

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

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THROUGH:



SHRIYA TAKKAR, MANAN TAKKAR, UNNATI ANAND,





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... APPLICANT

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REJOINDER ON BEHALF OF THE APPLICANT TO THE
COMPLIANCE AFFIDAVIT (REPLY) FILED BY RESPONDENT
NO.6.

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 Compliance Affidavit (Reply) dated 09.07.2025 filed by Respondent No.6 i.e. Senior Superintendent of Police, Dehradun, 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 reply/compliance affidavit filed by the Respondent No.6, 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 at the outset, it is necessary to mention herein that the present Original Application filed by the Applicant pertains to an illegal road constructed by Respondent No.7 to 11 at Geo-coordinates Road Cut - 30.24'11.2"N 77.59'58.9"E and Road End- 30.24'09.4"N 77.59'57.0"E which is a part of the reserved forest. As mentioned by the Applicant in IA 84 of 2025, a letter was issued by the Office of Deputy Forest Conservator, Dehradun Forest Division, Dehradun to Deputy District Magistrate, Vikasnagar stating as under (Page 95-96 of the court file):

“In the above reference letter, it is to be informed that the Forest Office, Jhajra Range has informed that a path has been made by some people in compartment no. Majhaun-11 under Majhaun Beat. Some part of which was found to be under the reserved forest. Due to which there is a possibility of illegal encroachment.”

That in furtherance of the above issued letter, a survey was carried out by Revenue Officer Chowki, Forest Beat Officer Majaon, Section Officer Majaon, Surveyor Dehradun Forest Division and Range Officer Jhajra Range and the following observations were made (Page 97-98 of the court file):

“Forest settlement officers, issued site plan in section 20 and Map of Chak 20, Pillars 4X5 were found on site. Pillars 5 being made the Base available Gazette GO BEAEING No. – 2485 14-KH - 20(234) -69 dated 21/01/1971 enumerating BEAEING distance of 6,7,8,9,10 Pillars were marked. Their exists a road in 122 kh which is recorded as private land 0.0200 hectare, the Revenue Record confirms the same and mutation copy is enclosed.

The “Constructed” road is in Khasra No.-122 K having an area of 62.564 Hectare which is entered in the revenue records as Forest land. As per records of DFO Dehradun the class No Majoan 11 is Reserve Forest and the road is constructed in Reserve Forest.”

It is relevant to mention herein that the road stated to be existing in 122 kh recorded as private land belongs to Mr. Kovid Ahuja (Aparna Explosives and Alaknanda Services) (Mutation records are at page 99 of the court file). That further, the road that is stated to be constructed in the Khasra No. 122 K is the road that has been illegally constructed by the private Respondent No. 7 to 11.

5. That the communication issued by the Office of the Deputy Forest Conservator, Dehradun Forest Division, Dehradun, read along with the Joint Terrestrial Survey Report, unequivocally establishes that a road has been constructed on land forming an integral part of the notified Reserve Forest. However, despite such clear and authoritative findings, the reply/compliance affidavit dated 09.07.2025 filed by Respondent No.6 is conspicuously silent on the issue of the

aforementioned illegal road, specifically the road constructed by Respondents No.7–11 on Khasra No.122 K. Instead of addressing this core and material illegality, Respondent No.6 has attempted to divert attention by referring to the road situated in Khasra No.122 Kh, which is recorded as private land belonging to Mr. Kovid Ahuja (Aparna Explosives and Alaknanda Services). This deliberate evasion and misdirection clearly reflect the Respondent's failure to acknowledge or justify the unauthorised construction within the Reserve Forest area, thereby necessitating strict intervention of this Hon'ble Tribunal.

6. That in light of the above, it becomes abundantly clear that Respondent No.6 is attempting to selectively place reliance on the judgment passed in Original Suit No. 763 of 2006, while completely disregarding its true scope and findings. At the very outset, it is crucial to clarify that the suits, revision petitions, and other proceedings referred to by Respondent No.6 relate to a different road altogether, namely the road situated in Khasra No.122 Kh, which is recorded as private land belonging to Mr. Kovid Ahuja (Aparna Explosives and Alaknanda Services). These proceedings have no bearing whatsoever on the illegal construction of the road within the Reserve Forest area on Khasra No.122 K, which is the specific subject matter of the present Original Application. By citing unrelated judicial proceedings, Respondent No.6 has not only attempted to mislead this Hon'ble Tribunal but has also deliberately diverted attention from the illegal acts of Respondents No.7–11 pertaining to Reserve Forest land. Such selective reliance and misrepresentation of facts clearly demonstrate an attempt to justify and legitimize unlawful encroachment on forest land, which cannot be countenanced in law.

7. It is evident that the Respondent is attempting to selectively rely upon the civil court judgment dated — passed in Original Suit No. 763 of 2006, without appreciating its clear and categorical findings. A bare perusal of the issues framed and adjudicated therein, as reflected at page 128 of the court file, shows that Issue No.1 specifically pertained to whether the road in question was a public road (the subject matter of the suit being the road situated in Khasra No.122 Kh belonging to Mr. Kovid Ahuja (Aparna Explosives and Alaknanda Services)). The trial court, after due consideration of the evidence on record, unequivocally held that it could not be proved that the road in question is a public road, and consequently concluded that the said road is not a public road. Therefore, rather than supporting the case of the Respondents, the said judgment fortifies the stand of the Petitioner that the road in question does not carry the character of a public road. The Respondent's attempt to cite the judgment as a justification for the present illegal acts is wholly misplaced, misconceived, and amounts to a deliberate misinterpretation of judicial findings. Such conduct further demonstrates that the Respondents have no lawful basis for the construction/usage of the road and are merely seeking to create a smokescreen by twisting the findings of the civil court to suit their convenience.
8. That it is also pertinent to highlight that the road in question in the Original Suit 763 of 2006 i.e. road situated in Khasra No.122 Kh belonging to Mr. Kovid Ahuja (Aparna Explosives and Alaknanda Services), stands recorded in the revenue records partly in the name of the Forest Department and partly in the name of Aparna Explosives (through its proprietor, Mr. Kovid Ahuja). In this backdrop, it assumes significance that the Original Suit No. 763 of 2006 was instituted by the plaintiffs therein seeking an injunction on the premise that the

road was a public road. The trial court, after framing specific issues and evaluating the evidence, categorically rejected such a claim and dismissed the suit, thereby conclusively holding that the road is not a public road. Thus, the judicial finding squarely negates any assertion of public character of the road. It is beyond dispute that the road is not a public road and, therefore, Respondents No.7–11 had no lawful authority to undertake any construction or widening activity on the said land under the guise of public usage or public access. This clear factual and legal position further demonstrates the wholly unlawful nature of the encroachment and construction carried out in the forest land forming part of Khasra No.122 K.

9. That moreover, Respondent No.3, the Principal Chief Conservator of Forests, Uttarakhand, has filed a reply dated 02.09.2025 wherein it has been unequivocally confirmed that Range Case No. 63/Jhajra/2024-25 (Case No. 156 of 2025 titled *Divisional Forest Officer, Dehradun vs. Amit Ahuja & Ors.*) has been instituted before the Learned Judicial Magistrate against the individuals responsible for illegally constructing a road within the Reserved Forest area, namely private Respondents No.7–11.
10. In view of the foregoing facts and submissions, it is evident that Respondent No.6 has completely failed to address the core and only real issue before this Hon'ble Tribunal, namely the illegal construction of a road by Respondents No.7–11 within the Reserved Forest area falling in Khasra No.122 K. Instead of responding to this grave and admitted infraction of forest law, Respondent No.6 has sought to mislead this Hon'ble Tribunal by repeatedly referring to proceedings and land parcels relating to Khasra No.122 Kh, which is private land and wholly unrelated to the present dispute. The record, including revenue

entries, forest communications, the civil court's findings, and even the prosecution initiated by the Forest Department itself, unequivocally establishes that the road in question is neither a public road nor one permissible in law. The evasive and selective approach adopted by Respondent No.6, coupled with attempts to deflect attention away from the admitted illegalities, strongly suggests collusion with private Respondents No.7-11, who are the direct beneficiaries of this unauthorized construction. Such conduct not only undermines the sanctity of statutory forest protections but also amounts to an attempt to shield violators and frustrate the ends of justice.

11. That the contents of the reply/compliance affidavit filed by Respondent No.6 are denied in their entirety. The submissions, averments, and facts placed on record by the Applicant herein above may kindly be treated and read as a comprehensive reply to each and every paragraph and contention raised in the reply/compliance affidavit of Respondent No.6. It is reiterated that none of the assertions or explanations furnished by Respondent No.6 withstand scrutiny or rebut the material facts and evidence demonstrating the illegal construction of a road on Reserved Forest land by Respondents No.7-11, and the Respondent's selective disclosures and evasive stance further reinforce the Applicant's case.

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.



Praveen

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

Place: Dehra Dun
Date: 13/11/20

[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

[Signature]
DEPONENT

Identified by

[Signature]
AMITABH SHARMA
Advocate
Regn.No.UK-758/2016



affidavit is sworn before me by
Baneen Kumar Gauran
is identified Shri. *Amitabh Sharma*
Dehradun on *13/11/20*
KM. URMILA BHATIA
Advocate & NOTARY, Dehradun



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

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