

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In O.A. 168 of 2024)

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Place: Ludhiana
Date: 12-05-2024



Er. Kapil Dev

(Applicant No. 1 in Person)
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In O.A. No. 168 of 2024)

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors.Respondents

Rejoinder by the Applicants against major loopholes in “Tree Preservation Policy for Non-Forest Government and Public Land – 2024” policy framed by Department of Forest Wild Preservation, Government of Punjab.

Hon’ble sir,

Respectfully showeth,

The petitioners humbly submit as under:

1. That in continuation to our submission vide affidavit dated 14-11-2024 and 04-04-2024, it is further humbly submitted that there are major loopholes in the “**Tree Preservation Policy for Non-Forest Government and Public Land – 2024**” policy framed by Department of Forest Wild Preservation, Government of Punjab” as under:
 - i. The policy is incomplete vis a viz orders dated 08-08-2029 of this Hon’ble Tribunal in O.A. No. 346 of 2029 read along with orders dated 26-11-2019 in M.A. 229 of 2019 (Running page no. 42 to

- 44) as the orders have not been incorporated except enumeration of trees by the respective departments.
- ii. There is no provision pertaining to prevailing Environmental Laws for action to be taken against the culprits/offenders involved in illegal felling/pruning/pollarding of trees.
 - iii. There are no sections mentioned in the impugned policy under which the authorities will take action against the culprits including Public Servants involved in such illegal acts.
 - iv. There is no mention of any type of penalty for illicit felling/axing/pruning/pollarding in the impugned policy.
 - v. In the name of Agro-forestry, this Policy is giving free hand to Village Panchayats for felling of existing trees from Panchayat Lands which will result into felling of native well grown trees under the shadow of this policy.
 - vi. That there is no time duration mentioned in the policy to take action against the culprits/offenders involved in illicit felling/pruning/Pollarding of the trees standing on Non-Forest Public Land.
 - vii. The Clause 3.2 of this policy is in contravention of Clause No. 4.11 of the policy itself.
 - viii. That there is no provision regarding action against the concerned Committee, if the committee fails to take cognizance of the complaint pertaining to illicit felling of trees by any private person or Government Authority, the action against the committee.

- ix. That in clause 4.7 of the policy, the time given to District Forest Office for assessment of value of tree is only 24 hours of receipt of reference from the Head of concerned department which is very less.
 - x. That for felling of trees standing within Urban Areas of any district, there should be provision of inviting objections from Public by publishing Public Notice in at-least two popular newspapers, one in Punjabi and other in English whereas no such provision is given in the policy.
- 2.** That it is well known fact that the provisions of BNS 2023 (earlier IPC 1860) can be enforced upon any person involved in damage to Public Property but despite numerous complaints filed by Public and/or Local Bodies departments, there is no registration of FIR by police department. Further, the committee formulated in O.A. 200 of 2023 pointed out in its report that the only remedy available with the complaints/departments is to lodge a police complaint and same remedy has been made available to the complainants in this impugned policy (kindly refer to page no. 5 of main petition).
- 3.** That the applicants filed a complaint with the members of committee at district level against felling of two well grown trees by owner/s of 114-D, BRS Nagar, Ludhiana on 01-04-2025 but the concerned committee failed in taking action against the culprits, thus there must be any provision under Environmental laws to take action against the

concerned committee along with the offenders too. The copy of complaint dated 01-04-2025 filed by the Applicants with the concerned Committee/department is produced herewith as **Annexure P-9**.

PRAYER:

Keeping in view of the above produced facts, it is clear that there are major loopholes in the impugned policy and it is mere an eye wash vis a viz. environmental laws in India as there is no provision related to damage to Environment in the impugned policy for moving Hon'ble NGT against illegal axing of trees by offenders whereas, trees plays major role in protection of Environment including global warming as well as effective recharge of groundwater table. The Applicants humbly prays this Hon'ble Tribunal to issue directions to the State of Punjab to remove all the defects from the impugned Policy for safety/protection of trees in true spirit standing on Public Places in Punjab.



Date: 12-05-2025
Place: Ludhiana

Kapil Dev
(Applicant No. 1)

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PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Illegal Axing of TWO WELL GROWN trees by owners of 114-D, Bhai Randhir Singh Nagar, Ludhiana – request to register FIR against the culprits as well as action under Environmental laws.

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Tue, Apr 1, 2025 at 12:36 PM

To: dc.ldh@punjab.gov.in, commissionerml@gmail.com, ceeludhiana@yahoo.com, ceeldh.ppcb@punjab.gov.in, ludhianadfo@gmail.com

1. The Deputy Commissioner
Mini Secretariat
Ferozepur Road,
Ludhiana

2. The Municipal Commissioner
Municipal Corporation
Zone-D, Sarabha Nagar,
Ludhiana

3. The Chief Engineer
Punjab Pollution Control Board
Phase-V, Focal Point
Ludhiana

4. The District Range Officer
District Forest Office
Ludhiana

Subject: Illegal Axing of TWO WELL GROWN trees by owners of 114-D, Bhai Randhir Singh Nagar, Ludhiana – request to register FIR against the culprits as well as action under Environmental laws.

Reference: O.A. No. 168 of 2024 connected with O.A. No. 911 of 2022 regarding Tree Protection Policy framed by Government of Punjab.

Sirs,

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

1. That there were two well grown trees outside H. No. 114-D, Bhai Randhir Singh Nagar, Ludhiana and on 19th day of October 2024, the owner of the house fixed Solid Impermeable interlocking tiles (above road level) all around the these two trees as well as entire frontage of house by going against the directions of Hon'ble NGT (in O.A. 61 of 2021 as well as O.A. No. 293 of 2023) but despite intimating the

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concerned officials of MCL, no action was taken by MCL. Accordingly the matter was taken before the NGT and photograph clicked on 08-11-2024 along with GPS location was submitted as part and parcel of Rejoinder by the Applicants of O.A. 293 of 2024.

2. That despite submitting the details of fixing of interlocking tiles around the impugned trees, no action was taken by MCL. However, the fixing of tiles was just a well hatched conspiracy as despite repeatedly providing the information to the Horticulture department as well as Sh. Balwinder Singh XEN of Zone-D, nothing on ground ever happened and taking advantage of the inaction of concerned officials of MCL, the owner of 114-D, BRS Nagar has axed both the trees from tiles level, thus resulting in major damage to Environment. Overall, the fixing of tiles around trees was a well hatched conspiracy & first step of owner of 114-D, BRS Nagar with planning to axe both the trees standing on Public Place.

3. That the undersigned complainant had updated the information to the Commissioner, MCL on Thursday at 4:29PM but again no FIR has been registered against the culprits till date. It is important to mention here that the undersigned complainant along with other members of the Public Action Committee have filed one Petition (O.A. 168 of 2024) before the Hon'ble NGT and the same has been attached with main Petition No. O.A. 911 of 2022 in which the Government of Punjab has submitted one Policy before the High Level Committee formulated by the Hon'ble Green Tribunal.

4. That the act of owners of 114-D, BRS Nagar, Ludhiana is an **offence u/s 303(2) & 3(5) of BNS 2023 as well as Section 3 of Prevention of Damage to Public Property Act, 1984 as well as Environmental laws (to be checked by the Head of MCL).** Accordingly, the Applicants request you to register FIR against the owners of 114-D, BRS Nagar Ludhiana and investigate into the matter. **Further, as per orders of NGT, it is mandatory for concerned authorities (here MCL) to plant the well grown saplings of trees at the same location too.** Accordingly, the undersigned undersigned complainants request the Municipal Commissioner of Ludhiana to issue directions to the Horticultural Department to plant well grown sapling of trees at impugned location after removing all the solid impermeable tiles fixed above road level. **Two Photographs, one clicked on 08-11-2024 (depicting existence of well grown trees) and another clicked on 28-03-2025 (depicting trees axed by the culprits) are produced herewith for ready reference and immediate necessary action.**

Keeping in view of the illegal act of culprits, you are requested to act without any further delay and take action as per law.

Regards

Public Action Committee
through its Member Er. Kapil Dev

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#561-L, Model Town,
Ludhiana-141001
Mobile: 9872007872

Er. Kapil Dev
#186-E, BRS Nagar
Ludhiana
Mobile: 9872007872

Kuldeep Singh Khaira
#125, Ishar Nagar,
Ludhiana
Mobile: 9855544433

Er. Jaskirat Singh
#561-L, Model Town
Ludhiana

Dr. Amandeep Singh Bains
#1120, Basant Avenue
Ludhiana

2 attachments



Photo Clicked on 08-11-2024.jpeg
73K



Photo clicked on 28-03-2025.jpeg
137K

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in of O.A. No. 168 of 2024)

AFFIDAVIT

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit regarding Rejoinder dated 12-05-2025 by Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

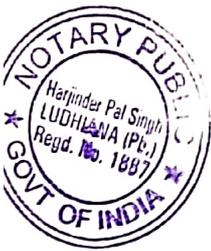
I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

- 1. That the deponent (Applicant No. 1) along with another Applicant have filed one O.A. 168 of 2024 pertaining to mechanism/policy to regulate the felling/pruning/pollarding of trees in Non-Forest Public land of Punjab.
- 2. That the Applicant is submitting the rejoinder dated 12-05-2025 in the said matters from Para No. 1 to 3 along with Annexure for kind consideration by this Hon'ble Tribunal.

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13-05-2025

Certified that the affidavit S.P.A./G.P.A. has been readover & explained to the deponent/Executant who seemed directly to understand the sense of the meaning thereof.

[Signature]
DEPONENT



Place: Ludhiana
Dated: 12.05.2025

13 MAY 2025
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.

[Signature]
DEPONENT

Place: Ludhiana
Dated: 12.05.2025

ATTESTED AS IDENTIFIED

[Signature] 13-05-2025

NOTARY PUBLIC
LUDHIANA (PB)

13 MAY 2025

know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence