

BEFORE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2024 (WZ) along with OA No. 64 of  
2024 (WZ)

MR. NARESH CHHETIJA AND OTHERS

...APPLICANTS

VS

MAHARASHTRA STATE BIODIVERSITY BOARD

AND OTHERS

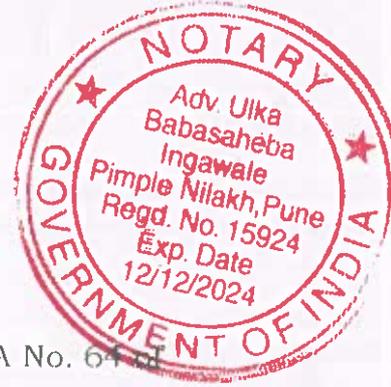
.... RESPONDENTS

S.no	Exhibit No	Particulars	Pages
1.	-	REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT	

Pune

Date : 22/05/2024

  
Advocate for Applicant



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.... RESPONDENTS

I, Naresh Chhetija, age 51 years, residing at Naren Hills, Survey No. 58/8, Azad Nagar, Wanawadi, Pune 411022, Applicant do hereby solemnly affirm and state on oath as under:

- A. That I am the applicant in the above-mentioned matter and as such I am well conversant with the facts and the circumstances of the case and in that capacity I am duly competent to swear the present affidavit.
- B. That after carefully going through the reply in affidavit, in OA No.64 of 2024, filed by respondent No.1 namely Principal Chief Conservator of Forests and reply in affidavit filed in OA number 23 of 2024 filed by Respondent Nos, 2, 6, and 7, namely, i) Deputy Conservator of Forests, ii) Principal Chief Conservator of Forests, iii) Range Forest Officer, I am submitting the present rejoinder affidavit for kind consideration of this Tribunal.
- C. That the issue involved in the present application is quite significant, critical and time sensitive requiring effective and speedy justice to restore and retain the Forest reserve with its abundance of trees, and

*Y. M. G. S. S. S.*

**D. The rejoinder affidavit has been divided into following parts:**

1. Whether the judgement of Hon'ble Supreme Court of India in T. N. Godavarman vs Union of India, 1995 writ petition (civil) 202/1995, has been complied with?
2. Whether the observations of the Supreme Court in M.C Mehta vs Kamalnath have been followed in maintaining the natural resources by the Respondents
3. Whether the steps taken by Respondents are in accordance with the Environmental Laws while planning, proposing and executing the Urban Forest Park on the reserve forest land, survey No. 49, Wanawadi, Pune 411022.
4. Their relevant observations in IA 169030/2019 and 105674/2020 in WP © No. 202/1995 with IA Nos. 142873/2021, 142876/2021, and 144462/2021. In IA No. 105674/2020 in WP (c) No. 202/1995
5. Gliricidia- Were all the trees felled really Gliricidia Sepium species
6. Eco Tourism – Net negative or Net positive.
7. Right to Information Act 2005 -Annexure 9 Page 177

**1. Whether the judgement of Hon'ble Supreme Court of India in T. N. Godavarman vs Union of India, 1995 writ petition (civil) 202/1995, has been complied with?**

- a. The guidelines in above mentioned Godavarman judgement in respect of the felling of trees have not complied with by the respondents. The judgment of T.N Godavarman have incorporated many important aspects.

**2. Whether the observations of the Supreme Court in M.C Mehta vs Kamalnath have been followed in maintaining the natural resources by the Respondents.**

- a. As per the observation of the Hon'ble Supreme Court in **M.C. Mehta Vs Kamalnath judgment** the primary duty of the State is to protect and conserve all the natural resources as the public are the beneficiaries of these natural resources. No natural

resources permit for commercial use and it is legal duty of State to protect these resources.

- b. The reply in two affidavits viz in OA 64/2024 and OA 23/2024 are completely incorrect and misleading in respect of the nature of plan/project/park. The Respondents are repeatedly changing their defense/statement regarding the so-called plan/project/park but failed to show **the permission and provision for the act of felling of trees**. Even the entire reply in affidavits is silent on the working plan 2023-24 to 2032-2033 and whatever conditions mentioned on page no 18 onwards OA 64/2024 (Retype copy) Page no 105, OA 23/2024 onwards. There are total 37 conditions in the approval for working plan dated 7<sup>th</sup> Nov 2023 that are not followed by the respondents and there are shortcomings in the working plan and that needs to be complied within the period of six months from the date of 7<sup>th</sup> Nov 2023. The Respondents have not fulfilled the conditions put forth by DIGF (Central). The Respondents intend to open the park under the pretext of Nature Education or Interpretation Centre when there is already a forest park just 200 meters away from the proposed site.

3. **Whether the steps taken by Respondents are in accordance with the Environmental Laws while planning, proposing and executing the Urban Forest Park on the reserve forest land, survey No. 49, Wanawadi, Pune 411022.**

Legal analysis as per section 2 of forest conservation act of 1980 with amendments made in 1988

**Section 2 : Restriction on the de-reservation of forests or use of forest land for non-forest purposes.**

**Notwithstanding anything contained in any other law for the time being in force in a state, no state govt, or any other authority shall make,**



except with the prior approval of the central Govt, any other order, directing -

- i) that any reserved forest (within the meaning of the expression of "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii) that any forest land or portion thereof may be used for any non-forest purpose;
- iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed, or controlled by Government;
- iv) that any forest land or portion thereof may be cleared of trees which have grown naturally in that land portion, for the purpose of using it for re-afforestation.

**Explanation:** For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b) any purpose other than re-afforestation

**But does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely the establishment of check-posts, fire-lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, pipelines or other like purposes.**

### **Section 3: Constitution of advisory committee**

The central government may constitute a committee consisting of such number of persons as it may deem fit to advise that government with regard to:

- i) the grant of approval under section 2: and



- ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government

**3A. Penalty for contravention of the provisions of the Act**

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period, which may extend to 15 days

**3B. Offences by the Authorities and Government Departments**

- 1) Where any offence under this act has been committed-
- (a) by any department of Government, the head of department, or
  - (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render the head of the department or any other person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- 1) Notwithstanding anything contained in sub-section (1), where a offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.



**As per chapter 6 of the same Act, which denotes the survey and the investigation in respect of forest areas.**

6.2 which pertains to survey and investigation and surveys for mining projects involving clearing of forest area or felling of trees prior permission of Central Government is mandatory.

6.4 Surveys to be undertaken in connection with development projects such as transmission lines, hydro-electric projects, seismic survey, exploration for oil drilling, mining etc., in wildlife sanctuaries, national parks, and sample plots demarcated by the Forest Department also will attract the provisions of the FCA as long as these surveys do not involve any clearing of forest or cutting of trees and operations areas are restricted to cleaning of bushes and lopping of branches for the purpose of sighting.

Mere perusal of the above section 6.4, makes it clear that the only actions that were within the Respondents mandate was lopping off of branches and cleaning of bushes to facilitate sighting for the purpose of assessing the land for the suitability of the development project. All other actions such as tree felling, changes in topography and building of pathways and water tank are ***ultra vires***

The Respondents have not complied ***with Compensatory Afforestation***, which is a most important prerequisite before felling trees. Chapter 2 of FCA 1980, lays down clear guidelines regarding Compensatory Afforestation

**2.1 Compensatory Afforestation (CA)** is one of the most important requirement/conditions for prior approval of Central Government, for diversion of forestland for non-forest purposes and the purpose of compensatory afforestation, (CA) is to compensate the loss of 'Land by Land' and loss of 'Trees by Trees'.



**2.2 Proposal submitted by the state/U.T. Governments seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for the Compensatory Afforestation, duly approved by a competent authority of the concerned State/U.T administration.**

The Forest Conservation Act, 1980, also introduced to conserve the forest and matters related to them. This Act permits only 'unavoidable' use of forest land for development work. And in the present case the respondent could have avoided the use of this forest land for the project (park) when there is an already existing park in the vicinity i.e., Anandvan and Shivarkar garden. Hence making this development project fully **AVOIDABLE**.

Also, the Indian Forest Act, 1927, provides penalties of six months imprisonment and a fine, or both. In addition to this, the act provides a comprehensive framework and clear procedures for setting up and protection of Reserve Forest, Protected Forest and Village Forest.

4. In affidavit in OA No. 23 of 2024, by Respondents Nos. 2, 6, and 7, under para 7 it is submitted "*that forest is included in the concurrent list of the Indian Constitution, prescription of working plan were approved by State Level Committee and MOEF & CC, New Delhi Hon'ble Supreme Court, New Delhi, in its order dated 29<sup>th</sup> November 2021, in IA Nos. 169030/2019 and 105674/2020 in WP © No. 202/1995 with IA Nos. 142873/2021, 142876/2021, and 144462/2021. In IA No. 105674/2020 in WP (c) No. 202/1995 directed that felling of trees in all forests must be in accordance with the working plan approved by the Central Government. Hence permission under State law is void and not required.*"

Their relevant observations in IA 169030/2019 and 105674/2020 in WP © No. 202/1995 with IA Nos. 142873/2021, 142876/2021, and 144462/2021. In IA No. 105674/2020 in WP (c) No. 202/1995 are as follows:

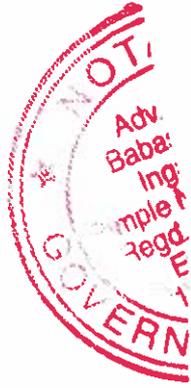
**47. (Operative Order of the Judgment) In view of the above discussion, having regard to the specific recommendations of the CEC, the present Interlocutory Applications are disposed of in the following terms:**

- i. DMRC to file applications under the FC Act, 1980 to the Chief Conservator (Forest) and Nodal Officer (FCI), Govt. of National Capital Territory Delhi, seeking permission for diversion of the following extents of land for the construction of Metro, Phase-IV of MRTS Project with a request to forward the said documents to the MoEF&CC, GoI, for its consideration under Section 2 of the FC Act, 1980:
  - (a) 5.34 km stretch on Road No.26 between Vikaspuri to Peeragarhi;
  - (b) 1288.973 sqm land at Najafgarh drain;
  - (c) area admeasuring 16097.75 sqm land located at Mangolpuri; and
  - (d) area admeasuring 55.78 sqm at Krishna Park.
- ii. It is needless to observe that the Chief Conservator (Forest) and Nodal Officer (FCI), GNCTD, shall consider the said application/s and forward the same to MoEF&CC, GoI, with his recommendations within a period of one month from the date of receipt of the said application/s.
- iii. MoEF&CC, GoI, on receipt of the application/s, shall consider the same expeditiously and within a period of three months from the date of its receipt, communicate its decision to the applicant-DMRC as well as to the Chief Conservator (Forest) and Nodal Officer (FCA), GNCTD.
- iv. In so far as the prayer sought by the Applicant-DMRC vis-à-vis South Central/morphological Ridge forming part of Aerocity-Tughlakabad Metro Corridor is concerned, having regard to the recommendations made by the RMB, the DMRC is directed to file



an application before the RMB so as to seek necessary permission for diversion of the aforesaid Ridge areas for the purpose of Phase IV of the MRTS project passing through the said areas.

- v. On such application being made, the RMB shall make its recommendations on the same and forward a copy of the said recommendations to the Chief Conservator (Forest) and Nodal Officer (FCI), GNCTD, as well as to the MoEF&CC, GoI, for its consideration under section 2 of the FC Act, 1980 within a period of one month from the date of receipt of the said application.
- vi. MoEF&CC, GoI, shall on receipt of the said application along with the recommendations of RMB and the Chief Conservator (Forest) and Nodal Officer (FCI), GNCTD, if any, shall consider the said application within a period of three months from the date of its receipt.
- vii. DMRC shall also comply with all other conditions imposed by the RMB and also the orders passed by this Court in this very matter concerning the management of the Ridge.
- viii. It is needless to observe that while considering the said applications, the directions and orders passed by this Court referred to above as well as the statutory scheme and guidelines and parameters prescribed by MoEF&CC, GoI, shall be borne in mind by the concerned authorities. The Reports referred to above may also be taken into consideration.
- ix. Irrespective of and *de hors* the decision to be taken by the concerned departments with regard to the recommendations made by the CEC in the aforesaid Report Nos. 8 and 10, since the citizens of NCT of Delhi have had and would continue to have the facility of the metro rail, the GNCTD as well as DMRC are directed to conceive a plan of action for the purpose of planting trees in the NCT of Delhi. For that purpose, GNCTD may involve school and college students, educational institutions, Non- Governmental Organizations, Citizen Welfare Associations, public servants and every citizen or person who



is interested in the ecology of NCT of Delhi to plant trees/saplings and ensure that they are nurtured and protected so that the NCT of Delhi would in passage of time have more greenery leading to afforestation. The aforesaid direction is issued having regard to the precautionary principle as well as principle of sustainable development by ensuring citizens' participation in the preservation of the environment and ecology. It is needless to observe that such a plan of action would be conceived by the Department of Forest and Environment of NCT of Delhi in consultation with the Public Works Department, Education Department and such other departments who will involve themselves in ensuring the planting of saplings and trees in NCT of Delhi. Such a plan of action be conceived and the same be placed on record before this Court within a period of twelve weeks for consideration of this Court."

But the above-mentioned IA's are not supported by the contents of the reply in affidavit filed by the Respondents and in fact, completely overlook the main guidelines of the T. N. Godavarman vs Union of India landmark judgement. Moreover, the Supreme Court has given detailed directions and guidelines to procure the correct clearances from the right authorities, and the Respondents have attempted to pass off these guidelines as permissions.

**4. Gliricidia- Were all the trees felled really Gliricidia Sepium species?**

As per the affidavit of the respondents on para no 4, ,6, 7, 8 (OA 23/2024) the Respondents have taken differing stands in respect of the Gliricidia trees, for example "Gliricidia alter the local habitat and suppress the native indigenous species", but in their affidavit the respondents have stated that they have retained 95 native species and have felled only 88 Gliricidia trees (Annexure-R-8 on page 166 and 170) This indicates that these 25+ year old mature Gliricidia trees co-existed with other native species and the native trees have not been suppressed. Hence the contention

of the respondents is itself contradictory and not supported by reports from experts or from any advisory committee.

- a. In the affidavit in reply, in Para 4, the respondent states *that "There is a provision in the working plan of the forest department, to phase wise and systematically remove, rather eradicate the Gliricidia Sepium from the forest in Pune Division"* But in fact the respondents no 2, 6, 7, have not followed their own proscribed procedures of phased removal and have caused great shock and trauma to the land and the local fauna by their brute uprooting and felling of trees with the help JCB's over a short span of 10 days.
- b. Even the respondents submitted in para no 3 in their affidavit that *considering the no of stakeholders, NGO's, and environment experts raised their concern time-to-time to address the menace of Gliricidia. Fortunately, after repeated efforts from people at large and green policy of the state forest department of Maharashtra has also taken a green initiative to eradicate the Gliricidia plantation from the reserve forest areas in urban as well as rural areas of the state.* But the respondents failed to consider the importance of preserving trees for the entire environment and its related factors. On the contrary for their mala-fide intentions to impose working plans/project/park/urban forest/nature education or interpretation center on the common man and wasting public funds is grave injustice to the human life, Flora & Fauna and biodiversity.
- c. As per the reply affidavit, para no. 29, 30 and 33.1 filed by the Respondents, they have submitted that *the number of trees planted on the forest land, total 446*, a claim which leaves ample room for doubt. When the total area of land admeasures 4 acres and as per their own submission, only 88 Gliricidia trees were



felled, it is highly improbable that 446 trees were planted in their place.

- d. In view of the Para no 11 of the reply affidavit OA 23/2024 State “*Similar native plantations in Dharashiv, Junnar Forest Division have proved to be successful note of which has been taken in the current working plan of Pune Forest Division and which is the very basis of continuing the same*” It may please be noted that soil, water, and climatic regime of different forest reserves cannot be the same. Hence a blind replication of the above in a different terrain is needs to be supported by comprehensive and relevant documentation.

**Eco Tourism – Net negative or Net positive????**

In view of the above, and the documents annexed by the Respondents with reply (annexure 4, page 132), the mere stating or citing of the Eco Tourism is simply green washing. Eco-tourism is defined as “*responsible travel to natural areas that conserve the environment and improves the well-being of local people. Eco-tourism must make a positive impact on both the ecology and economy of a given destination.*”. In para no 12.3 of the same annexure it denotes about the **eco-tourism policy**. This policy laid down principles of eco-tourism as follows:

1. The Eco-tourism activity should be concise and small for operationalization.
2. It should be proper in view of environmental, social and cultural aspects.
3. It should be proven and worthy for adoption
4. Participation of local community.
5. It should neither be degrading nor destructive.



Considering the present so-called eco-tourism park the Respondents have failed to follow the above policy guidelines and also are silent about the revenue generation out of this park, that will help the economy of the nation.

Furthermore, para no 12.5 (a) states the measures to be taken for development of eco-tourism in Pune division clearly stated that while developing above eco-tourism sites, it should be verified that the proposed activities must not attract nor violate the provisions under Forest Conservation Act 1960.

Para 12.3-page number 135-136 states ***Tourism activities are not regulated and there is heavy tourist pressure on these spots on weekends, traffic on narrow roads to these areas and polluting the area by litter etc.***

The single access (two-way) road to both the proposed sites of Wanawadi Van Udyan (West and North zone) is a very narrow stretch of 15-20 feet with an existing heavy traffic footfall on daily basis both ways. Pictures of the traffic menace have already been E-filed with the Objections to MPCB report on 27th March 2024.

With opening of the proposed Urban Forest Park/s or Interpretation Centre/ Nature Education as the Respondents now term it as , the additional pressure of tourist, student, visitor footfall will create havoc on that entire radius of 2-3 kms from all sides.

There is also a 150 bedded renowned hospital RUBY HALL CLINIC just 300 meters from the Proposed site and on a regular basis we have ambulances plying on this narrow road right outside the proposed urban forest park. There have been several instances of ambulances or fire brigade getting stuck in traffic for hours in the existing scenario too.

In the present scenario all residents near the proposed forest park are already struggling with different kinds of pollution and this will increase by multiple folds after the proposed Nature Education Center, Nature



Interpretation center or Urban Forest Park or Bio Diversity park site opens to public /tourists /students/visitors.

The tree felling and exposed soil (newly dumped) has already led to a significant increase in the dust load in the atmosphere affecting the health of the residents. Local temperature has increased as there is no more micro-climate regulation from the Woodland.

Para No.12.5 (g) the development of the eco-tourism sites should go hand-hand with conservation of the bio-diversity, the nurture of environment and the appreciation of nature by tourists. While designing the plan the interest of forest and wildlife should be of **prime importance**.

Furthermore, under para 12.6 Some Major Issues of Eco-tourism have been pointed out like:

- 
- a) **Environmental Issues**-Tourism has tendency to become something like steamrollers wherever it goes and it can completely destroy the natural places. The change cost almost the entire ecosystem dearly, many flora and fauna species lose their natural habitat and in the long run this may even lead to species extinction.
  - b) **Socio-economic Issues**- Just because something is marketed as eco-tourism it does not necessarily mean that the long-term motto of providing socio-economic benefit with protection of environment to the host areas will be achieved. The fact eco-tourism business is often owned and controlled by outside interests in just the same way as mass tourism, means the economic benefits often are not used for the protection of the areas or to support the local community. Besides, the carrying capacity of host areas is not calculated. As a result, there is a breakdown of civil amenities during peak season when the influx of tourists is tremendous.
  - c) **Impact over locals**-One of the basic objectives of eco-tourism is to engage local communities so that they benefit from the conservation. However, the lions' share of revenue generated goes only in the hands

of organizers. So, it can be said that the cost of eco-tourism is borne by locals and big players like the organizers make profit.

- d) It is important to note that on page no 142 of the annexures the Respondents Under Wanawadi Van Udyan Proposal (site context) point No.2 "*Due to rapid growth in urbanism the site may fall under encroachment threat*". It is hard to believe that the Respondents being the mighty government authorities are not able to protect their own land from the encroachment. Moreover, in the year 1990 to safeguard the land from encroachment the Gliricidia Sepium trees were planted and now for the same reason of encroachment the respondents have removed the Gliricidia Trees. The so-called Eco tourism park is being planned to prevent encroachment. The Applicants and all nearby societies who are aggrieved and will be impacted the most are the closest to the proposed Wanawadi Van Udyan sites. They have never asked for any such Forest Park as there is already an Anand Van Urban Forest within 200 meters of this proposed site which has daily visitors for nature trail and forest walks. The Wanawadi Forest site under consideration is already sealed from all the ends by walls and there was no threat of encroachment. Its tranquility was conserved only because there was no access to outside public. Hence the reasoning given for considering these sites for Eco Tourism or Bio Diversity Park or Nature Interpretation Centre or Nature Education is completely false. Forest Authorities cannot wipe off forests under the pretext of encroachment threat and under the pretext of Gliricidia and under the pretext of Public need for Eco tourism.

7. **Right to Information Act 2005 -Annexure 9 Page 177:** Respondent No. 7 failed to provide necessary information in respect of the said project with itself is in fault.

- a) In spite of availability of the documents regarding the so-called project the applicants have been deprived to get the necessary information in the month of January 2024. No transparency and accountability have been maintained by the respondents.

- III) That this Hon'ble Tribunal may direct to create a mechanism for effective communications with all adhoc bodies like MPCB, CEC and other bodies formed under environmental laws that should be take appropriate cognizance to control all type of pollutions.
- IV) Direct the Respondents to preserve and conserve all the trees on the Reserve Forest land survey no. 49, Wanawadi, Pune, without any access to outside public in the form of Eco Tourism Park/ Bio diversity park / Nature Education Park /Nature interpretation center or other project that invites outside public. The tranquility of the above reserve forest land to be maintained, with access to only the forest authorities for maintaining it.

Whatever stated in above mention paragraphs in the rejoinder I have read and under stood the contents which are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

*Neharika*

1) MR. NARESH CHHETIJA

*Swati*

2) MRS. SWATI CHHETIJA

Deponent



*Mr. Naresh Chhetija*

Advocate for Deponent



BEFORE ME

*Ulka Babasaheb Ingawale*

Ulka Babasaheb Ingawale  
NOTARY GOVT. OF INDIA  
Shivajinagar, Pune-05

17 MAY 2024

- b) The Respondent 2, 6 and 7 have started submitting documents after the case was admitted before this Hon'ble Tribunal. The said documents have not been submitted to the applicant under RTI Act 2005.
- c) After going through the annexures, it seems the Respondents are relying upon a particular document, page No.101 annexure R-1 E-mail by DIG F Central to The Principal Secretary of Forest Mantralaya Mumbai Dated 7.11.2023 This communication is related to the conditions required for the approval of the working plan but (it is not, in fact, the working plan) the Respondent are fallaciously trying to present the said document dated 7.11.2023 as the **working plan**. The annexure also contains certain documents that are email prints but with redacted portions. (Page 144 of reply affidavit).
- d) The Respondents failed to give correct information about the Survey no 49 as there is not clarity where the actual survey no 49 is and where the proposed project is.

That the following submission may be consider by this Hon'ble Tribunal for effective implementations of the direction given in important cases which ought to be implemented by all the Respondents to protect and conserve the entire ecosystem and protect the legal and fundamental rights of the people.

- I) That in all important cases were the Hon'ble Apex Court in view of direction to protect the forest given in the judgment ought to be implemented strictly, it can direct the Registry to send copy to the concern authorities (all the Respondents) asking them to filed a compliance affidavit within reasonable time.
- II) That in addition the above, accountability may be fixed on the authorities responsible for its implementation to conserve the forest. This Hon'ble Tribunal may further direct rigor action as well as heavy penalties for contumacious inaction or deliberate violation.

