

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

ORIGINAL APPLICATION NO. 824 OF 2024

IN THE MATTER OF:

PRAVEEN KUMAR

... APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS.

.... RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	REJOINER ON BEHALF OF THE APPLICANT TO THE RESPONSE AFFIDAVIT (REPLY) FILED BY RESPONDENT NO. 3	1-7
2.	AFFIDAVIT IN SUPPORT	8-9
3.	<u>ANNEXURE-A</u> COPY OF THE LETTER DATED 12.03.2025 ISSUED BY THE DIVISIONAL FOREST OFFICER (DFO), OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS, DEHRADUN FOREST DIVISION ALONG WITH ITS TRUE TRANSLATED COPY	10-12
4.	FRESH VAKALATNAMA	13
5.	PROOF OF SERVICE	14

THROUGH:

 
SHRIYA TAKKAR, MANAN TAKKAR, UNNATI ANAND,

   
AVANTIKA THAKUR, AASTHA TYAGI, PRINCE SHARMA & YASH DEWAN
ADVOCATES
ARTLO
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI.**

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REJOINDER ON BEHALF OF THE APPLICANT TO THE RESPONSE

AFFIDAVIT (REPLY) FILED BY RESPONDENT NO. 3

MOST RESPECTFULLY SHOWETH:

1. That the captioned Original Application has been filed by the Applicant herein against the illegal act of encroachment upon the forest land i.e. Jhajra Range situated at Sahaspur Block in Dehradun District of Uttarakhand State and construction of approach road in the middle of the forest land by cutting down shrubs and growing trees. That the matter is pending adjudication before this Hon'ble Tribunal and is now listed for hearing on 20.11.2025.
2. That the present Rejoinder is being filed by the Applicant to the Response Affidavit (Reply) dated 02.09.2025 filed by Respondent No.3 i.e. the Principal Chief Conservator of Forests, Uttarakhand. That the contents of the Original Application and IA 84 of 2025 are not repeated herein for the

sake of brevity and may kindly be read as a part and parcel of the present Rejoinder.

3. That at the outset, the Applicant herein denies each and every statement and contentions set forth in the reply to the extent the same are contrary to and/or inconsistent with the true and complete facts of the case and/or the submissions made on behalf of the Applicant in the Original Application as well as in the present Rejoinder. That the Applicant further humbly submits that the averments and contentions, as stated in the response affidavit filed by the Respondent No.3, may not be taken to be deemed to have been admitted by the Applicant, save and except what are expressly and specifically admitted and the rest may be read as travesty of facts.

4. That the Respondent No.3, in its reply, has stated that one *Aparna Explosives Company* is situated in Village Chowki, Dhaulas, under the jurisdiction of the Jhajra Range, and that for access to the said establishment, a *kutchha* path passes between Majhaun Reserve Forest Compartment No.11 and *nap* land. It has further been mentioned that, pursuant to the complaint made by the Applicant, a joint survey of the area was conducted by the Forest Department in coordination with the Revenue Department on 08.01.2025, during which the said *kutchha* path was found

to fall within the boundary of the Forest Department. Consequently, the area was immediately taken over by the Forest Department, and Range Case No. 63/Jhajra/2024-25 was registered for the said forest offence, followed by the filing of Complaint Case No. 156/2025 titled *Divisional Forest Officer, Dehradun vs. Amit Ahuja & Ors.* before the Hon'ble Chief Judicial Magistrate, Dehradun. At the outset, it is pertinent to clarify that Respondent No.3 has inadvertently described the *kutchha* access path to Aparna Explosives as the area taken over by the Forest Department, whereas, in fact, it is the illegal road constructed by private Respondents No.7-11 that was found to be located within the boundary of the Reserved Forest and accordingly taken into possession by the Forest Department. The *kutchha* path referred to by Respondent No.3 pertains to Khasra No.122 Kh, which is recorded as private land admeasuring 0.0200 hectares belonging to Mr. Kovid Ahuja (*Aparna Explosives and Alaknanda Services*), as duly reflected in the mutation records placed at page 99 of the court file. This clarification is crucial, as it reinforces that the offence pertains to the newly constructed illegal road in the Reserved Forest area (Khasra No.122 K) and not to the lawful private access path situated on private land (Khasra No.122 Kh).

5. That a letter dated 12.03.2025 issued by the Divisional Forest Officer (DFO), Office of the Deputy Conservator of Forests, Dehradun Forest Division, to the Forest Conservator, Shivalik Division, further substantiates the Applicant's stand. The said communication categorically records that, pursuant to the investigation conducted by the Forest Range Officer, Jhajra Range, as detailed in his report vide Letter No. 1046/27 dated 12.02.2025, the land where the illegal road was constructed in Khasra No.122 K of Village Chowki under the Majhaun Beat was demarcated and found to be situated within Majhaun Cell No.11 of the Reserved Forest. Consequently, Case No. 63/Jha/2024-25 was registered against unknown accused persons, the said land was taken into departmental possession, and trench excavation was undertaken to prevent further encroachment, with directions issued to regional forest personnel for continuous monitoring. This official communication conclusively clarifies that it was not the *kutchha* access path to Aparna Explosives (situated in Khasra No.122 Kh) that was taken over by the Forest Department, as inadvertently mentioned by Respondent No.3, but rather the illegal road constructed by private Respondents No.7-11 within the Reserved Forest area. The letter thus corroborates the Applicant's consistent position that the impugned construction is illegal, falls squarely within forest land. Copy of the letter dated 12.03.2025 issued by the

Divisional Forest Officer (DFO), Office of the Deputy Conservator of Forests, Dehradun Forest Division along with its true translated copy is marked and annexed herewith as **Annexure-A**.

6. In conclusion, the reply filed by Respondent No.3 unequivocally fortifies the stand of the Applicant that a road has indeed been constructed by private individuals within the boundaries of the Reserved Forest. The categorical admissions contained in the official communications and investigation reports leave no room for doubt that the illegal construction took place on forest land forming part of Majhaun Compartment No.11. It is further a matter of record that, despite repeated complaints and representations made by the Applicant to the concerned authorities, no effective or timely action was initiated by the Forest Department or other responsible officials until the filing of the present Original Application before this Hon'ble Tribunal. It was only upon judicial intervention that the matter was duly investigated, the encroachment identified, and proceedings initiated against the offenders. The sequence of events thus clearly establishes the inaction and apathy of the authorities concerned, and underscores the necessity of continued and strict oversight by this Hon'ble Tribunal to ensure protection, restoration, and preservation of the Reserved Forest area from further illegal encroachments.

7. In view of the foregoing facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to impose appropriate Environmental Compensation upon the persons found responsible for the illegal encroachment and construction of the road within the Reserved Forest area, in accordance with the "polluter pays" principle and established environmental jurisprudence. Further, it is imperative that immediate restoration measures be directed on the affected forest land where the area has been levelled and a road has been constructed by indiscriminately cutting shrubs and uprooting naturally grown trees. Additionally, stringent disciplinary and legal action is warranted against the concerned State authorities who, despite being duty-bound to protect forest land, failed to act in a timely and effective manner and appear to have acted in collusion or deliberate disregard of their statutory obligations. Such accountability is essential not only to remedy the present violation but also to deter similar instances of official inaction and environmental degradation in the future.

PRAYER

In light of the facts and circumstances mentioned herein above, it is prayed that this Hon'ble Tribunal may be graciously pleased to:

- i. Take the present Rejoinder on record;

And/Or;

Pass such and/or further orders as deemed fit and proper in the peculiar facts and circumstances of this case in favor of the Applicant/Petitioner.

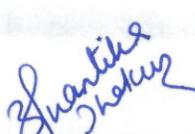
Note : Affidavit in support is attached.



PETITIONER/APPLICANT

PLACE:
DATE:



 (SHRIYA TAKKAR, MANAN TAKKAR, UNNATI ANAND,




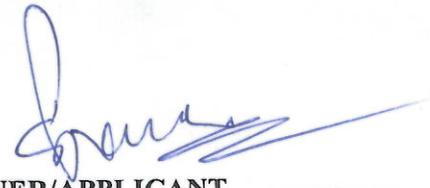
 AVANTIKA THAKUR, AASTHA TYAGI, PRINCE SHARMA & YASH DEEWAN
 ADVOCATES
 M/S ARTLO
 # P-6/2-E, DLF PHASE -2, GURGAON - 122002
 OFFICE: 0124-4210005
 9815550001
SHRIYATAKKAR@ARTLO.IN

VERIFICATION

I, Praveen Kumar Gautam S/o Sh. Jagadish Prashad Gautam Aged about 56 years, R/o H No 231/1, Salawala, Dehradun, 248001 hereby verify that the contents of paragraph No. 1 to thereof are true and correct to my knowledge. No part of it is false and no material fact has been kept concealed therefrom.

Date: 13.11.2025

Place: DEHRADUN



PETITIONER/APPLICANT

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

Original Application No.

Of 2024

IN THE MATTER OF:

PRAVEEN KUMAR GAUTAM

...APPELLANT

VERSUS

STATE OF UTTARAKHAND & ORS

...RESPONDENT

Affidavit of Praveen Kumar Gautam S/o Sh.
Jagadish Prashad Gautam Aged about 56
years, R/o H No 231/1, Salawala, Dehradun,
248001.

I, the above named deponent do hereby solemnly affirm and state as
under:

1. That I am the Applicant/Petitioner in the Present Original Application
and as such well acquainted with the facts of the present case as per
records available and competent to affirm the present affidavit.
2. That the Rejoinder has been drafted under my instructions and after
perusing its contents, the same has been duly signed and the contents of
the same are true and correct based on the records maintained by me in
the ordinary course of its day. No part of it is false and nothing material
has been kept concealed therefrom.



A handwritten signature in blue ink, appearing to be 'Shruti'.

3. That the Annexures attached with the Rejoinder are true copy of their original ones.

Place: Dehra Dun

Date: 13/11/20

[Handwritten signature]

DEPONENT

VERIFICATION:

Verified that the contents of para 1 and 3 of my affidavit are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therefrom.

Place: Dehra Dun

Date: 13/11/20

[Handwritten signature]

DEPONENT

Identified by-

[Handwritten signature]
AMITABH SHARMA
Advocate
Regn.No.UK-759/2016
LAWY



affidavit is sworn before me by
[Handwritten signature]
is identified Sri... *[Handwritten signature]*
Dehradun on... *[Handwritten signature]*
13/11/20

KM. URMILA BHATIA
Advocate & NOTARY, Dehradun

20250318_124120.jpg

Phone & Fax- 0135-2627612
E-mail - dfodoon@gmail.com

कार्यालय उप वन संरक्षक, देहरादून वन प्रभाग, देहरादून

पत्रांक-6014/12-1, देहरादून,

दिनांक, 12 / 02 / 2025

सेवा में,

वन संरक्षक,

शिवालिक वृत्त,

उत्तराखण्ड, देहरादून।

विषय:-मझौन कक्ष सं0 11 ग्राम चौकी, के आरक्षित वन में अवैध अतिक्रमण की शिकायत के संबंध में।

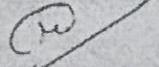
संदर्भ:-आपके कार्यालय पत्रांक 946/12-5, दिनांक 01.10.2024।

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र के कम में अवगत कराना है कि प्रकरण की जांच वन क्षेत्राधिकारी झाड़ारा रेंज से करायी गई। वन क्षेत्राधिकारी झाड़ारा रेंज ने अपने पत्रांक 1046/27, दिनांक 12.02.2025 द्वारा अपनी रिपोर्ट कार्यालय को प्रेषित की गई। उक्त जांच रिपोर्ट के अनुसार मझौन बीट के अन्तर्गत ग्राम चौकी के खसरा सं0-122क में जिस अवैध रास्ते का निर्माण हुआ था, की भूमि का सीमांकन करने के पश्चात् उक्त भूमि मझौन कक्ष सं0 11 के अन्तर्गत निहित पायी गयी व अज्ञात अभियुक्तों के विरुद्ध राजिवाद सं0-63/झा/2024-25 जारी कर उक्त भूमि को विभागीय कब्जे में लेकर खाई खुदान कार्य किया गया है, व राजिवाद की विवेचना गतिमान है, क्षेत्रीय वन कर्मियों को सम्बन्धित क्षेत्र में नियमित रूप से निगरानी हेतु निर्देशित किया गया है।

अतः कृत कार्यवाही की सूचना महोदय की सेवा में प्रेषित।

भवदीय,



(नीरज कुमार)

प्रभागीय वनाधिकारी

देहरादून वन प्रभाग, देहरादून

पत्रांक:-6014/12-1/उक्तदिनांकित।

प्रतिलिपि-उप प्रभागीय वनाधिकारी, देहरादून उप वन प्रभाग को उनके पत्रांक 1959/21-5 दिनांक 17.02.2025 के कम में सूचनार्थ प्रेषित।

रिप्ले

OK



(नीरज कुमार)

प्रभागीय वनाधिकारी

देहरादून वन प्रभाग, देहरादून

TRUE COPY

TRUE TYPED COPY

Phone & Fax-0135-2627612

E-mail-dfodoon@gmail.com

Office of the Deputy Forest Conservator, Dehradun Forest Division, Dehradun

Letter No.: 6014 / 12-1, Dehradun.

Date: 12/03/2025

To,

The Forest Conservator,

Shivalik Circle,

Uttarakhand, Dehradun.

Subject: Regarding complaint of illegal encroachment in forest land adjacent to Majaon Beat, Village No. 11, Gram Chowki.

Reference: Your office letter No. 946 / 12-5, dated 01.10.2024.

Sir,

In accordance with the letter referenced above, it is to be informed that the case was investigated by the Forest Range Officer, Jhajhara Range. The Forest Range Officer, Jhajhara Range, submitted his report to the office in his letter number 1046/27, dated 12.02.2025. According to the investigation report, after demarcating the land where the illegal road was constructed in Khasra No. 122K of Village Chowki, under the Majaon Beat, the land was found to be within Majaon Cell No. 11. By issuing a case number 63/Jha/2024-25 against unknown accused, the said land was taken into departmental possession and trench excavation was carried out. The investigation of the case is ongoing. Regional forest personnel have been directed to regularly monitor the concerned area.

Therefore, information regarding the action taken is sent to the service of Sir.

Yours faithfully,

(Signature)

(Neeraj Kumar)

Divisional Forest Officer

Dehradun Forest Division, Dehradun

Letter No.: 6014 / 12-1 / mentioned date

Copy to: Deputy Divisional Forest Officer, Dehradun Forest Division, along with their letter No. 1959 / 21-5 dated 17.02.2025, for information and necessary action.

(Signature)

(Neeraj Kumar)

Divisional Forest Officer

Dehradun Forest Division, Dehradun

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

Original Application No. 824 Of 2024

IN THE MATTER OF:

PRAVEEN KUMAR GAUTAM

...APPLICANT

VERSUS

STATE OF UTTRAKHAND & ORS

...RESPONDENT

KNOW ALL to whom these present shall come that I/We the above named APPLICANT hereby appoint, MS SHRIYA TAKKAR AND BELOW MENTIONED ADVOCATES to be the Advocates in the above noted case

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings case.

To appoint and instruct any other Legal Practioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 13th day of NOVEMBER, 2025

Accepted

(SHRIYA TAKKAR, MANAN TAKKAR, UNNATI ANAND,

AVANTIKA THAKUR, AASTHA TYAGI, PRINCE SHARMA & YASH DEEWAN
ADVOCATES

M/S ARTLO

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9815550001

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SIGNATURE AND THUMB IMPRESSION





Fw: Service OA No. 824 of 2024-Praveen Kumar vs. State of Uttarakhand and Ors.

From Prince <prince@artlo.in>
Date Tue 11/18/2025 7:28 PM
To Kuldeep Kumar/Suresh Kumar Clerks ARTLO <Clerks@artlo.in>

2 attachments (8 MB)

OA 824 OF 2024 REJOINDER TO R-3.pdf; OA 824 OF 2024 REJOINDER TO R-6.pdf;

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From: Manan Takkar <manantakkar@artlo.in>
Sent: Tuesday, November 18, 2025 7:27:20 PM
To: chiefsecyuk@gmail.com <chiefsecyuk@gmail.com>; uttaranchal@nic.in <uttaranchal@nic.in>; pccfuk@gmail.com <pccfuk@gmail.com>; vanvikas12@gmail.com <vanvikas12@gmail.com>; dmdehua@nic.in <dmdehua@nic.in>; doonpolice@yahoo.com <doonpolice@yahoo.com>
Cc: Shriya Takkar <shriyatakkar@artlo.in>; Unnati <Unnati@artlo.in>; Aastha Tyagi <aastha@artlo.in>; Prince <prince@artlo.in>
Subject: Service OA No. 824 of 2024-Praveen Kumar vs. State of Uttarakhand and Ors.

Dear Sir/Madam,

Please find attached a copy of the Rejoinder on behalf of the Applicant to the Response Affidavit filed by Respondent No. 3 & 6 in Original Application No. 824 of 2024 titled as Praveen Kumar vs. State of Uttarakhand and Ors. pending before the Hon'ble National Green Tribunal, New Delhi.

Regards,

Manan Takkar, Advocate
Associate
ARTLO

email: manantakkar@artlo.in
website: www.artlo.in

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