग निर्माण हेतु ग्रामीणों एवं स्थानीय जनप्रतिनिधियों द्वारा दिनांक 15.11.2014 को अनापत्ति विभाग को उपलब्ध करायी गयी।
12. याचिका के प्रस्तर संख्या 13 का उत्तर प्रस्तर संख्या 12 में दिया जा चुका है।
13. याचिका के प्रस्तर संख्या 14 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण की प्रशासकीय एवं वित्तीय स्वीकृति प्राप्त होने के उपरान्त मार्ग का सर्वेक्षण कार्य पूर्ण किया गया है वरिष्ठ भूवैज्ञानिक द्वारा मार्ग के समरेखन का निरीक्षण दिनांक 03.11.2011 में किया जा चुका है,मार्ग का समरेखन अधीक्षण अभियन्ता द्वितीय वृत्त लोक निर्माण विभाग नैनीताल द्वारा दिनांक 14.12.2011 को अनुमोदित किया गया है,उसके उपरान्त ग्रामीणों से अनापत्ति प्राप्त करते हुए वन भूमि हस्तान्तरण प्रस्ताव गठित कर वर्ष 2014 में स्वीकृति हेतु उच्चाधिकारियों को प्रेषित किया गया।
14. याचिका के प्रस्तर संख्या 15 जिस प्रकार से वर्णित है मान्य नहीं है जबकि मोटर मार्ग उत्तराखण्ड शासन लोक निर्माण अनुभाग-2 के शासनादेश संख्या 2339/111 (2) /11-30 (प्रो0आ0)/11 दिनांक 20 सितम्बर 2011 द्वारा 1.500 किमी0 मार्ग के निर्माण हेतु रु0 18.90 लाख की प्रशासकीय एवं वित्तीय स्वीकृति प्राप्त है।
15. याचिका के प्रस्तर संख्या 16,17 में टिप्पणी की आवश्यकता नहीं है।
16. याचिका के प्रस्तर संख्या 18 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग के निर्माण में रही वनभूमि का हस्तान्तरण वन अधिनियम की अधीन ही कराया गया,तथा वनभूमि हस्तान्तरण में अधिरोपित समस्त शर्तों का अनुपालन किया गया है।
17. याचिका के प्रस्तर संख्या 19 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण हेतु समस्त तकनीकी मानकों को ध्यान में रखते हुए ही किया जाता है,तथा मार्ग के समरेखण में मार्ग की ग्रेड एवं एच0पी0वैण्डों को भी मोटर मार्गों के अनुरूप ही रखा जाता है याचीकर्ता द्वारा आर0सी0सी0 पाथ का वर्णन किया गया है वह एक पैदल मार्ग है जिसका ग्रेड स्टीप होने के साथ-साथ उसी समरेखण पर मोटर मार्ग का निर्माण किया जाना सम्भव नहीं है।
18. याचिका के प्रस्तर संख्या 20 अमिलेखों पर आधारित होने तक मान्य है।
19. याचिका के प्रस्तर संख्या 21 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग के निर्माण में आ रही वनभूमि का हस्तान्तरण वन अधिनियम की अधीन ही कराया गया,तथा वनभूमि हस्तान्तरण में अधिरोपित समस्त शर्तों का अनुपालन किया गया है।



JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

20. याचिका के प्रस्तर संख्या 22 जिस प्रकार से वर्णित है मान्य नहीं है याचीकर्ता द्वारा अवगत कराया गया कि आर0टी0आई के अन्तर्गत उनको पेडों की लिस्ट नहीं दी गयी,परन्तु याचीकर्ता द्वारा स्वयं ही प्रस्तर संख्या 24 में पेडों की सूची का वर्णन किया गया है जो विरोधाभासी प्रतीत होता है।
21. याचिका के प्रस्तर संख्या 23 जिस प्रकार से वर्णित है मान्य नहीं है ग्रामीणों एवं स्थानीय जनप्रतिनिधियों जैसे ग्राम प्रधान एवं क्षेत्र पंचायत सदस्य की अनापत्ति दिनांक 15.11.2014 को प्राप्त करने के उपरान्त ही वन भूमि हस्तान्तरण प्रस्ताव गठित किया गया है।
22. याचिका के प्रस्तर संख्या 24 का उत्तर प्रस्तर संख्या 22 में दिया जा चुका है,अन्य विन्दु अभिलेखों के आधार पर होने तक ही मान्य है।
23. याचिका के प्रस्तर संख्या 25 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग के निर्माण में वनभूमि का हस्तान्तरण वन अधिनियम की अधीन ही कराया गया,तथा वनभूमि हस्तान्तरण में अधिरोपित समस्त शर्तों का अनुपालन किया गया है।
24. याचिका के प्रस्तर संख्या 26 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग के निर्माण में 0.54 हे0 वनभूमि का हस्तान्तरण नियमानुसार ही कराया गया।
25. याचिका के प्रस्तर संख्या 27 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग का समरेखण न्यूनतम वन भूमि एवं वृक्षों का पालन को ध्यान में रखते हुए ही किया गया है अन्य समरेखण जिस पर अधिक पेड एवं वनभूमि आने की सम्भावना थी जिस पर विचार नहीं किया गया। याचीकर्ता द्वारा इस पैदल मार्ग का उल्लेख किया जा रहा है उस मार्ग का ग्रेड तीव्र ढलान होने के कारण मोटर मार्ग का निर्माण कार्य किया जाना सम्भव नहीं है।
26. याचिका के प्रस्तर संख्या 28 के उत्तर में कहना है कि वन भूमि हस्तान्तरण प्रस्ताव के कम वन विभाग द्वारा समय-समय पर पृच्छा की जाती है जिसका निस्तारण संबंधित विभाग द्वारा किया जाता है तथा उसके उपरान्त ही वन भूमि की शैद्धान्तिक / विधिवत स्वीकृति प्रदान की जाती है।
27. याचिका के प्रस्तर संख्या 29 जिस प्रकार से वर्णित है मान्य नहीं है मुख्य अभियन्ता स्तर- 1 लोक निर्माण विभाग देहरादून के पत्रांक 1715/ 01 व0भू0- सामान्य- 01 दिनांक 02.12.2010 द्वारा निर्देशित किया है कि किसी भी मार्ग निर्माण में वन भूमि प्रस्ताव हेतु मार्ग की चौड़ाई 9.00 मी0 में ली जाय व मार्ग में पडने वाले पेडों की गिनती 7.00 मी0 चौड़ाई में की जायेगी, के कम में ही मार्ग निर्माण से संबंधित कार्यवाही की गयी।
28. याचिका के प्रस्तर संख्या 30 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण से पूर्व भू वैज्ञानिक की राय ली जा चुकी है,उनके द्वारा दिये मन्तव्य का अनुपालन मार्ग निर्माण के दौरान किया जायेगा।
29. याचिका के प्रस्तर संख्या 31 जिस प्रकार से वर्णित है मान्य नहीं है वन भूमि हस्तान्तरण प्रस्ताव में वन अधिनियम का पालन किया गया है।
30. याचिका के प्रस्तर संख्या 32 खण्ड से संबंधित नहीं है।
31. याचिका के प्रस्तर संख्या 33 का उत्तर याचिका के प्रस्तर संख्या 29 में व्यापक रूप से दिया जा चुका है।
32. याचिका के प्रस्तर संख्या 34,35 जिस प्रकार से वर्णित है मान्य नहीं है वन भूमि हस्तान्तरण प्रस्ताव में वन अधिनियम का पालन किया गया है।
33. याचिका के प्रस्तर संख्या 36,37,जिस प्रकार से वर्णित है मान्य नहीं है। मार्ग का निर्माण जनहित में किया जाना अति आवश्यक है।
34. याचिका के प्रस्तर संख्या 38 में किसी टिप्पणी की आवश्यकता नहीं है।
35. याचिका के प्रस्तर संख्या 39 अभिलेखों पर आधारित होने तक ही मान्य है।
36. याचिका के प्रस्तर संख्या 40,41,42,43 में किसी टिप्पणी की आवश्यकता नहीं है।
38. याचिका के प्रस्तर संख्या 44 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण हेतु ग्रामीणों से अनापत्ति पूर्व में ली जा चुकी है।
39. याचिका के प्रस्तर संख्या 45 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण हेतु वरिष्ठ भू वैज्ञानिक द्वारा निरीक्षण किया जा चुका एवं उनके द्वारा दिये गये सुझाओं का अनुपालन किया जायेगा।
40. याचिका के प्रस्तर संख्या 46 जिस प्रकार से वर्णित है मान्य नहीं है। वर्षा व अतिवृष्टि होने पर पर्वतीय क्षेत्र में भूस्खलन होना एक सामान्य प्रक्रिया है।
41. याचिका के प्रस्तर संख्या 47,48 में किसी टिप्पणी की आवश्यकता नहीं है,अपितु याची द्वारा नैनीताल मुख्य शहर की बात की जा रही है जबकि प्रस्तावित मार्ग लगभग 15.00 किमी0 दूरी पर स्थित है।



JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

42. याचिका के प्रस्तर संख्या 49 में किसी टिप्पणी की आवश्यकता नहीं है।
 43. याचिका के प्रस्तर संख्या 50 में जिस प्रकार से वर्णित है मान्य नहीं है।
 44. याचिका के प्रस्तर संख्या 51 जिस प्रकार से वर्णित है मान्य नहीं है मार्ग निर्माण से संबंधित समस्त प्रक्रिया का अनुपानल किया गया है। मार्ग निर्माण जनहित में किया जाना जाना आवश्यक है।
 उपरोक्त समस्त तथ्यों के दृष्टिगत मा0 न्यायालय से अनुरोध है कि याची द्वारा दायर वाद में उल्लेखित किये गये आधार एवं मागे गये वाछित अनुरोध बलहीन एवं निराधार है। अतः वाद सब्य खारिज करने योग्य है।

(इं0रत्नेश कुमार सक्सेना)
 अधिशासी अभियन्ता
 प्रान्तीय खण्ड लोक निर्माण विभाग,
 नैनीताल



JYOTI PRAKASH, Advocate
 NOTARY H.Q. Nainital
 Reg. No. 21 (10) 2005

True Translated Copy of Annexure I is as follows:

Brief information regarding Case No. 279/2025 Vijay Kumar Paldiya vs. State of Uttarakhand & Others filed in Hon'ble National Green Tribunal, New Delhi.

(A) Details of the action taken by the Division relating to road construction till date.

1. Name of work:- Construction of Dakaroli to Malla Niglat motor road under the state plan in Nainital district.

2. Administrative and Financial Approval: Under Secretary, Public Works Department-2, Uttarakhand Government, Government of Uttarakhand, has approved Rs. 18.90 lakh for the construction of a 1,500 km road through Government Order No. 2339/111 (2) / 11-30 (Pra.A.) / 11 dated September 20, 2011. According to this, the road is to be newly constructed.

1. In-principle approval: Received by letter no. 08B/UCP/06/193/2015/FC/367 dated 21.05.2016 from Government of India, Ministry of Environment, Forest and Climate Change, Regional Office, Piryas Road, Forest Research Institute Campus, Dehradun.

2. Formal Approval: Formal approval for the return of forest land (0.54 ha) has been received from the Additional Secretary, Uttarakhand Government, through letter number 1256/x-4-16/1(487)/2015, dated March 14, 2017. The proposed route has been demarcated using RCC pillars. The Forest Department has completed felling the affected trees.

3. Regarding the felling of trees coming in the alignment of Dakaroli to Malla Niglat road approved under this section, it is to be informed that case number 543/2017 Vijay Kumar Paldiya vs State of Uttarakhand was pending in NGT, which was decided by Hon'ble (NGT) on 02.03.2018.

The suit was dismissed. At that time, the villagers repeatedly requested that the road construction process be expedited. Trees falling in the alignment of the road have already

12



Jyoti Prakash
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

been cleared. No objection certificates have been obtained from the villagers, and the work is necessary in the larger public interest.

4. The above road alignment will affect 91 trees in the forest land and five trees of different species in the measured land. Of these, a total of 39 trees with diameters of 0-10 and 10-20 cm can be transplanted. The remaining 57 trees will only be felled.

5. The amount of Rs. 730000.00 for plantation of 10 times the number of trees affected in the above road alignment and the amount of Rs. 456300.00 payable for NPV has been deposited in the ad hoc CAMPA fund.

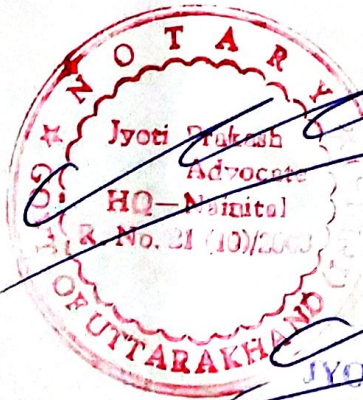
Again an appeal has been filed in the Hon'ble Court of NGT in case number 522/2018 by Vijay Kumar Paldiya, the date of hearing of which has been fixed as 09.10.2025.

(B) The departmental statement under Application No. 279/2025 filed by the petitioner is as follows:-

1. Paragraphs 1 and 2 of the petition do not require any comment as they are valid as they are based on departmental records.

2. Paragraph No. 3 of the petition as described is not tenable, rather it is absolutely necessary to construct the road in public interest, only 0.54 hectare forest land is being affected in the construction of the road, a proposal has been made under the Forest Act as per rules for transfer and due approval has been obtained from the Forest Department, and the money for necessary compensatory plantation has also been deposited in the CAMPA fund.

3. Paragraph No. 4 of the petition is not tenable as described above. The proposal for transfer of forest land for construction of the road has been framed only after obtaining the no objection from the villagers and local public representatives like village head and area Panchayat member on 15.11.2014 under the Forest Rights Act.



13

JYOTI PRAKASH, Advocate
 NOTARY H.O. Nainital
 Reg. No. 21 (10) 2005

4. Paragraph 5 of the petition, as described, is not tenable. The construction of the road, which has a total length of 1500 meters, affects only 600 meters of forest land. The remaining 900 meters of land is affected, which has been fully described in the draft proposal, and no objection has already been obtained.

5. Paragraph 6 of the petition is not tenable as described. The construction of the road benefits all the remote villagers, for which no objections have been obtained from them. Construction of the road is essential for essential services such as medical care and health, and is in the public interest. It is also to be noted that the alignment has been inspected by a senior geologist and his report has been obtained.

6. The petitioner's residence is located adjacent to N. 109 and is requesting that his residence be connected to the motor road, thereby unnecessarily obstructing the road construction. However, forest land was transferred under the Forest Act for the construction of the motor road.

7. Paragraph No. 8 of the petition does not require any comment.

8. Paragraph No. 9 of the petition as described is not tenable, village Malla Nigalat will be benefited by the construction of the said road.

9. The manner in which paragraph number 10 of the petition is described is not acceptable. By Government Order number 2339/111 (2) /11-30 (Pra.A.)/11 dated 20 September 2011 of Public Works Department-2 of Uttarakhand Government, administrative and financial approval of Rs. 18.90 lakh has been obtained for the construction of 1,500 km road. Under this, preliminary survey, detailed survey, alignment formation and proposal for transfer of forest land proposal have been done.

10. Paragraph No. 11 of the petition as described is not acceptable. The road is to be constructed to connect the houses of the villagers located in remote areas. The construction of the said road will facilitate the essential medical services and the villagers to take their crops to the nearby market. The construction of the motor road will also facilitate the protection of forests from forest fires.

11. Paragraph No. 12 of the petition as described is not tenable. The petitioner has mentioned the date of 24.05.2012, whereas the villagers and local public representatives



104/11/15
 NOTARY H.O. Nainital
 Reg. No. 21 (10) 2005

had provided the no objection certificate for the construction of the road to the department on 15.11.2014.

Paragraph No. 13 of the petition has been answered in Paragraph No. 12.

13. Paragraph number 14 of the petition is not tenable as described in it. The survey work of the road has been completed after obtaining administrative and financial approval for the construction of the road. The alignment of the road has been inspected by the senior geologist on 03.11.2011. The alignment of the road has been approved by the Superintending Engineer, Second Circle, Public Works Department, Nainital on 14.12.2011. Thereafter, after obtaining no objection from the concerned authorities, a proposal for transfer of forest land was prepared and sent to the higher authorities for approval in the year 2014.

14. Paragraph No. 15 of the petition as described is not tenable whereas administrative and financial approval of Rs. 18.90 lakh has been obtained for the construction of 1.500 km road by Government Order No. 2339/111 (2) / 11-30 (Pra.A.) / 11 dated 20 September 2011 of Motor Road, Public Works Department-2, Uttarakhand Government.

15. Paragraphs 16 and 17 of the petition do not require any comment.

16. Paragraph No. 18 of the petition is not tenable as described. The forest land used for the construction of the road was transferred under the Forest Act and all the conditions imposed for the transfer of forest land have been complied with.

17. Paragraph No. 19 of the petition as described is not acceptable. The construction of the road is done keeping in mind all the technical standards, and in the alignment of the road, the grade of the road and the HP bands are also kept as per the motor roads. The RCC path described by the petitioner is a footpath, whose grade is steep and it is not possible to construct a motor road on the same alignment.

18. Paragraph No. 20 of the petition is valid insofar as it is based on the records.

15



Jyoti Prakash
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

19. Paragraph No. 21 of the petition as described is not tenable. The forest land falling under the construction of the road was transferred under the Forest Act and all the conditions imposed in the transfer of forest land have been complied with.

20. Paragraph No. 22 of the petition is not tenable as described in it. The petitioner has informed that he was not given the list of trees under RTI, but the petitioner himself has described the list of trees in Paragraph No. 24 which appears to be contradictory.

21. Paragraph No. 23 of the petition as described is not tenable. The proposal for transfer of forest land has been framed only after obtaining the no objection from the villagers and local public representatives like Gram Pradhan and Kshetra Panchayat member on 15.11.2014.

22. Paragraph No. 24 of the petition has been answered in Paragraph No. 22, the other points are valid only to the extent they are based on the records.

23. Paragraph No. 25 of the petition as described is not tenable. The forest land for the construction of the road was transferred under the Forest Act and all the conditions imposed in the transfer of forest land have been complied with.

24. Paragraph No. 26 of the petition as described is not tenable. The transfer of 0.54 hectare forest land for the construction of the road was done as per rules.

25. Paragraph 27 of the petition, as described, is not tenable. The alignment of the road was made with minimum forest land and tree felling in mind. Other alignments, which were likely to involve more trees and forest land, were not considered. The petitioner is referring to this pedestrian route, and the steep grade of that route makes it impossible to construct a motor road.

26. In reply to paragraph 28 of the petition, it is stated that the Forest Department has not approved the proposal for transfer of forest land.

16



Jyoti Prakash Advocate
 NOTARY HQ, Nainital
 Reg. No. 21 (10) 2005

Inquiries are made from time to time by the concerned department, which are resolved by the concerned department, and only after that is the formal approval of the forest land granted. 27. Paragraph 29 of the petition, as described, is not tenable. Chief Engineer, Level 1, Public Works

The Department Dehradun has directed by letter no. 1715/01 V.Bhoomi-General 01 dated 02.12.2010 that for forest land proposal in any road construction, the width of the road should be taken as 9.00 m and the trees falling on the road will be counted in 7.00 m width. action related to road construction was taken in less than this.

28. Paragraph No. 30 of the petition as described is not tenable. The opinion of the geologist has been taken before the construction of the road and his opinion will be followed during the construction of the road.

29. Paragraph No. 31 of the petition as stated is not tenable. The Forest Act, 1980 has been followed in the proposal for transfer of forest land.

30. Paragraph No. 32 of the petition does not relate to the section.

31. Paragraph No. 33 of the petition has been comprehensively answered in Paragraph No. 29 of the petition.

32. Paragraphs 34 and 35 of the petition as described are not tenable. The Forest Act has been followed in the forest land transfer proposal.

33. Paragraphs 36 and 37 of the petition, as stated, are not tenable. It is essential that the road be constructed in the public interest.

34. Paragraph No. 38 of the petition does not require any comment.

35. Paragraph No. 39 of the petition is valid only insofar as it is based on the records.



JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

36. Paragraphs 40, 41, 42 and 43 of the petition do not require any comment.

38. Paragraph No. 44 of the petition as described is not tenable. No objection has already been taken from the villagers for construction of the road.

39. Paragraph No. 45 of the petition as stated is not tenable. The road construction has been inspected by a senior geologist and his suggestions will be followed.

40. Paragraph 46 of the petition is not tenable as stated. Landslides are a common occurrence in mountainous areas during heavy rainfall.

41. Paragraphs 47 and 48 of the petition do not require any comment, but the petitioner is referring to Nainital main town, whereas the proposed route is located at a distance of about 15.00 km.

42. Paragraph No. 49 of the petition does not require any comment.

43. The petition as stated in paragraph 50 is not tenable.

44. Paragraph 51 of the petition, as set forth, is not tenable. All procedures related to the construction of the road have been followed. The construction of the road is essential in the public interest.

In view of all the above facts, it is requested to the Hon'ble Court that the grounds mentioned in the suit filed by the petitioner and the requests sought are baseless and unfounded. Therefore, the suit deserves to be dismissed.



18

JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

वाद प्रकरण / सर्वोच्च प्राथमिकता



कार्यालय मुख्य अभियन्ता लोक निर्माण विभाग, हल्द्वानी (नैनीताल)
Office of the Chief Engineer, P.W.D., Haldwani (Nainital)
Website-<http://pwd.uk.gov.in>
Tel./Fax 0594- 221182 e-mail: cepwdhaldwani@gmail.com



पत्रांक 3038/01 वाद-हल्द्वानी/2022
सेवा में

दिनांक-20/08/2025

अभिशासी अभियन्ता,
प्रान्तीय खण्ड लो0नि0वि0
नैनीताल।

विषय :- मा0 राष्ट्रीय हरित अधिकरण (एन0जी0टी0) नई दिल्ली में योजित मूल आवेदन-पत्र संख्या 279
2025 (आई0ए0 संख्याएँ 455/ 2025, 425/ 2025 एवं 424/ 2025), विजय कुमार पलडिया बन
उत्तराखण्ड राज्य व अन्य के सम्बन्ध में

उपरोक्त विषयक प्रकरण के सम्बन्ध में इस कार्यालय का पत्रांक 2097/ 01 वाद-हल्द्वानी/ 20
दिनांक 11.06.2025 के माध्यम से मा0 National Green Tribunal, New Delhi से प्राप्त Original Application No 52
2018 Vijay Kumar Padalia Vs State of Uttarakhand & Ors से सम्बन्धित नोटिस दिनांक 02.06.2025 की प्रति प्राप्ति
करते हुए विभाग की ओर से समस्त कार्यवाही पूर्ण किये जाने हेतु आपको नामित किया गया है।

प्रभारी अधिकारी, कार्यालय जिलाधिकारी नैनीताल के पत्रांक 43/12 ज्येड0ए0री0/2024-
दिनांक 19.08.2025 (छायाप्रति संलग्न) में मा0 राष्ट्रीय हरित अधिकरण (एन0जी0टी0) नई दिल्ली में योजित
आवेदन-पत्र संख्या 279/ 2025 (आई0ए0 संख्याएँ 455/ 2025, 425/ 2025 एवं 424/ 2025), विजय कुं
पलडिया बनाम उत्तराखण्ड राज्य व अन्य में प्रतिवादी संख्या 04 जिला मजिस्ट्रेट, नैनीताल को ओर से प्रतिशपथ प
दाखिल किये जाने हेतु मुख्य अभियन्ता, लो0नि0वि0 हल्द्वानी (प्रतिवादी संख्या-07) को नामित किये जाने का उल्ले
किया गया है।

अतः जिलाधिकारी कार्यालय नैनीताल के उपरोक्त पत्र दिनांक 19.08.2025 की छायाप्रति मध्य संलग्न
के इस निर्देश के साथ प्रेषित की जा रही है कि मुख्य अभियन्ता, लो0नि0वि0 हल्द्वानी (प्रतिवादी संख्या-07) एवं जि
मजिस्ट्रेट, नैनीताल (प्रतिवादी संख्या-04) की ओर से प्रतिशपथ-पत्र दाखिल किये जाने एवं सम्पूर्ण विधिक कार्यवा
पूर्ण किये जाने हेतु आपको नामित किया जाता है। प्रकरण पर मा0 राष्ट्रीय हरित अधिकरण (एन0जी0टी0) नई दिल्
एवं जिलाधिकारी, नैनीताल के उपरोक्त पत्र दिनांक 19.08.2025 द्वारा दिये गये निर्देशानुसार सरामय अग्रिम आवश्यक
कार्यवाही पूर्ण करते हुए कृत कार्यवाही की सूचना से जिलाधिकारी नैनीताल एवं इस कार्यालय को अवगत करा
सुनिश्चित करें।

संलग्न :- उक्तानुसार,

(पी0एस0 बृजवाल)
मुख्य अभियन्ता,
लो0नि0वि0 हल्द्वानी

प्रतिशपथ निम्न शर्तों का सुकनार्थ एवं आवश्यक कार्यवाही हेतु प्राप्त

- 1- आयुक्ता कुमायू मण्डल, नैनीताल।
- 2- जिलाधिकारी, नैनीताल।
- 3- अधीक्षण अभियन्ता, द्वितीय वृत्त, लो0नि0वि0 नैनीताल।
- 4- सैक्शन ऑफिसर, मा0 नैशनल ग्रीन ट्रिब्यूनल, प्रिन्सिपल बैंच, नई दिल्ली।

मुख्य अभियन्ता
लो0नि0वि0 हल्द्वानी



L. PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

Letter No. 3038/01 Case-Haldwani/2022

Dated: 20/08/2025

To

Executive Engineer, Provincial Division, PWD, Nainital.

Subject: Regarding Original Application No. 279/2025 (IA Nos. 455/2025, 425/2025, and 424/2025) filed with the Hon'ble National Green Tribunal (NGT), New Delhi, between Vijay Kumar Paldiya vs. State of Uttarakhand and others.

Regarding the above-mentioned matter, this office's letter No. 2097/01 Case-Haldwani/2025 dated 11.06.2025, received from the Hon'ble National Green Tribunal, New Delhi. You have been nominated to complete all the proceedings on behalf of the department by sending a copy of the notice dated 02.06.2025 related to 522/2018 Vijay Kumar Padiya Vs State of Uttarakhand & Ors. In the letter no. 43/12-ZOAC/2024-25 dated 19.08.2025 (photocopy enclosed) of the Officer-in-Charge, Office of the District Magistrate, Nainital, it has been mentioned that the Chief Engineer, PWD Haldwani (Defendant No. 7) has been nominated to file the counter affidavit on behalf of the respondent no. 4 District Magistrate, Nainital in the original application no. 279/2025 (IA nos. 455/2025, 425/2025 and 424/2025) filed in the Hon'ble National Green Tribunal (NGT), New Delhi, Vijay Kumar Paldiya vs. State of Uttarakhand and others.

Therefore, a photocopy of the above letter dated 19.08.2025 of the District Magistrate's Office, Nainital, along with its enclosures, is being forwarded with the direction that you are nominated to file a counter-affidavit on behalf of the Chief Engineer, PWD, Haldwani (Respondent No. 7) and the District Magistrate, Nainital (Respondent No. 4) and complete all legal proceedings. In accordance with the instructions given by the Hon'ble National Green Tribunal (NGT), New Delhi and the District Magistrate, Nainital in the above letter dated 19.08.2025, complete the necessary advance action in a timely manner and ensure that the District Magistrate, Nainital, and this office are informed of the action taken.

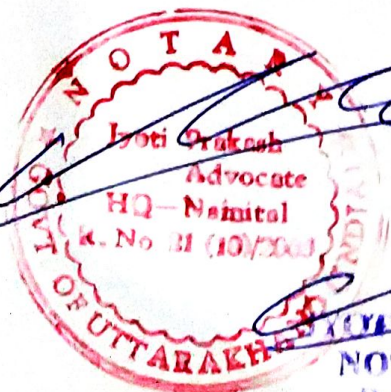
Enclosed:- As above,

Copy forwarded to the following for information and necessary action:

1. Commissioner, Kumaon Division, Nainital.
2. District Magistrate, Nainital.
3. Superintending Engineer, Second Circle, PWD, Nainital.
4. Section Officer, Hon'ble National Green Tribunal, Principal Bench, New Delhi

Annexure III

20



L. Prakash, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2003

-: ई-मेल/मा. राष्ट्रीय हरित न्यायाधिकरण प्रकरण :-

कार्यालय जिलाधिकारी, नैनीताल।

पत्र संख्या: 43/12-ज्योड.ए.सी./2024-2025, दिनांक: 19 अगस्त, 2025

सेवा में

मुख्य अभियन्ता,
लोक निर्माण विभाग,
स्थित कार्यालय, कालाढूंगी रोड, नवाड़ मुला हरक सिंह,
हल्द्वानी (नैनीताल)।

विषय :- मा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या: 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक अवगत कराना है कि मा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या: 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य संलग्नकों सहित दिनांक: 12-08-2025 को इस कार्यालय को प्राप्त हुआ है।

मा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या: 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में दिनांक: 04-07-2025 को कतिपय आदेश पारित करते हुए मामले की सुनवाई हेतु दिनांक: 90-10-2025 की तिथि नियत की गई है। मा. राष्ट्रीय हरित अधिकरण में योजित उक्त मूल आवेदन-पत्र में आप प्रतिवादी संख्या: 07 हैं।

उक्त के क्रम में अवगत कराना है कि जिलाधिकारी महोदय, नैनीताल के द्वारा अपने आदेश दिनांक: 18-08-2025 से मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित मूल आवेदन-पत्र संख्या: 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में पैरवी करने तथा जिला मजिस्ट्रेट, नैनीताल प्रतिवादी संख्या: 04 की ओर से मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में प्रतिशपथ-पत्र दाखिल किए जाने हेतु मुख्य अभियन्ता, लोक निर्माण विभाग, स्थित कार्यालय, हल्द्वानी (नैनीताल) प्रतिवादी संख्या: 07 को नामित किया गया है।

अतएव आपसे अनुरोध है कि मा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या: 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में प्रभावी पैरवी करने के साथ-साथ जिला मजिस्ट्रेट, नैनीताल प्रतिवादी संख्या: 04 की ओर से मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में प्रतिशपथ-पत्र ससमय दाखिल करते हुए कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक :- यथोपरि।

भवदीय

(~~सी.एस. देवड़ी~~)
प्रभावी अधिकारी,
कृते जिलाधिकारी, नैनीताल।



04/11/25
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

-Email/Hon'ble National Green Tribunal Case -

Office of the District Magistrate, Nainital.

To

Dated: August 19, 2025

Chief Engineer, Public Works Department, Office at Kaladhungi Road, Nawar Mula Harak Singh, Haldwani (Nainital).

Subject: - Regarding Original Application No 279/2025 (IA Numbers: 455/2025, 425/2025, and 424/2025), Vijay Kumar Padliya vs. State of Uttarakhand and others, filed in the Hon'ble National Green Tribunal (NGT), New Delhi.

Sir,

It is kindly informed that with regard to the above subject, Original Application No. 279/2025 (IA Nos. 455/2025, 425/2025 & 424/2025) Vijay Kumar Padaliya vs. State of Uttarakhand and others filed in the National Green Tribunal (NGT), New Delhi along with attachments dated 12-08-2025 has been received by this office.

Hon. In the original application No. 279/2025 (IA Nos. 455/2025, 425/2025 and 424/2025), Vijay Kumar Padliya vs. State of Uttarakhand and others, filed in the National Green Tribunal (NGT), New Delhi, by passing certain orders on 04-07-2025, the date for hearing the case has been fixed as 90-10-2025. You are respondent No. 07 in the said original application filed in the Hon'ble National Green Tribunal.

In continuation of the above, it is to be informed that by his order dated 18-08-2025, the District Magistrate, Nainital has given effect to the matter. In original application no. 279/2025 (IA nos. 455/2025, 425/2025 and 424/2025) filed in National Green Tribunal, New Delhi, Vijay Kumar Padliya vs. State of Uttarakhand and others, Chief Engineer, Public Works Department, office located at Haldwani (Nainital), respondent no. 07 has been nominated to appear and file counter affidavit in Hon'ble National Green Tribunal, New Delhi on behalf of District Magistrate, Nainital, respondent no. 04.

You are therefore requested to kindly In addition to effectively representing the original application No. 279/2025 (IA Nos. 455/2025, 425/2025, and 424/2025) filed in the National Green Tribunal (NGT), New Delhi, Vijay Kumar Padliya vs. State of Uttarakhand and others, the District Magistrate, Nainital, may kindly inform this office of the action taken by timely filing a counter-affidavit on behalf of Respondent No. 4 in the Hon'ble National Green Tribunal, New Delhi.

Yours sincerely

Effective Officer,

For District Magistrate, Nainital.

ANNEXURE IV

22



04/11/25
 JYOTI PRAKASH, Advocate
 NOTARY H.Q. Nainital
 Reg. No. 21 (10) 2005

कार्यालय जिलाधिकारी, नैनीताल।

पत्र संख्या 43/12-नै.अ.सी. 2024/2025 दिनांक 27 अक्टूबर 2025

संज्ञा में

मुख्य अभियन्ता
लोक निर्माण विभाग,
स्थित कार्यालय, कालाढुंगी रोड, नवाड़ गुला हरक सिंह,
हल्द्वानी (नैनीताल)।

विषय :- भा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य के सम्बन्ध में।

संदर्भ

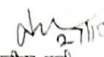
कृपया ध्यान दें कि मूल आवेदन-पत्र संख्या 43/12-नै.अ.सी. 2024/2025 दिनांक 19-08-2025 को मूल आवेदन-पत्र संख्या 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025) विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में धरती करने तथा जिला मजिस्ट्रेट, नैनीताल प्रतिवादी संख्या 04 की ओर से भा.राष्ट्रीय हरित अधिकरण, नई दिल्ली में प्रतिशपथ-पत्र दाखिल किए जाने हेतु आपको (मुख्य अभियन्ता, लोक निर्माण विभाग, स्थित कार्यालय, हल्द्वानी (नैनीताल) प्रतिवादी संख्या 07) को नामित किया गया है।

उक्त के क्रम में अद्यतन किया है कि भा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में नए अधिकरण द्वारा दिनांक 09-10-2025 को नोन्-रेसिडेंट आदेश जारी किया गया है -

- 1. Reply on behalf of Respondents No. 6, 10 and 11 have been filed. Four weeks' time is granted to other respondents to file their replies, thereafter, Rejoinder can be filed within two weeks.
- 2. It has been pointed out that, except Respondent No. 9 all other respondents are represented today and the Respondent No. 9 has also been served.
- 3. List on 16.01.2026

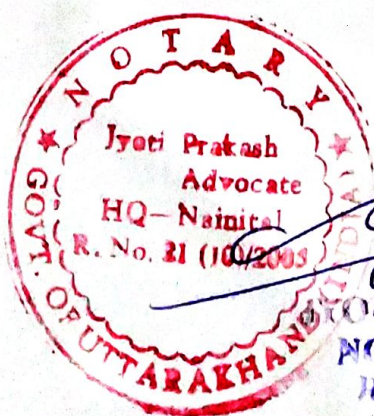
अतएव आपसे अनुरोध है कि भा. राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली में योजित मूल आवेदन-पत्र संख्या 279/2025 (आई.ए. संख्याएँ: 455/2025, 425/2025 एवम् 424/2025), विजय कुमार पडलिया बनाम उत्तराखण्ड राज्य व अन्य में नए अधिकरण द्वारा दिनांक 09-10-2025 को जारी आदेश का अनुपालन सुनिश्चित करना तथा कृपया कार्यालय से इस संबंध में आवश्यक जानकारी लेने का कष्ट करें।


संलग्नक - यद्योपरि।

नवदीप

(मुरलीधर आर्य)
प्रभारी अधिकारी
जाने जिलाधिकारी, नैनीताल।

True Translated Copy of Annexure I is as follows:

Email/Very Important/Hon'ble National Green Tribunal Case. -




JYOTI PRAKASH, Advocate
NOTARY M.O. Nainital
Reg. No. 31 (10) 2005

Office of the District Magistrate, Nainital.

Dated: October 27, 2025

To

Chief Engineer, Public Works Department, Office at Kaladhungi Road, Nawar Mula Harak Singh, Haldwani (Nainital).

Subject:-

Regarding Original Application No. 279/2025 (IA Nos.: 455/2025, 425/2025, and 424/2025) filed with the Hon'ble National Green Tribunal (NGT), New Delhi, Vijay Kumar Padliya vs. State of Uttarakhand and others.

Sir,

Please refer to the enclosed copy of this office letter No. 43/12-JY.AC/2024-2025, dated 19-08-2025, on the above subject, whereby you are informed that the District Magistrate, Nainital, vide his order dated 18-08-2025, has accepted the original application No. 279/2025 (IA Nos. 455/2025, 425/2025 and 424/2025) filed in the Hon'ble National Green Tribunal, New Delhi, in the case of Vijay Kumar Padliya vs. State of Uttarakhand and others, and the District Magistrate, Nainital has accepted the application No. 04 filed by Hon'ble Shri. You (Chief Engineer, Public Works Department, Office at Haldwani (Nainital), Respondent No. 7) have been nominated to file a counter affidavit in the National Green Tribunal, New Delhi.

In continuation of the above, it is to inform you that in Original Application No. 279/2025 (IA Nos. 455/2025, 425/2025 and 424/2025), Vijay Kumar Padaliya vs. State of Uttarakhand and others, filed in the Hon'ble National Green Tribunal (NGT), New Delhi, the following orders have been passed by the Hon'ble Tribunal on 09-10-2025. -

1. Reply on behalf of Respondents No. 6, 10 and 11 have been filed. Four weeks' time is granted to other respondents to file their replies, thereafter, Rejoinder can be filed within two weeks.
2. It has been pointed out that, except for Respondent No. 9, all other respondents are represented today, and Respondent No. 9 has also been served.
3. List on 16.01.2026

You are therefore requested to inform this office of the action taken to ensure compliance with the order passed by the Hon'ble National Green Tribunal (NGT), New Delhi, in Original Application No. 279/2025 (IA Nos. 455/2025, 425/2025, and



Jyoti Prakash
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005

424/2025), Vijay Kumar Padaliya vs. State of Uttarakhand and others, dated 09-10-2025.

Enclosure: As above.

Yours sincerely,

(Murlidhar Arya), Officer-in-Charge, For District Magistrate, Nainital.

25



Jyoti Prakash
JYOTI PRAKASH, Advocate
NOTARY H.Q. Nainital
Reg. No. 21 (10) 2005