

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 1344 OF 2024**

**IN THE MATTER OF:**

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENTS

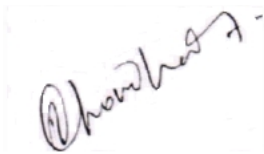
**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	REJOINER ON BEHALF OF THE APPLICANT TO REPLY BY RESPONDENT NO. 2	156-163
2	Proof of service	164

**THROUGH**



**RITWICK DUTTA**



**RAHUL CHOUDHARY**



**SHREEPURNA  
DASGUPTA  
ADVOCATES**

COUNSEL FOR THE APPLICANT  
N-73, Lower Ground Floor, Greater Kailash-I  
New Delhi- 110048  
Mobile: 9312407881  
Email: [litigation@dclawchambers.com](mailto:litigation@dclawchambers.com)

**PLACE:- NEW DELHI**

**DATE: 17.04.2026**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**

**ORIGINAL APPLICATION NO. 1344 OF 2024**

**IN THE MATTER OF:**

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANT TO REPLY BY  
RESPONDENT NO. 2**

**MOST RESPECTFULLY SHOWETH:**

1. That the above-titled Application has been filed raising substantial question relating to the environment arising out of the illegal diversion of a natural stream and felling of more than 1000 trees for setting up of a playground in village Sonium, Block Lalpara, Baramulla District, Jammu & Kashmir. The Respondent No. 5- Gram Panchayat, Sonium filed its Reply on 5.02.2025.
2. That the Applicant through this present Rejoinder seeks to file its reply and objections to the contentions made by Respondent No. 5. At the outset, the Applicant denies all the contentions and averments made in the above-mentioned Reply dated 5.02.2025 unless expressly admitted or are a part of matter of record.

**PRELIMINARY SUBMISSION/OBJECTION:**

3. That the above-mentioned Reply of Respondent No. 2 is not supported by any affidavit. It is further submitted that the

Respondent No. 2 has admitted with respect to felling of trees to the extent it is recorded in Report dated 27.03.2025 of JKPCB.

4. That the Respondent No. 4 submitted its Report dated 27.03.2025 (Pg. 74) wherein the findings of the Joint Committee formed by it including Regional Director, J&KPCC Kashmir, In-charge water Lab J&KPCC Kashmir & AEE, Divisional Officer, Srinagar were mentioned. Here, the Report concluded that:
  - a. Excavation work had been carried out for diversion of the stream, but the channel formed by way of excavation was not been utilized and was found to be dry.
  - b. Trees stumps of approximately 300 trees of varying diameter and species, mostly willow and poplar were observed.
  - c. Respondent no. 6 had applied for NOC to the Irrigation and Flood Control Department which was declined by the said Department vide letter dt. 23.02.2025.
  - d. During the inspection no remedial action was witnessed and all proposed work for setting up playground has been put on hold.

**PARA WISE REPLY:**

5. That the contents of Para 1 and 2 of the Reply of Respondent No. 2 are denied except which are matter of record. It is submitted that any approved plan cannot be executed if it is in violation of established law and procedure. It is submitted that in February, 2024 the Block Development Officer, Block Lalpora, Rural Development and Panchayati Raj, Jammu and Kashmir with permission from Sarpanch, Gram Sabha started diversion of stream for developing a playground. The Respondent No. 6 has applied

for 'No Objection Certificate' before Irrigation and Flood Control Department, Jammu and Kashmir to execute the work of diverting the stream for playground. The Assistant Executive Engineer by letter dated 23.02.2024 rejected the request of Block Development Officer for issuing 'No Objection Certificate'. It was clearly recorded in the letter that diversion of the stream was in clear violation of Jammu and Kashmir State Water Management Act, 2010. The relevant part of the letter dated 23.02.2024 is reproduced herein below:

*"...After thorough consideration this is to inform you that the No Objection Certificate (NOC) from this office is denied. The proposed diversion of the nallah course is in clear violation of the State Water Management Act 2010. It is imperative that the nallah course remains undisturbed to comply with the regulations outlined in the mentioned Act. Additionally, this has been observed that your office has initiated certain activities at the designated spot without obtaining the necessary NOC from this department. This unauthorized activity is causing disruption to the nallah course and poses a significant flood threat to the adjacent land. In light of this, it is urgently requested that all further activities be halted immediately, and the original position of the nallah be restored ..."*

It is submitted that ignoring this letter, the Respondent No. 6 continued the clearing of the land till April, 2024. The letter dated 23.02.2024 is part of record as ANNEXURE A/3 of Original Application.

6. That the contents of Para 3, 4 and 5 of the Reply of Respondent No. 2 are denied except which are matter of record. It is submitted that Report filed on behalf of Jammu and Kashmir Pollution Control Committee has clearly given the finding that 300 trees of varying diameter and species which mostly consist of willow and popular had been cut down for setting up of playground in the area. The photographs filed by the Committee clearly shows the stems of the tree which was witnessed by the Committee. It is submitted that the felling of trees is in complete violation of Jammu and Kashmir Preservation of Specified Trees Act, 1969. That the J & K Pollution Control Committee in its Report dated 25.01.2024 in O.A. No. 911 of 2022 titled ***NGT Bar Association (Substituted For Original Applicants Prof. Dr. Sanjeev Bagai & Ors.) v. Department of Environment GNCTD*** had clarified the felling of trees under different State laws, depending on the jurisdiction of the land. Here, the Pollution Control Committee has stated that for trees growing on private land and State land but not on Forest land, the restrictions on felling is applicable only on tree species that have been declared as specified trees and is regulated as per the provisions laid out in J&K Preservation of Specified Trees Act, 1969. As of now, the following species have been declared as specified trees: Walnut, Willow, Khair, Conifers and Oaks. Hence, the felling of the 10 walnut and 600 willow trees are required to be penalised under the J&K Preservation of Specified Trees Act, 1969. The relevant portion of the Report is reproduced below:

*"For trees growing on private land and State land but not on Forest land, the restrictions on felling is applicable only on tree species that have been declared as specified trees and is regulated as per the provisions laid out in J&K Preservation of Specified Trees Act, 1969. As of now, the*

*following species have been declared as specified trees:-*

*Walnut, Willow, Khair, Conifers and Oaks."*

7. That felling of trees are not only in violation of Trees Act but also there is an ecological and environmental loss because of felling of trees. It is submitted even if the trees are felled with permission, still it is value to the environment and its longevity, with regards to factors such as production of oxygen and carbon sequestration, soil conservation, protection of flora and fauna and eco-system integrity and other ecologically relevant factor. This fact has been considered by the Hon'ble Supreme Court in the case of ***Association for Protection of Democratic Rights & Anr. v. State of West Bengal [SLP (Civil) No. 25047 of 2018]***. It is submitted that no steps are been taken to restore the area where trees were cut. In the present case, the Respondents are not only guilty of felling trees illegally but also liable to compensate for the resulting ecological loss. In addition to such compensation, they are under obligation to undertake compensatory plantation by planting of approximately ten times the number of trees felled, comprising of native species, so as to restore ecological balance and mitigate environmental damage. The Respondent authorities are also required to maintain these trees for minimum period of five years.
  
8. The Hon'ble Tribunal may reject the Reply of Respondent No. 2 and consider the submission made herein above on behalf of Applicant for further adjudication of the matter.

9. Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

*J. Muzaffar*  
**APPLICANT**

Through



*Ritwick Dutta*

**RITWICK DUTTA**

*Rahul Choudhary*

**RAHUL CHOUDHARY**

*Shreepurna Dasgupta*

**SHREEPURNA  
DASGUPTA  
ADVOCATES**

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi – 110048

Email ID:- [Litigation@dclawchambers.com](mailto:Litigation@dclawchambers.com)

Place: New Delhi

Dated:- 16 04.2026

**VERIFICATION:-**

Verified by Raja Muzaffar Bhat, S/o Bashir Ahmed Bhat, aged about 50 years, R/o 64, Alamdar Colony, Gopalpura, District budgam, Jammu & Kashmir – 191113 that the contents of paragraphs 1 to \_\_ are true to my personal knowledge and nothing material has been concealed therefrom.

Verified that the statement as declared on oath before me at Budgam Magam on this day by Raja Muzaffar on 17/4/26 S/o Bashir Ahmed Bhat R/o Gopalpura Budgam identified by SUBIR AHMED Mohd Favaz Magray Notary Public (Budgam, Magam)

*J. Muzaffar*  
**APPLICANT**

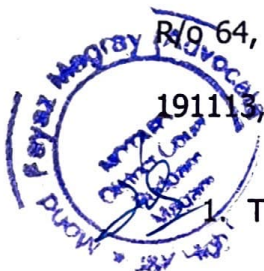
**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION No. 1344 of 2024**

**IN THE MATTER OF:**

Raja Muzaffar Bhat ...Applicant  
Versus  
Union Territory of Jammu & Kashmir & Ors. ...Respondents

**AFFIDAVIT**

I, Raja Muzaffar Bhat, S/o Bashir Ahmed Bhat, aged about 50 years, R/O 64, Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir - 191113, do hereby solemnly affirm and declare as under:-



1. That I am Applicant in the above titled Original Application and am well conversant with the facts and circumstances of the case and competent to swear this affidavit.

2. That the contents of accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

*Raja Muzaffar*  
**DEPONENT**

**VERIFICATION**

Verified on this \_\_\_\_ day of April, 2026 that the contents of present Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

certified that the statement as declared on oath before me at Budgam Magam on this day of 17/04/26 by Raja Muzaffar S/o Bashir Ahmed Bhat R/O Gopalpura Budgam who is identified by SHAKIL MUSHKIAQ  
Mohd. Fayaz Magray  
Notary Public  
(Budgam, Magam)

*Raja Muzaffar*  
**DEPONENT**



सत्यमेव जयते

## INDIA NON JUDICIAL

## Government of Jammu and Kashmir

₹10

e-Stamp

₹10 ₹10 ₹10 ₹10

**Certificate No.** : IN-JK20324572792769Y  
**Certificate Issued Date** : 17-Apr-2026 11:21 AM  
**Account Reference** : NEWIMPACC (SV)/ jk12523904/ BUDGAM/ JK-BG  
**Unique Doc. Reference** : SUBIN-JKJK1252390423510601282979Y  
**Purchased by** : Raja Muzaffar  
**Description of Document** : Article 4 Affidavit  
**Property Description** : Not Applicable  
**Consideration Price (Rs.)** : 0  
 (Zero)  
**First Party** : Raja Muzaffar  
**Second Party** : Not Applicable  
**Stamp Duty Paid By** : Raja Muzaffar  
**Stamp Duty Amount(Rs.)** : 10  
 (Ten only)



₹10

HIRSHY ANAND LIAI  
 L No 03  
 E-Stamping Counter

Please write or type below this line

IN JK 20324572792769Y

## Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

---

**Rejoinder on behalf of the Applicant in OA No. 1344 of 2024 Raja Muzaffar Bhat Versus. Union Territory of Jammu & Kashmir & Ors.**

1 message

---

**Litigation .** <litigation@dclawchambers.com>

Fri, Apr 17, 2026 at 2:27 PM

To: Gautam Singh &lt;gautamsinghh.ind@gmail.com&gt;, cs-jandk@nic.in, pa.dcbra@gmail.com, kmr irrigation@rediffmail.com, membersecy.pcb@jk.gov.in, bdolalpora16@gmail.com

Dear Sir,

Please find attached- Rejoinder on behalf of the Applicant in OA No. 1344 of 2024 Raja Muzaffar Bhat Versus. Union Territory of Jammu & Kashmir & Ors.

Thanks & Regards  
Counsel for the Applicant

**Rejoinder on behalf of the Applicant.pdf**

1115K