

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

[Under Sections 18(1) read with Sections 14 & 15 of the
National Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO.272 OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & Ors. ... Applicant
Versus.
Union of India & Ors. ... Respondents

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New Delhi

DATED: 16-9-24

[Signature]
[VISHWENDRA VERMA] & [SHIVALI]

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY THE RESPONDENT NO.9 ALONGWITH
AFFIDAVIT**

MOST RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the answering respondent No.7 and 8 to 10 played a fraud with this Hon'ble Tribunal by placing misleading, distorting and wrong facts before this Hon'ble Court. It is submitted that the averments mentioned in the para are incorrect which clearly shows that the answering respondent played a fraud with this Hon'ble Tribunal. It is submitted that in spite of directions issued by the Tribunal, the said respondents even continue to violate the law and started construction on the said land in question mentioned in para III of the OA at page 17 & 18. It is clear from the board placed outside the land where the name and phone no. of the respondent is mentioned. Even though

the respondent no. 7/ Forest Department categorically mentioned in his noting that the respondent no. 9 without converting agriculture land into urban land (aabadi land) cutting the plots and the name of the colony is Dev Kunj Vihar on the gate and respondent no. 9 phone no. of also mentioned therein. It is submitted that the restraining order has been passed under section 107/116 Cr.PC. Even though a report had been submitted by the Forest Department on 11.02.2024 that the respondents 8 to 10 are illegally cutting mango trees. It is clear from the photograph that the respondent is cutting colony on the said khasaras in connivance with the respondent No.8 to 10. Copies of the photographs which are showing the respondents started cutting colony on the said land are annexed and marked as **ANNEXURE -RA.1**

REPLY TO THE PRELIMINARY OBJECTIONS

1. That the contents of para 1 of the preliminary objections are wrong and hence the same are denied. It is submitted that the applicants placed true and correct facts before this Hon'ble Court. It is clear from the report of the Forest Department that the answering respondent is actively participated in cutting of the trees. It is also clear he is cutting colony on the said land. He was booked in the offence under section 107/116 Cr.PC.
2. That the contents of para 2 of the preliminary objections are wrong and hence the same are denied and in respect

of the submission the answering respondent has to place strict proof.

3. That the contents of para 3 of the preliminary objections are wrong and hence the same are denied. It is submitted that the respondent no. 8 to 10 are having good relations and common intention to damage the mango trees/bagh.
4. That the contents of para 4 of the preliminary objections are wrong and hence the same are denied. The applicant is placing photographs of the green mango trees and after cutting the trees the barren land and thereafter they are cutting colonies on the said land and the respondent no. 9 has been shown as the contacting person/local person. It is submitted that there is a huge chunk of land which is 'Mango Bagh' and not a single tree at the side of road hence, the respondent no. 9 has given a vague averment to save himself but it is clear that he was in connivance with all other respondents and deliberately cut the mango trees from the land.

PARAWISE REPLY

- I & II. That the contents of para I & II of the parawise reply of the affidavit are wrong and denied.
- III. That the contents of para III of the parawise reply of the affidavit are wrong and denied.
- IV. That the contents of para IV of the parawise reply of the affidavit are wrong and denied.
- V. That the contents of para V of the parawise reply of the affidavit are wrong and denied.

- VI. That the contents of para VI of the parawise reply of the affidavit are wrong and denied.
- VII. That the contents of para VII of the parawise reply of the affidavit are wrong and denied.
- VIII. That the contents of para VIII of the parawise reply of the affidavit are wrong and denied.
- IX. That the contents of para IX of the parawise reply of the affidavit are wrong and denied.
- X. That the contents of para X of the parawise reply of the affidavit are wrong and denied.
- XI. That the contents of para XI of the parawise reply of the affidavit are wrong and denied.

REJOINDER TO THE REPLY TO FACTS IN BRIEF

1. That the contents of para 1 of the reply to facts in brief are wrong and hence the same are denied. It is clear from the above mentioned facts that the answering respondent is having good knowledge and trying to give clean chit to the respondent no. 8 & 10.
2. That the contents of para 2 of the reply to facts in brief are wrong and hence the same are denied. It is submitted that the answering respondent is colonizer and having connivance with respondent 8 & 10.
3. That the contents of para 3 of the reply to facts in brief are wrong and hence the same are denied. It is submitted that the answering respondent is colonizer and having connivance with respondent 8 & 10.
4. That the contents of para 4 of the reply to facts in brief are wrong and hence the same are denied. It is

submitted that the answering respondent is colonizer and having connivance with respondent 8 & 10.

5. That the contents of para 5 of the reply to facts in brief are wrong and hence the same are denied. The applicants shall take appropriate actions against the answering respondent for alleging irrelevant and unsustainable allegations. It is also vehemently denied that the applicants are greedy and never respects the relations. It is made clear that the meaning of respect and relation is not that the respected and related person can commit offence and take law in their own hand and applicant will behave only a mute spectator. The pending disputes have no relation with the present matter.
6. That the contents of para 6 of the reply to facts in brief are wrong and hence the same are denied. It is clear from the reply filed by the respondent no. 7 that the respondent no. 8 & 10 illegally cut the trees and the respondent no. 1 to 7 connived with the respondent no. 8 & 10.
7. That the contents of para 7 of the reply to facts in brief are wrong and hence the same are denied.
8. That the contents of para 8 of the reply to facts in brief are wrong and hence the same are denied.
9. That the contents of para 9 of the reply to facts in brief are wrong and hence the same are denied.
10. That the contents of para 10 of the reply to facts in brief are wrong and hence the same are denied.

11. That the contents of para 11 of the reply to facts in brief are wrong and hence the same are denied.
12. That the contents of para 12 of the reply to facts in brief are wrong and hence the same are denied.
13. That the contents of para 13 of the reply to facts in brief are wrong and hence the same are denied.
14. That the contents of para 14 of the reply to facts in brief are wrong and hence the same are denied.
15. That the contents of para 15 of the reply to facts in brief are wrong and hence the same are denied.
16. That the contents of para 16 of the reply to facts in brief are wrong and hence the same are denied. It is submitted that the OA is within limitation. The prayer made in the OA is reiterated herein.

PRAYER

It is therefore most respectfully prayed that the prayer made in the reply may kindly be dismissed with heavy and exemplary cost in the interest of justice.

It is further prayed that the respondent No.9 may kindly be punished for stating wrong and incorrect facts in the reply and even try to mislead this Hon'ble Court therefore, it is prayed that the respondent no. 9 may kindly be punished in accordance with law with heavy and exemplary cost.

It is further prayed that from the documents annexed in the pleadings clearly shows that the respondent no. 9 deliberately cause loss to the environment and hence deserves punishment in accordance with law in the interest of justice.

To grant any other and further orders which may be deemed fit and proper in the interest of the justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

Deepank

Signature of the Applicant

New Delhi
DATED:

[Handwritten Signature]
[VISHWENDRA VERMA] & [SHIVALI]
Advocates for the Applicants
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Barakhamba Road,
New Delhi
09871704611
verma.vishwendra@yahoo.co.in

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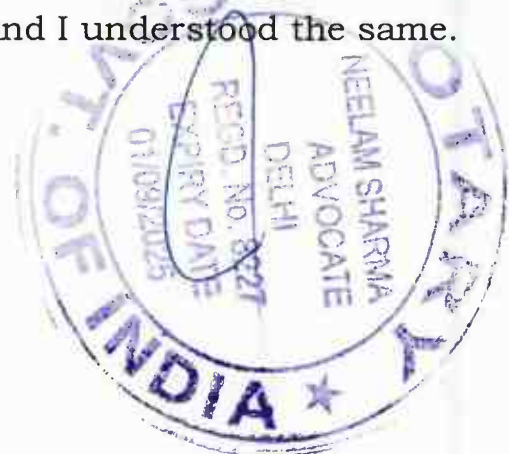
Versus.

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AFFIDAVIT

I, DEEPANK KUMAR SHARMA, S/o Shri Dinesh Kumar Sharma, aged about ___ years, R/o 1810, Mandi Railway road, Near Sarvodaya Inter College, Railway Road, Pilakhuwa, Tehsil Hapur, U.P.. Presently at New Delhi, do hereby solemnly affirm and state as under-

1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of this reply has been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.



3. That the contents of this reply are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

Deepank

DEPONENT

18 SEP 2024

VERIFICATION:

Verified at Delhi on this the day of September, 2024 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

Deepank

DEPONENT



I identified the deponent who has signed in my presence.

ATTESTED

Neelam Sharma
NOTARY (Govt. of India)
Neelam Sharma
Advocate
21 No 165A, Gate No. No. 11,
Patiala House Court,
New Delhi-110001
(M) 9899408301

18 SEP 2024



PICS OF MANGO TREES GARDEN AT MANDAWAR –BIJNOR ROAD & MANGO TREES GARDEN AT MANDAWAR-CHANDAK ROAD, MANDAWAR BEFORE CUTTING OF MANGO TREES

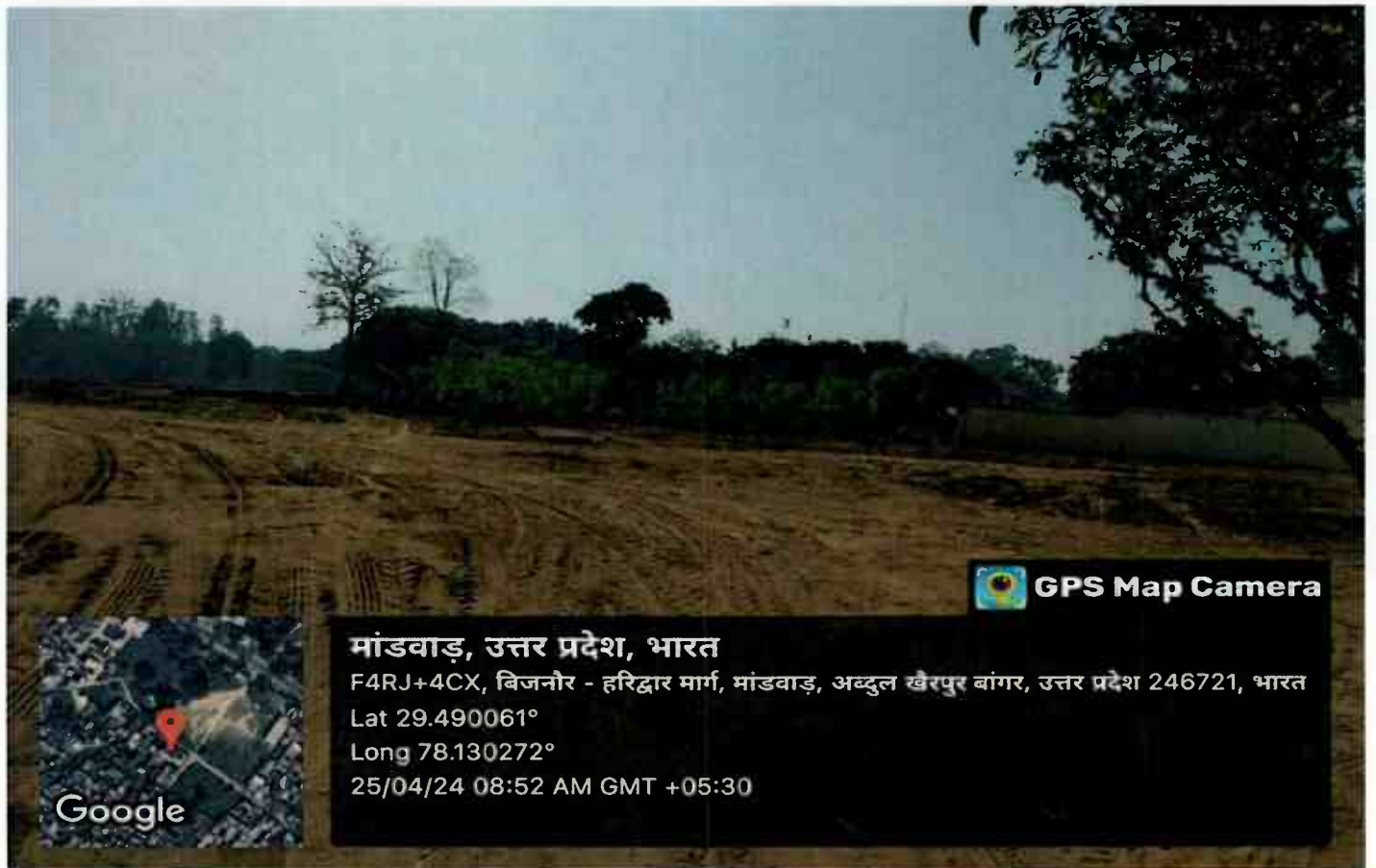






PICS OF MANGO TREES GARDEN AT MANDAWAR –BIJNOR ROAD & MANGO TREES GARDEN AT MANDAWAR-CHANDAK ROAD, MANDAWAR AFTER CUTTING OF MANGO TREES



















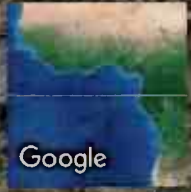








GPS Map Camera



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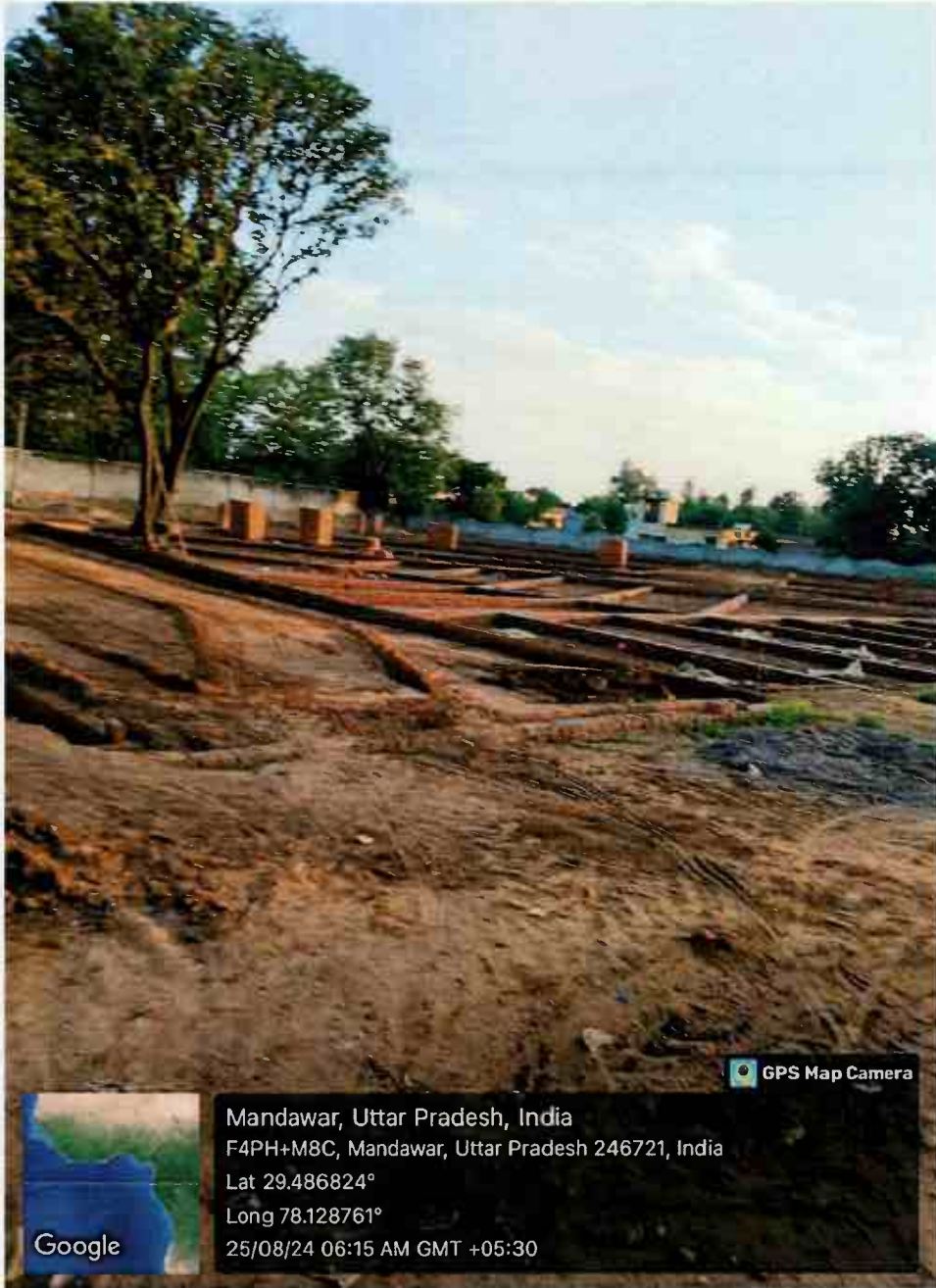
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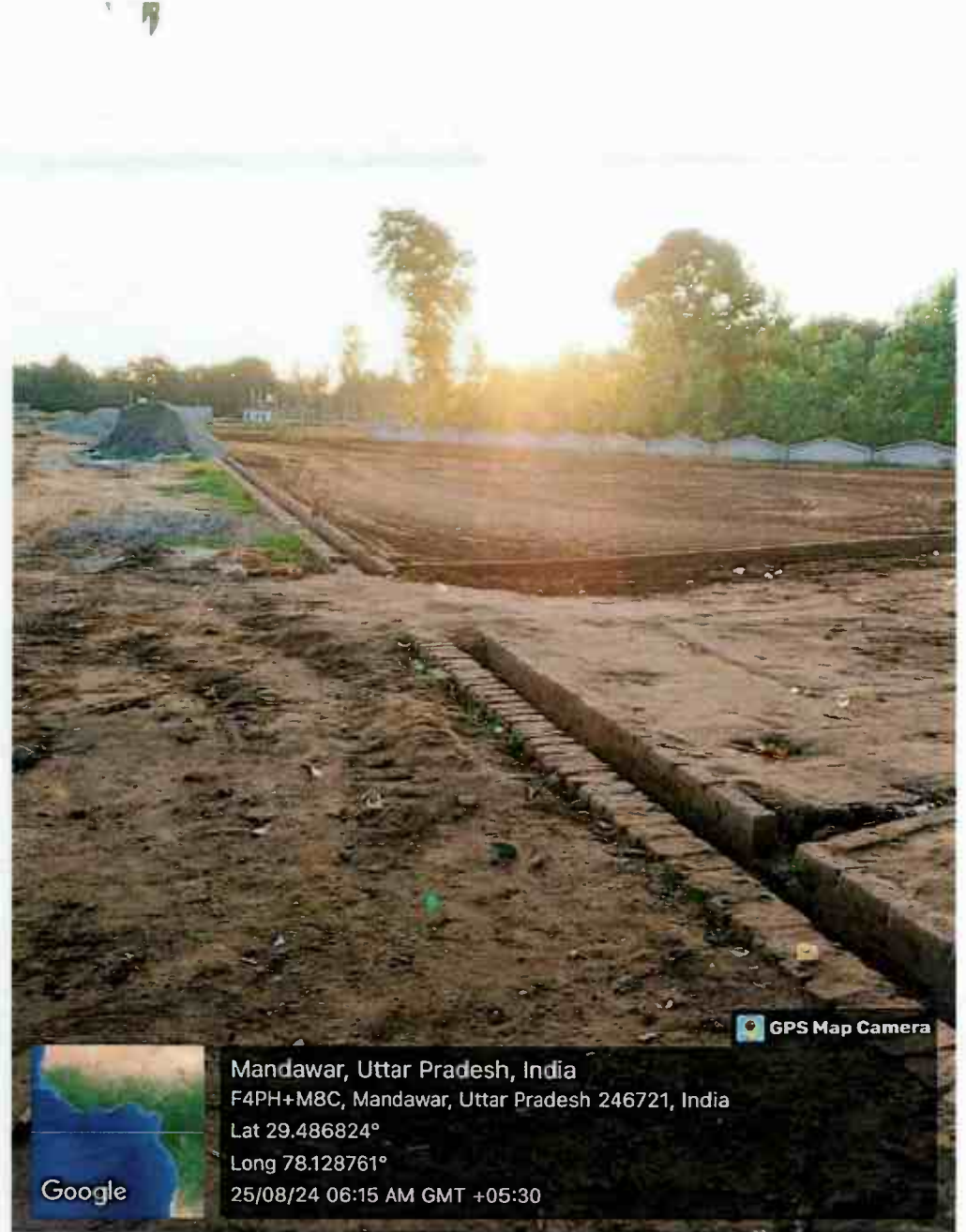
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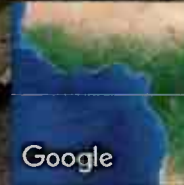
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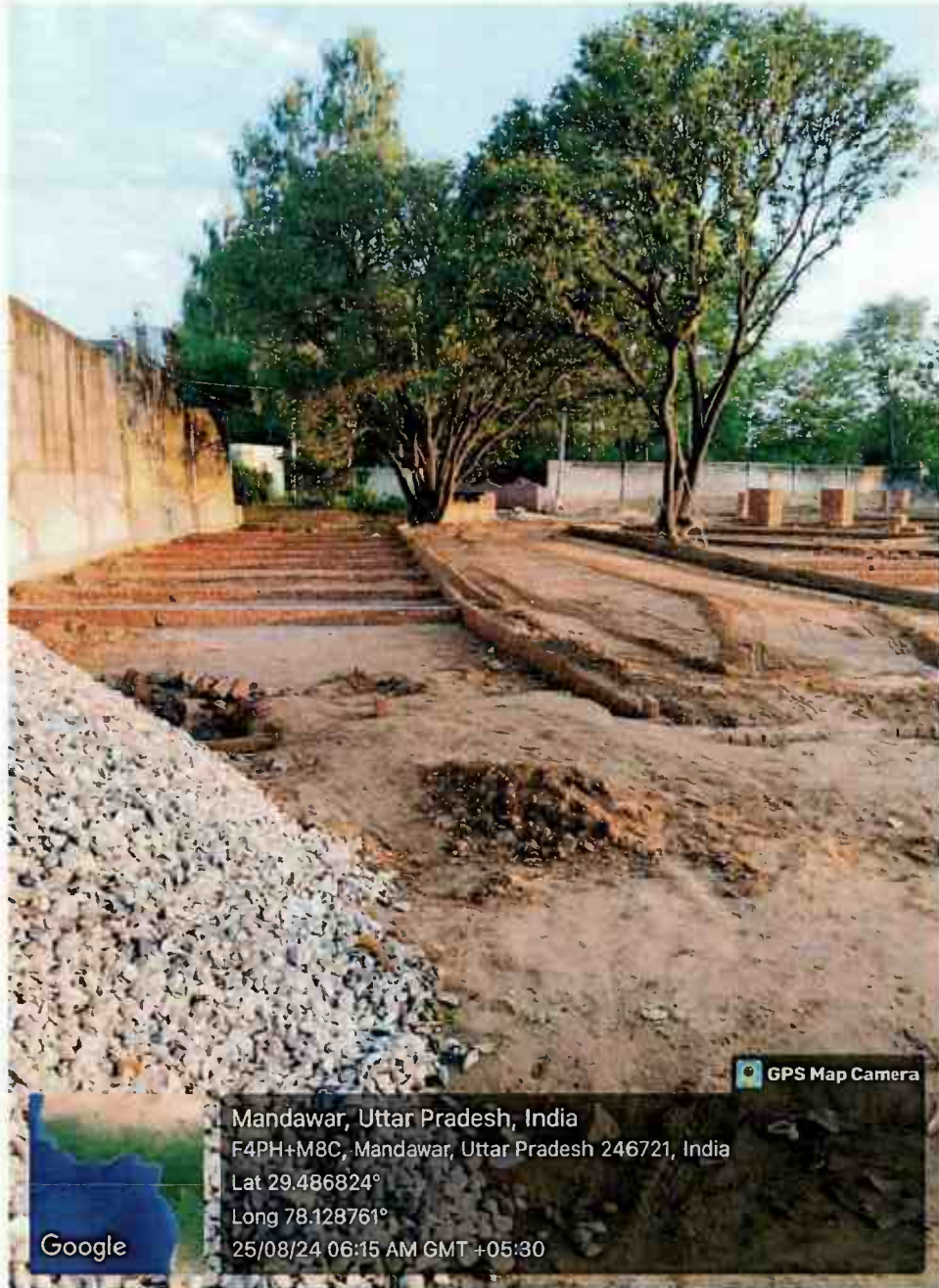
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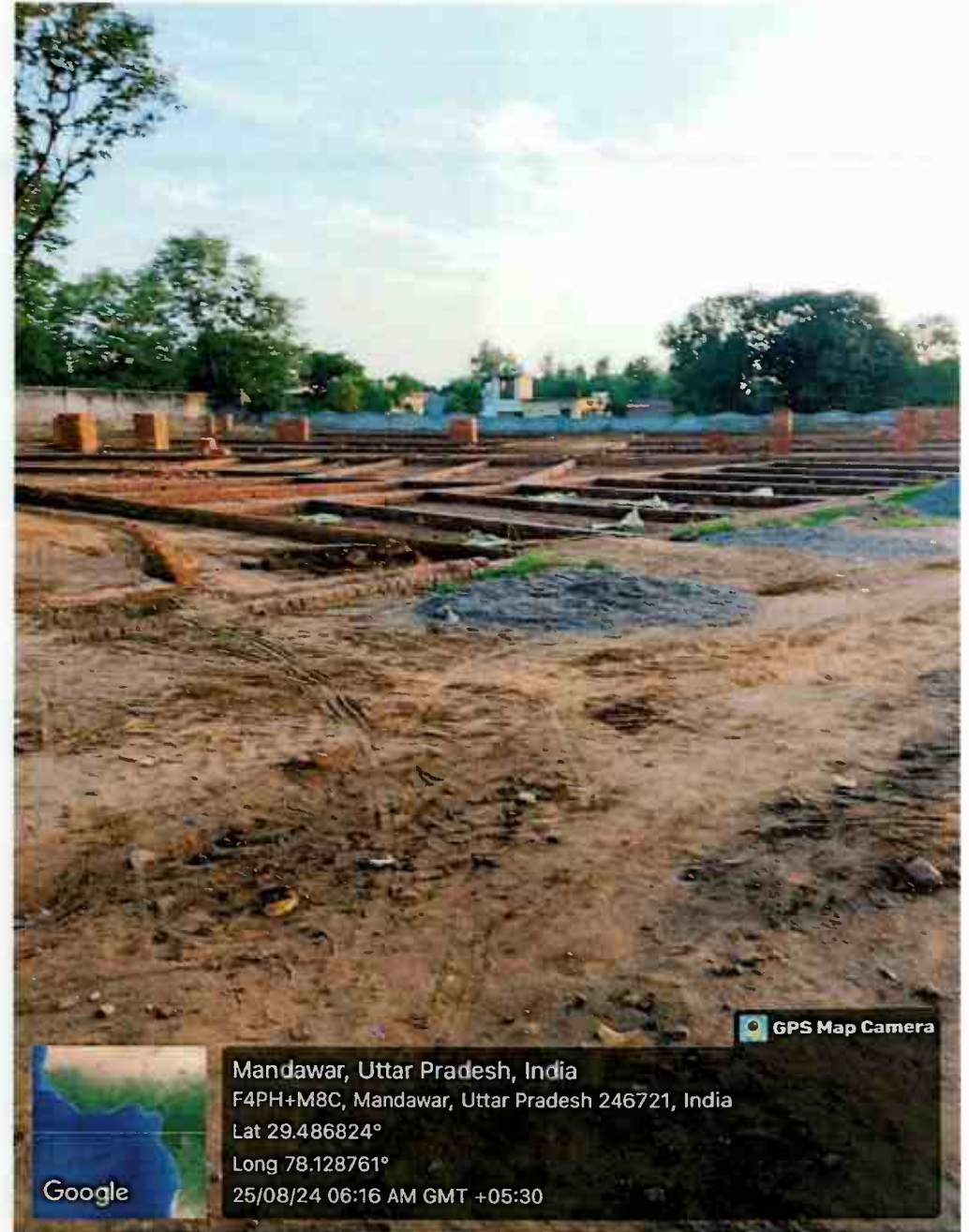
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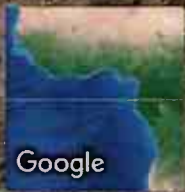
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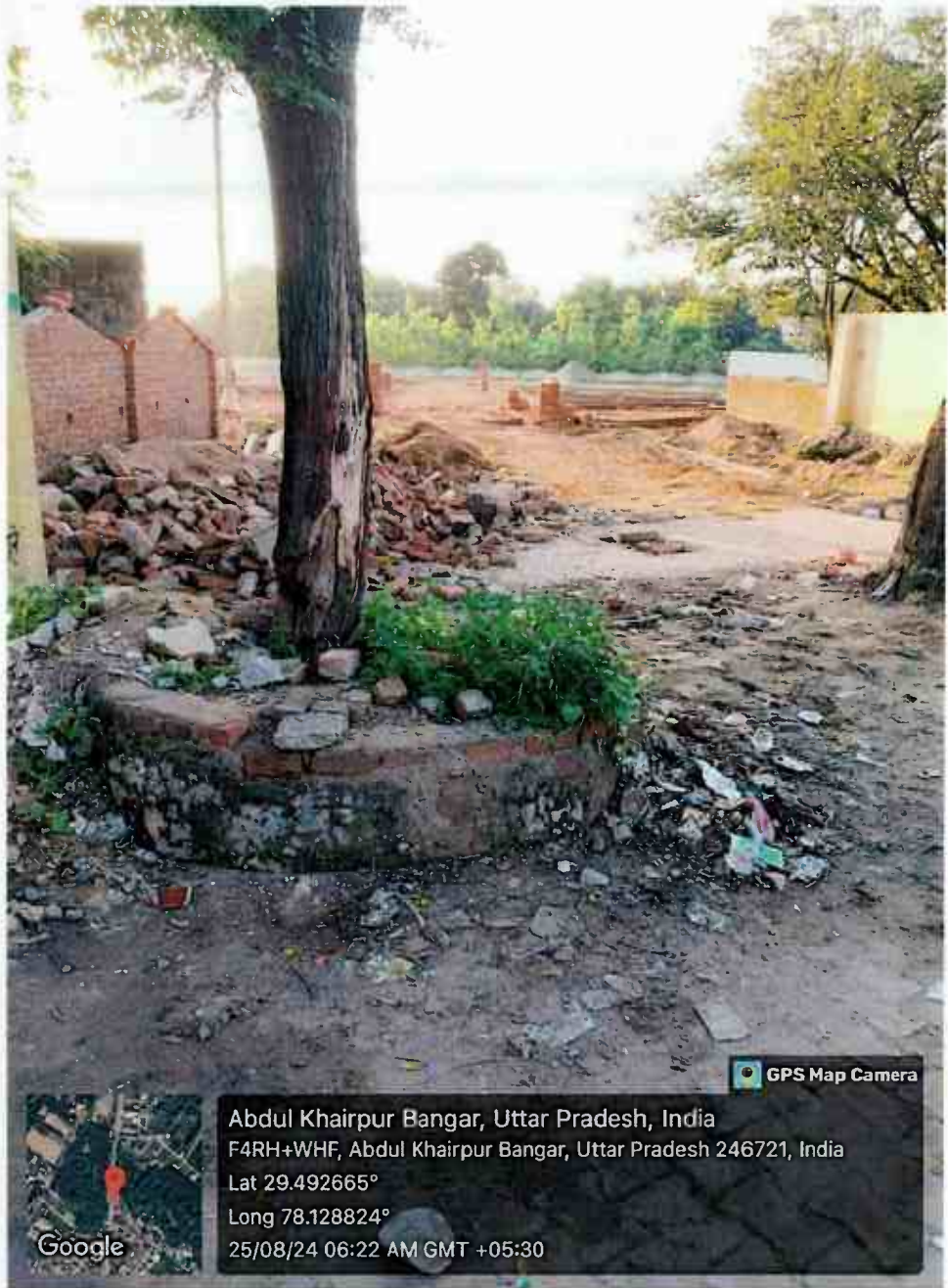


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Reply for Deepank Kumar Sharma & Ors. Vs. Union of India & Ors. O.A. No.272 of 2024


From: Vishwendra Verma (verma.vishwendra@yahoo.co.in)


To: akhileshsinghadvocate@gmail.com


Date: Wednesday 18 September, 2024 at 05:59 pm IST


Respected Sir,

Please find enclosed the reply to the additional affidavit filed by the respondent No.7, 8, 9 and 10

 DEEPANK KUMAR SHARMA (4).pdf
359.3kB

 DEEPANK KUMAR SHARMA (3).pdf
2.9MB

 DEEPANK KUMAR SHARMA (2).pdf
2.3MB

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