

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT PRINCIPAL BENCH, NEW DELHI

In M.A. No. 48/2023 in disposed of case O.A. No. 200 of 2023

Kuldeep Singh Khaira & ors. Vs State of Punjab & ors.

Affidavit of Kapil Dev (aged 47 years) S/o Shri Jagdish Chander, R/o #186-E, B.R.S. Nagar, Ludhiana, Punjab.

RESPECTFULLY SHOWETH:

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

1. That the deponent, who is one of the Applicants (in person) in M.A. No. 48 of 2023 filed with this Hon'ble National Green Tribunal.
2. That the contents of paras no. 1 to 4 of the accompanying application depicting non-compliance to orders of this Hon'ble Tribunal by the Chief Secretary of Punjab & other respondents are true and correct to my knowledge.



4993  
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Identified that the deponent has signed before me him/her personally.

Place: Ludhiana

Dated: 04.11.2023

Verified that the affidavit SPA/GPA has been readover & explained to the deponent/executant who seemed directly to understand the matter at the writing

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana

Dated: 04.11.2023

ATTESTED AS IDENTIFIED

NOTARY PUBLIC, LUDHIANA (Pb.)

*[Signature]*  
DEPONENT

*[Signature]*  
DEPONENT

04 NOV 2023

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT PRINCIPAL BENCH, DELHI**

In M.A. No. 48 of 2023  
(In disposed of matter O.A. 200 of 2023)

In the matter of:

Kuldeep Singh Khaira & ors. .... Applicants

vs.

State of Punjab & ors. .. Respondents

**Rejoinder to Non-compliance to orders dated 28-07-2023 of this Hon'ble Tribunal by the Chief Secretary of Punjab as well as misleading facts by the Municipal Corporation Ludhiana (MCL) & Greater Ludhiana Area Development Authority (GLADA) and Ludhiana Improvement Trust (LIT).**

**It is most respectfully showeth:**

1. That I, Er. Kapil Dev (Applicant No. 2) in M.A. 48 of 2023 in disposed of case O.A. 200 of 2022 is submitting application to non-compliance of orders dated 07-08-2023 by the Municipal Commissioner of Municipal Corporation Ludhiana. It is pertinent to humbly submit here that after the submission of Report by the Principal Chief Conservator of Forests (HUUF) the Applicants had filed the Misc. Application and this Hon'ble Tribunal vide orders dated 28-07-2023 has directed as under thus;

*Para 5.* The Committee has recommended that the Forest Department should be directed to formulate the policy and guidelines for such activities.

*Para 6.* Accordingly, we direct Chief Secretary, Punjab to issue a proper instruction to Forest Department to formulate the policy of such incidents and the modalities may be adopted from Tree Protection Act of Delhi in addition to some other modifications required and thought by the authorities concerned.

*Para 7.* In the meanwhile, Forest Department shall take appropriate action with regard to such incidents and proper remedial measures would be taken for cutting of trees and protection of trees. Policies and guidelines so formulated be submitted to this Tribunal within three months.

2. That despite passing of more than three months, the Chief Secretary of Punjab has failed to comply with the orders of this Hon'ble Tribunal as no such document pertaining to remedial measures for protections of trees has been found to be uploaded by the Forest Department of Punjab. It is pertinent to submit here that this Hon'ble Tribunal in O.A. No. 793 of 2022 vide orders dated 07-08-2023 has directed as under;

*Para 28: It may also be observed here that State of Punjab, which has always been considered to be progressive and prosperous state inhabited by people who lead in the front in all spheres of human activities, does not have any law for protection of trees similar to the Delhi Trees Preservation Act, 1994 and any law for protection of green belts and parks similar to Uttar Pradesh Protection of Trees Act, 1976 and the Uttar Pradesh Parks, Play grounds and Open Spaces (Preservation and Regulation) Act, 1975. For appropriate remediation of environmental issues of protection of trees and open spaces, green belts and parks involved, we consider it appropriate to request the Chief Secretary to Government of Punjab (i) to place the matter before the Punjab Legislature for considering the desirability of enacting similar*

*legislations and (ii) to issue appropriate administrative instructions for protection of trees and open spaces, green belts and parks till the enactment of such legislations.*

3. That as per the Report submitted by the Principal Chief Conservator of Forests (HUFF) in disposed of case O.A. 200 of 2023, all the respondents except MCL have completed the enumeration work and MCL has given assurance to complete the tree census by 31-12-2023, **however the real fact is that neither GLADA nor Ludhiana Improvement Trust has completed the enumeration work related to census of trees coming in their jurisdiction.** Thus both the departments have committed an offence of misleading the Joint committee as well as this Hon'ble Tribunal by making false statements before the Joint Committee. Further MCL has not started enumeration work of trees coming within its jurisdiction till date. It is pertinent to submit here that due to delay in census by all the respondents as well as Non-compliance to the orders of this Hon'ble Tribunal by the Chief Secretary of Punjab, the illegal axing of trees in Ludhiana is very common and MCL is just doing the formality of submitting complaint with the Police Department, after which no action is taken by the Punjab Police. **It is humbly submitted that recently on 17-10-2023, owners of 55-I, Sarabha Nagar Ludhiana have illegally axed 10 well grown trees standing on Public Place along Road side, but despite submitting complaint by MCL to the SHO of Division No. 5 Police Station, no FIR has been registered till date.** The undersigned Applicant filed complaint with the Chief Secretary of Punjab, the DGP Punjab Police, the Commissioner of Police as well as MCL but no FIR has been registered by Punjab Police till date. A copy of complaint filed by the undersigned Applicant is produced herewith as **Annexure PA-1**. Two Photographs depicting illegal axing of trees are produced herewith as **Annexure PA-2**. Photograph of one tree Axed by owners of 546-E, BRS Nagar,

Ludhiana on 04-11-2023 is produced herewith as **Annexure PA-3 &** complaint filed with department is **Annexure PA-4.**

4. That despite similar orders pertaining to protection of trees in Punjab, the Chief Secretary of Punjab has failed to abide by the directions of this Hon'ble Tribunal till date resulting into encouraging the offenders and violators to damage the environment by illegal axing of trees again and again.

Keeping in view of directions of this Hon'ble Tribunal and regular instances of illegal axing of trees in Ludhiana, the Applicants humbly prays to this Hon'ble Tribunal as under:

1. Directions may kindly be issued to the Chief Secretary of Punjab as deemed to be fit by this Hon'ble Tribunal.
2. Humble prayer for directions to DGP Punjab Police for issuance of instructions to all Police Stations in Punjab to register FIR immediately on pending complaints as well as on receipt of any such complaint.
3. Directions may please be issued to the PCCF to submit report pertaining to enumeration work allegedly claimed to be done by GLADA & LIT.
4. Any other as deemed to be fit by this Hon'ble Tribunal.

Date: 04-11-2023

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)

(Petitioner in Person)

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ANNEXURE PA-1



Engineers Council &lt;engineerscouncilindia@gmail.com&gt;

## Request to register FIR against the culprits involved in illegal axing of NINE trees at Sarabha Nagar, Ludhiana as directed by Hon'ble NGT under the provisions of Environment Act, 1986 as well as other prevailing laws

Engineers Council &lt;engineerscouncilindia@gmail.com&gt;

Mon, Oct 23, 2023 at 3:39 PM

To: cs@punjab.gov.in, pccfb@punjab.gov.in, pccfcomplex@punjab.gov.in, dgp.punjab.police@punjab.gov.in, dc.ldh@punjab.gov.in, CommLudhiana <Commissionermcl@gmail.com>, Municipal Corporation <adcmcl3@gmail.com>, cp.ldh.police@punjab.gov.in, cp.ludhiana.police@punjab.gov.in

1. The Chief Secretary  
Government of Punjab  
Punjab Civil Secretariat  
Chandigarh

2. The Principal Chief Conservator of Forest  
Forest Department  
Punjab

3. The DGP  
Punjab Police  
Chandigarh

4. The District Magistrate  
DC office  
Ludhiana

5. The Police Commissioner  
Ludhiana Police Commissionerate  
Ferozepur Road  
Ludhiana

6. The Municipal Commissioner  
Zone-D, Sarabha Nagar  
Ludhiana

**Subject: Request to register FIR against the culprits involved in illegal axing of NINE trees at Sarabha Nagar, Ludhiana as directed by Hon'ble NGT under the provisions of Environment Act, 1986 as well as other prevailing laws.**

### Reference:

1. Directions of Hon'ble National Green Tribunal to to the Chief Secretary of Punjab in M.A. No. 48/2023 in O.A. No. 200 of 2023 - copy attached for ready reference.

2. Directions of Hon'ble National Green Tribunal to to the Chief Secretary of Punjab in O.A. No. 793 of 2022 - copy attached for ready reference.

Sirs,

**This is for your information and immediate necessary action as under:**

1. That nine trees adjoining to park opp. 59-I, Sarabha Nagar, Ludhiana have been illegally axed by some persons and as per telephonic conversation held with Sh. Sandeep Rishi IAS, Municipal Commissioner, Ludhiana, the culprits have been identified and written complaint has been submitted by MCL with Police Station Division No. 5. However, despite filing of written complaint against such heinous crime, **the Concerned SHO of Division No. 5 has failed to register FIR against the culprits till date.** Two photographs depicting illegal Axing of NINE trees are attached herewith.

2. That keeping in the view of similar instances, the undersigned along with some applicants had moved Hon'ble NGT and after hearing the plea of applicants, the Hon'ble Principal Bench vide it's orders dated 28-07-2023 had issued directions to the Chief Secretary of Punjab as under this;

Para 6. Accordingly, we direct Chief Secretary, Punjab to issue a proper instruction to Forest Department to formulate the policy of such incidents and the modalities may be adopted from Tree Protection Act of Delhi in addition to some other modifications required and thought by the authorities concerned.

Para 7. In the meanwhile, Forest Department shall take appropriate action with regard to such incidents and proper remedial measures would be taken for cutting of trees and protection of trees. Policies and guidelines so formulated be submitted to this Tribunal within three months.

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Para 8. List the matter on 08.11.2023.

(Copy of orders are enclosed for ready reference and immediate necessary action)

3. That in a petition filed by undersigned association Council of Engineers & ors. vs. State of Punjab & others against illegal encroachments over green belts and parks, the Hon'ble NGT vide it's orders dated 08-08-23 has directed as under this;

Para 28. It may also be observed here that State of Punjab, which has always been considered to be progressive and prosperous state inhabited by people who lead in the front in all spheres of human activities, does not have any law for protection of trees similar to the Delhi Trees Preservation Act, 1994 and any law for protection of green belts and parks similar to Uttar Pradesh Protection of Trees Act, 1976 and the Uttar Pradesh Parks, Play grounds and Open Spaces (Preservation and Regulation) Act, 1975. For appropriate remediation of environmental issues of protection of trees and open spaces, green belts and parks involved, we consider it appropriate to request the Chief Secretary to Government of Punjab (i). to place the matter before the Punjab Legislature for considering the desirability of enacting similar legislations and (ii) to issue appropriate administrative instructions for protection of trees and open spaces, green belts and parks till the enactment of such legislations.

Para 29. List for further consideration on 07.11.2023.

Para 30. A copy of this order be sent to the Chief Secretary to Government of Punjab, Regional Officer MOEF&CC, CPCB, PSPCB, District Magistrate, Ludhiana and the Commissioner, Municipal Commissioner, Ludhiana for requisite compliance.

Sir, from the directions of Hon'ble NGT (supra), it is crystal clear that it was lawful duty of the Chief Secretary of Punjab to issue appropriate administrative instructions for protection of trees and open spaces, green belts and parks till the enactment of the legislations for protection of trees in Punjab. Thus keeping in view of the directions of Hon'ble NGT, Environment Laws as well as other prevailing laws, you are requested to take action as per law and register FIR against the culprits without any further delay.

It may please be noted that the undersigned Association is going to submit copy of this complaint with Hon'ble NGT in both subjudice matters (supra).

Regards

Er. Kapil Dev  
President  
Council of Engineers  
#186-E, BRS Nagar  
Ludhiana  
Mobile: 9872007872

4 attachments



IMG\_20231023\_143716.jpg  
6717K



IMG\_20231023\_143752.jpg  
6795K

 NGT Orders - in Illegal Tree Axing.pdf  
248K

 NGT orders - Parks & Green Belts.pdf  
249K

ANNEXURE PA-2

TREES AXED BY OWNERS OF 55-I, SARABHA NAGAR LUDHIANA



**TREE AXED BY OWNER OF 546-E, BRS NAGAR LUDHIANA**

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Engineers Council &lt;engineerscouncilindia@gmail.com&gt;

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**Request to register FIR against owner/s of 546-E, BRS Nagar for Illegal Axing of Tree standing on Public place**

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Engineers Council &lt;engineerscouncilindia@gmail.com&gt;

Sat, Nov 4, 2023 at 6:01 PM

To: "secy.lg" &lt;secy.lg@punjab.gov.in&gt;, CommLudhiana &lt;Commissionermcl@gmail.com&gt;, joint.comm.m@gmail.com

The Principal Secretary  
Department of Local Government  
Govt. of Punjab  
Chandigarh

The Municipal Commissioner  
Zone-D, Sarabha Nagar,  
Ludhiana

Subject: Request to register FIR against owner/s of 546-E, BRS Nagar for Illegal Axing of Tree standing on Public place outside their residence.

sir,

This is for your information and immediate necessary action that one tree standing outside 546-E, BRS Nagar has been cut by the owner/s of 546-E, BRS Nagar causing severe damage to Environment. A photographs depicting remains of tree axed is attached herewith for ready reference. You are requested to register FIR against the Concerned persons as per law.

Regards

Er. Kapil Dev  
President  
Council of Engineers  
186-E, BRS Nagar,  
Ludhiana  
9872007872



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