

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 461 OF 2019

IN THE MATTER OF:

RAM AVATAR YADAV

... APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

INDEX

S. No.	PARTICULARS	Page No.
1.	Response to status report dated 05.02.2021 submitted by Principal Chief Conservator of Forests (HoFF) Haryana Panchkula along with affidavit	
2.	<u>Annexure-1</u> A copy of Letter No. 770G dated 29.10.2020 written by the Forest Department to the Tehsildar	

THROUGH

RITWICK DUTTA

RAHUL CHOUDHARY

ADVOCATES

COUNSELS FOR THE APPLICANT

N-71, Lower Ground Floor, Greater Kailash-I

New Delhi- 110048

Mobile: 9312407881

Email: litigation.life@gmail.com

Place: New Delhi

Date: 12.03.2021

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RESPONSE TO STATUS REPORT DATED 05.02.2021 SUBMITTED BY

PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HoFF) HARYANA

PANCHKULA

MOST RESPECTFULLY SHOWETH:

1. That the Applicant is filing this response to the status report dated 05.02.2021 submitted by the Principal Chief Conservator of Forests (HoFF) Haryana Panchkula in accordance with order dated 02.07.2020 passed by the Hon'ble Tribunal (hereinafter referred to as 'Status Report'). The Status Report outlines the action taken by the Forest Department to remove or demolish encroachments on Badi Pahari and Chhoti Pahari in violation of the Aravalli Notification, 1992.
2. The Applicant filed Original Application No. 461 of 2019 raising the issue of violation of the provision of the Forest (Conservation) Act, 1980 by the construction of illegal road by the Manesar Gram Panchayat, encroachment of doing construction activity by private individuals and illegal mining in the Chhoti Pahari at Rectangle No. 81 in Kila No. 4/2, 5/1, 6/3, 7/1 in Manesar Village, District Gurugram, Haryana.
3. That this Hon'ble Tribunal upon admission had sought a report from the Principal Chief Conservator of Forest (HoFF), Panchkula, Haryana with reference to the allegation that the area in question was forest area on which construction was not permitted but illegal construction was taking place.

4. That the PCCF (HoFF) had filed a report dated 07.10.2019 acknowledging that illegal construction had been raised in the forest area. The Tribunal had thus, directed taking of remedial measures and filing a further report. A further report had been filed on 01.07.2020 by the PCCF, Haryana to the effect that the demarcation of the illegal construction was yet to be done because of the Covid-19 pandemic.
5. Therefore, by order dated 2.07.2020, this Hon'ble Tribunal directed for further measures to be taken to enforce the rule of law and carry out restoration of the area:

"Let further steps be taken to enforce the Rule of Law. Cost of remedial measures, including the cost of restoration be recovered from the law violators and a further report filed before the next by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

6. That in the present Status Report, the Forest Department through the PCCF (Panchkula) has found that there were certain encroachments on chhoti pahadi (musteel no. 81) and badi pahadi (musteel no. 80) in the form of houses and boundary walls. The Forest Department however, has stated that the Applicant herein is also a violator and an encroacher, as are his family members.
7. That it is submitted that this is clearly false, and the Forest Department is misleading the Hon'ble Tribunal maliciously and without any evidence by stating that the Applicant also has encroached land on Aravalli. The Applicant submits that in the Status Report no encroachment has been identified in the name of the Applicant.
8. That the Status Report only mentions one Arun (son of Applicant) at serial no. 14 in the Annexure of "Encroachment Map of Village Manesar Badi Pahadi" and states that he had constructed a wall with a violation of 133 sq. yards. This wall has since then been demolished and the Applicant submits that this was inadvertent.
9. Further, the Status Report erroneously states that one Meer Singh is a family member of the Applicant, however neither he nor his ancestors have any relation to the Applicant. One Lalu has also been named as being the brother of the

Applicant, and while this is true, he does not own any land in the area. And further, the Applicant has no relation to such illegal activities.

10. It is submitted that the Forest Department is trying to malign the reputation of the Applicant before this Hon'ble Tribunal by suggesting that all the encroachment was done by the Applicant when this is incorrect as per the records placed before this Hon'ble Tribunal.
11. The Applicant submits that he is a public spirited person and has filed the Application in public interest with the aim to protect and preserve the ecologically sensitive areas of Aravalli. Further, the Applicant has no objections for any removal of construction or demolition of structures required to restore the Aravallis to their original condition.
12. The Applicant submits that he has filed many such cases against the Forest Department before this Hon'ble Tribunal namely OA 334/2019, OA 543/2019 and OA 1013/2019 where over 700 acres of Aravalli forest land has been protected. Therefore, the Forest Department is attempting to discredit the Applicant in this case.
13. Further, the Forest Department is misleading the Hon'ble Tribunal by stating that the demarcation and inspection of land was done 3 times at the behest of the Applicant and cost of Rs. 60,000 should be paid by the Applicant. However, the Forest Department sent a letter to the Tehsildar on 29.10.2020, stating that the demarcation and inspection was done more than once due to some infractions in the earlier surveys. A copy of the Letter No. 770G dated 29.10.2020 written by the Forest Department to the Tehsildar is hereto annexed as **ANNEXURE A-1**.
14. That the statement made by the Forest Department in the Status Report is contrary to the letter written by them to the Tehsildar. Hence, their statement has no merit and should not be considered. Thus, the Applicant is not responsible for the demarcation and cannot be asked to reimburse the department.
15. The Applicant also submits that due to the lack of protection around the chhoti pahadi, there is a possibility that there will be illegal encroachments again. This

chhoti pahadi is of height maximum 8ft in areas and it is mostly flat, and it is located within the houses in the village Manesar and there is greater chance of encroachments. Further, demolition of the houses and boundary walls has been undertaken however the debris and malba is still lying in those areas causing environmental damage. Therefore, further directions may be passed to remove the debris, and protect these ecologically sensitive Aravallis by carrying out construction of boundary wall and plantation of trees of indigenous species such as Neem, Peepul etc.

PRAYER

Therefore, it is prayed that this Hon'ble Tribunal may be pleased to:

- (a) Direct Respondent No. 4, the Forest Department to construct a boundary wall around chhoti pahadi in village Manesar, Gurugram, Haryana;
- (b) Direct Respondent No. 4, the Forest Department to remove the debris and malba of the demolished structures and plant indigenous species of trees including neem, peepul etc.
- (c) Pass any other orders that the Hon'ble Tribunal may deem fit.

THROUGH



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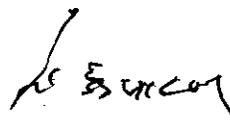
UNION OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT

I, Ram Avatar Yadav, aged 75 years S/o Shri Mata Din Yadav R/o Village and Post Office Manesar Gurugram- 122051, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the present matter and aware of the facts of the case and competent to swear this affidavit.
2. That the accompanying Reply has been drafted by my counsel and that the contents thereof are true and correct and nothing material has been concealed therefrom.
3. That I state that the Annexures are true and correct copies of their respective originals.



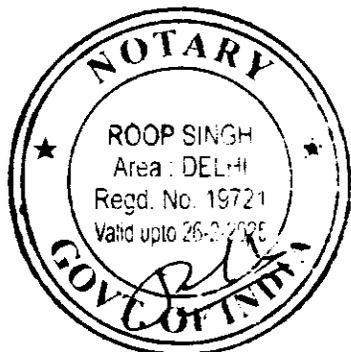
DEPONENT

VERIFICATION

Verified that the contents of this affidavit mentioned in para 1 to 3 are true to the best of my knowledge and belief and nothing has been concealed there from.

Verified on _____ day of _____ 2021 at _____.

12 MAR 2021



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Ram Avatar Yadav
S/o, W/o, D/o Mata Din Yadav
Identified By Shri/Smt. Rahul Chugh ADV.
has solemnly affirmed me at Delhi
on 12/3/21 that the contents of the affidavit which
have been read & explained to him are
true and correct to his knowledge.


ROOP SINGH
Notary Public, Delhi (INDIA)

12 MAR 2021

I Identified the deponent/executor
who has signed in my presence



क्रमांक- 7716

दिनांक- 29-10-2020

सेवा मे,

तहसीलदार,
मानेसर गुरुग्राम।

विषय:- मानेसर मे अरावली पौधरोपण क्षेत्र के मुसतिल नः 80// व 81// की दोबारा निशानदेही कराने बारे।

उपरोक्त विषय मे लिखा जाता है। कि मानेसर के मुसतिल नः 80// का किला नः 8/3, 9/1, 10/1, 11/2, 12, 13/1, 19/2 व मुसतिल नः 81// का किला नः 4/2, 5/1, 6/3, 7/1 की भूमि अरावली पौधरोपण का क्षेत्र है। जिसकी निशानदेही दिनांक 10.09.2020 को गिरदावर हल्का मानेसर द्वारा की गई थी। जिसकी निशानदेही की रिपोर्ट प्राप्त होने उपरांत पता लगा कि इस रिपोर्ट मे कुछ त्रुटिया रह गई है। अतः आपसे अनुरोध है कि उपरोक्त मुस्तिल नः की निशानदेही दोबारा कराने की अनुकम्पा करे। जिससे कि माननीय NGT न्यायालय मे सही रिपोर्ट जा सके।

[Signature]
वन राजिक अधिकारी
गुरुग्राम। o/c

क्रमांक- 7716 दिनांक- 29-10-2020

इसकी एक प्रति वन मण्डल अधिकारी गुरुग्राम की सेवा मे सूचनार्थ प्रेषित है।



[Signature]
वन राजिक अधिकारी
गुरुग्राम। o/c

[Handwritten signature]

30-10-2020

ATTESTED

EXAMINER

31/10/2021