

NDOH: 04.08.2025

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 80/2025****IN THE MATTER OF:**

Basanti Devi & Ors.

.....Applicant(s)

Versus

Executive Engineer, PWD Bhatwari, Uttarkashi, Uttarakhand & Ors

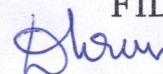
.....Respondent(s)

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FILED ON:

FILED BY:



(DHRUV TAMTA)

Advocate for the Respondents

Chamber No. 331, M.C. Setalvad Bock Supreme Court of India,

Bhagwan Das Road, New Delhi

Mo. 9899989917 Email - tamtaadvocates@outlook.com



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PRINCIPAL BENCH, NEW DELHI**

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REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENTS

I, Andeep Rana S/o D.S. Rana aged about 37 years R/o PWD Colony Bhatwari, District Uttarkashi, Uttarakhand, do hereby solemnly affirm and state as under.

1. That I am working as Executive Engineer, in the above noted matter and as such am well conversant with the facts and records of the case and hence competent to swear this affidavit.
2. That the deponent has been arrayed as respondent no. 1 in the present Original Application.

3. That it is submitted here that the deponent has received the incomplete record of Original Application as there is no paragraph no.2 and 7 in the Original Application received by the deponent as notice.
4. That the deponent has read over the contents of Original Application, affidavit and annexure thereto and is in a position to reply the various contents of the same.
5. That before giving paragraph wise reply to the various contents of the writ petition, certain facts are necessary to bring into kind notice of this Hon'ble Tribunal.



That there was a program of Hon'ble Prime Minister to visit village "Mukhuwa" in district Uttarkashi of Uttarakhand State, well known for an old temple and is famous for Hindu Pilgrimage, on 27-02-2025 but due to bad weather, the visit was rescheduled for 06-03-2025. It is submitted here that to manage the convoy of the Hon'ble Prime Minister and to ensure the security standards, the District

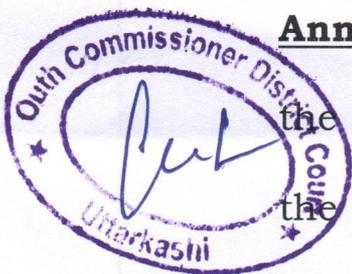
Magistrate vide order No 33/ C P O-D M/2025 dated 27-01-2025 directed The P.W.D. Uttarkashi to prepare a parking area for the said visit of Hon'ble Prime Minister. For preparing the parking, the PWD decided to prepare the parking at the "dead end" (at 5th Km.) of Harshil-Mukhwa motor road which is owned by the PWD through a registered sale deed dated 10-03-2015 executed by its owner Sri Jayanti Prashad for Khasra No. 1434, 1435 and 1902. This place was suitable for parking with security of Hon'ble Prime Minister's Fleet. This was done by PWD with emergent need.

7. That the contents of paragraph no.1 and 2 of the OA are misconceived, misleading hence denied. In reply there to it is submitted here that the applicant is not the owner of any of the khet/ khasra no.1435, 1436, 1437 and 1438. The PWD had purchased the said land (khasra no.1435 and 1436) by a registered sale deed dated 10-03-2015 executed by its true owner Sri Jayanti Prashad. The copy of registered sale deed dated 10-03-2015 is being filed herewith as **Annexure No. CA 1** to this affidavit. It is



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further submitted here that since the learned Civil Court in its decision dated 30-10-2021 dismissed the suit of the applicant herein which was filed for cancellation of sale deed dated 10-03-2015 and found the sale deed genuine as such by virtue of sale deed dated 10-03-2015, the PWD became the owner of the land and claim of the applicant as owner has been rejected. The order of Hon'ble Assistant collector Court dated 14-07-2020 by which the Applicant of this OA has entered his name in revenue records as an owner of Khet/ Khasara no. 1435 and 1436 is challenged in the Higher Revenue court/Commissioner court which has passed a stay order dated 21-01-2021. The copy of stay order dated 21-01-2021 is being filed herewith as **Annexure No. CA 2** to this affidavit. It is settled law that the decree of Civil court shall prevail over the judgment of the Revenue court. The judgment of Civil court is filed by the applicant at page no. 16 of the Original Application. It is submitted here that the learned Civil court did not grant the applicants any permanent injunction. The learned Civil court framed five issues in the suit out of which three main issues were decided against the present Original Applicant



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two formal issues were decided in favour of the present Original Applicant.

8. That the contents of paragraph no.3 of the application are not admitted, as stated, hence denied. In reply there to it is submitted here that the JCB was working on the land of PWD not on the land of the applicant. The land owned by the PWD was only leveled for preparing a parking at the "dead end" of the Harshil-Mukhuwa Motor Road as there was a visit of Hon'ble Prime Minister. This was done to facilitate the Fleet of Hon'ble Prime Minister which was necessary for security purposes as well. The Respondent no.1 received a letter from District Horticulture officer, Uttarkashi bearing letter no. 328/*vriksh paatan*/2025-26 dated 24-05-2025 who imposed penalty of Rs. 35000/- on Respondent no.1 for illegal felling of seven Akhrot trees on Private Land in *Mukhuwa* in January, 2025 in view of Hon'ble Prime Minister's visit. The copy of this letter dated 24-05-2025 is being filed herewith as **Annexure No. CA 3** to this affidavit. The process of deposition of above penalty amount is under process. As per Uttarakhand



[Signature]

Government's Government order no. 1221/x-3-24/05(11)2022 dated 06-09-2024, trees like Apple and Apricot on private agricultural or Non-Agricultural land does not falls under restricted trees list hence exempted from all sections of 'The Uttar Pradesh protection of trees in Rural and hilly areas Act 1976.' It is submitted here that the land over which the parking was prepared is the land of PWD not of the present Original Applicants.

9. That in reply to the contents of paragraph no. 4, 5 of the application, it is submitted here that the entire administration was busy in the scheduled visit of Hon'ble Prime Minister, apart from this it is submitted here that the land belongs to PWD after the execution of sale deed dated 10-03-2015 and the learned Civil Court did not found the applicants as owner of the land and dismissed the suit of the applicants which was filed for cancellation of sale deed dated 10-03-2015.

10. That in reply to the contents of paragraph no. 6 of the application, it is submitted here that the District



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Magistrate visited the site on 24-01-2025 and perused the record regarding ownership of land and directed to complete the work expeditiously as the Hon'ble Prime Minister's visit was scheduled.

11. That the contents of paragraph no.7 of the application are not admitted, as stated, hence denied. In reply there to it is submitted that the contention of respondents is same as stated above in point no. 8 of this affidavit and not being repeated here for the sake of brevity.

12. That in reply to the contents of paragraph no.8 of the application, it is submitted here that the parking was constructed over the PWD's land as the land of Khasra No. 1435 and 1436 of khata no.00049 belong to PWD by virtue of registered sale deed dated 10-03-2015. It is wrong statement of the applicant that the parking was constructed over private land.

13. That the contents of paragraph no.9 of the application are not admitted, hence denied. In reply there to it is



submitted here that the parking was constructed over the PWD's land not over the applicant's land.

14. That in reply to the contents of paragraph no.10 of the application, it is submitted the parking was constructed over the PWD's land as there was a visit of Hon'ble Prime Minister and no destruction to environment was caused by construction of parking.

15. That the contents of paragraph no.11 of the application are not admitted, hence denied. In reply there to PWD has not caused any environmental damage. The state Public Works Department constructed the Harshil to Mukhwa motor road in the year 2011-12 for the facility of applicant's village *Mukhwa* and *Harshil* and also to help tourism development in the valley after fulfilling all necessary conditions/ steps to obtain the permission as per rules. The final permissions for Harshil-Mukhwa-Jangla Motor Road (Kilometer 3 to 4) under forest conservation Act 1980 was granted by Ministry of Environment and forest clearance, Government of India by its letter no.



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8B/U.C.P/06/325/2008/F.C 04 dated 30-03-2009. Since constructed this road is being used by villagers, Tourists and Pilgrims. It has proved as boon for this region. State Government plans to extend this road ahead of *Mukhwa* to *Jangla* due to Strategic importance of road as the area is near India-China international border.

16. That the contents of paragraph no.12, 13 of the application are misconceived, hence denied. The respondents have not violated any law.



17. That the Original Application has been filed by the applicants with an intension of blackmailing the respondent authorities as from the learned Civil Court the applicants lost their suit and have not challenged the decree before any higher forum and the decree of Civil court become final.
18. That the grounds set forth by the applicants in the original application are not admitted being bereft of merit as such

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the Original Application deserves to be dismissed with heavy cost.



[Handwritten signature]

DEPONENT

VERIFICATION:

I hereby verify that the contents of my above affidavit are true and correct to my knowledge, belief and information derived from the records of this case. No part of it is false and nothing relevant has been concealed therein.

Verified at Uttarkashi on this 14th day of July, 2025.

[Handwritten signature]

AMIT SINGH KAWAT
Advocate
Reg. No. UK510/2017
Mob.: 9827212156

[Handwritten signature]

DEPONENT

Solemy Aifirm by the deponent
Shri/Smt.....*And deep Singh*
identify by.....*[Signature]*
Today dated...*14/07/2025*...at 2025
A.M./P.M. before me. The Contents of the
Affadavit Explained to the deponent who
admits it to be the true.

[Handwritten signature]

विक्रय-पत्र

विक्रय पत्र कीमती रु०-42189/- मालियती-59,000/- विक्रीत रकवा-0.041 है०

मैके/हमके जमान्ति प्रसाद उमा 87 वर्ष पुत्र श्री मदेशानन्द

निवासी ग्राम मुखवा पट्टी 2कनौर तहसील गजवाड़ी

जिला उत्तरकाशी वाला अपने अपने होशो-हवाश, स्वरथचित, स्थिर बुद्धि के रहते हुए, विना किसी दबाव-प्रभाव के विना नशापान किये हुए, स्वेच्छा से यह एक विक्रय पत्र/वयनामा क्रेता राज्यपाल महोदय उत्तराखण्ड सरकार द्वारा अधिशासी अभियंता प्रान्तीय खण्ड लोक निर्माण विभाग, उत्तरकाशी के हक में तहरीर किये देता हूँ, कि विक्रेता पक्ष नीचे लिखी गई सम्पति का मालिक भूमिधर है, जिसे विक्रय करने का मुझे पूर्ण अधिकार है। यह सम्पति सभी प्रकार से भारमुक्त है। विक्रेता पक्ष के अतिरिक्त इस सम्पति का अन्य कोई स्वामी अथवा भूमिधर नहीं है। विक्रेता पक्ष ने स्वच्छ मन एवं चित्त और स्वेच्छा से निम्न लिखित भूमि के बदले में मु० 42,189/- का भुगतान किया है।

रु० आज दिनांक-10-3-15 को E PAYMENT कर उक्त भूमि

ग्रामीण सडक योजना के अन्तर्गत होने वाले एरिड मुखवा जामला मोटर मार्ग मोटर मार्ग हेतु सदैव के लिये विक्रय कर दी है।

यह कि विक्रेता पक्ष ने अपने समस्त अधिकार, स्वत्व और हित का विना कोई विषय सुरक्षित रखते हुये उक्त भूमि को विक्रय किया है, और अपना समस्त कब्जा हस्तान्तरित कर दिया है। अब विक्रेता पक्ष या उसके वारिसान का नीचे लिखी भूमि पर कोई हक अधिकार नहीं रह गया है। स्टाम्प एवं रजिस्ट्री शुल्क सरकार/ अधिशासी अभियंता प्रान्तीय खण्ड लोक निर्माण विभाग, उत्तरकाशी के द्वारा अदा किया जायेगा।

लिहाजा यह विक्रय पत्र आज दिनांक 10-3-15 को स्वयं लिखवाकर, पढ़कर, पढ़वाकर, सुनकर व समझकर निम्नलिखित गवाहानों के समक्ष अपने हस्ताक्षर किये देता हूँ/देते हैं, ताकि सनद रहे समय पर काम आवे। मैं अनुसूचित जाति/जन जाति का सदस्य हूँ।

विक्रीत भूमि का विवरण

पता	खाता संख्या	खसरा नं०	विक्रीत क्षेत्रफल	किस्म भूमि
ग्राम मुखवा	00049	1909	0.008 हे०	
पट्टी 2कनौर		1435	0.018 हे०	
तहसील गजवाड़ी		1436	0.015 हे०	
उत्तरकाशी				
योग--			0.041 हे०	



कहने श्री जमान्ति प्रसाद उमा 87 वर्ष पुत्र श्री मदेशानन्द के लिखा गया।

गवाह- 1- श्री सुधाकर पुत्र श्री जमान्ति प्रसाद
 निवासी ग्राम मुखवा पट्टी 2कनौर तहसील गजवाड़ी जिला उत्तरकाशी।
 गवाह- 2- श्री जामिल पुत्र श्री जमान्ति प्रसाद
 निवासी ग्राम मुखवा पट्टी 2कनौर तहसील उत्तरकाशी जिला उत्तरकाशी।

हस्ताक्षर विक्रेता जमान्ति प्रसाद

(Signature)

अधिशासी अभियंता प्रान्तीय खण्ड लोक निर्माण विभाग पटवाली (उत्तरकाशी)

42189 = 59000 = 1180 = 20 = 1200 = 300

जयान्त प्रसाद महेशानन्द

निवासी मुखवा

व्कनोर

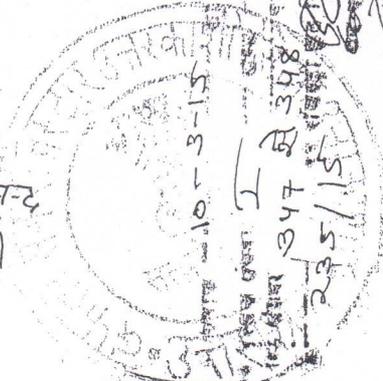
भरवाडी

10-3-15

10/3/15

42189 =

10-3-15
जयान्त प्रसाद महेशानन्द
निवासी मुखवा
व्कनोर भरवाडी



191

आमर्य
को से
कू पिर

191

अध्यात्म जयान्त
मुखवा भरवाडी
व्कनोर अजापात
आनिका
मुखवा भरवाडी
व्कनोर भरवाडी

10/3/15

770/8
9/x

आदि राजों के अंगुष्ठ धाप नियमानुसार लिखे गये

10/3/15

अधिसाक्षी अभियन्ता
प्रान्तीय सप्ले बोर्ड नि.वि.0
भरवाडी (नि.वि.क.श्री)

आयुक्त गढ़वाल मण्डल, पौड़ी

सं- 03/2020-21

बनाम बनाम सरकार आदि
जादेश क्रि - 21-01-2021

प्रश्नगत अपील सहायक कलक्टर, प्रथम श्रेणी, भटवाड़ी वाद संख्या 46/2014-15 बसन्ती देवी आदि बनाम मुकेश सेमवाल आदि अन्तर्गत धारा 229बी ज0वि0अ0 में पारित आदेश आदेश दिनांक 14-07-2021 के विरुद्ध योजित की गयी है। इस प्रकार अपील लगभग 06 माह विलम्ब से योजित की गयी है। विलम्ब मर्षण हेतु अपीलार्थीगण द्वारा धारा-5 मियाद अधिनियम प्रार्थना पत्र भी प्रस्तुत किया गया है।

अतः अपील की ग्राह्यता व धारा-5 मियाद अधिनियम प्रार्थना पत्र पर सुनवाई हेतु प्रतिपक्षीगणों को नोटिस जारी हो। अवर न्यायालय की पत्रावली प्राप्त की जाय। पत्रावली वास्ते सुनवाई दिनांक 19-02-2021 को पेश हो तब तक आक्षेपित आदेश दिनांक 14-07-2020 का प्रभाव स्थगित रहेगा।

Lama
आयुक्त,
गढ़वाल मण्डल।

प्रतिलिपि तहसीलदार भटवाड़ी
जिला उत्तरकाशी को आवश्यक जादवाही
हेतु प्रेषित।

सत्य प्रतिलिपि

23.1.21
वेशकारि

आयुक्त

गढ़वाल मण्डल, पौड़ी
(कैम्प-देहरादून)

San
अधिशासी अभियन्ता
प्रान्तीय खण्ड लो0नि0वि0
भटवाड़ी (सुत्रकारणी)

मुख्य उद्यान अधिकारी, उत्तरकाशी।

☎ 01374-222143 E-mail:- dhouki2@gmail.com

ANNEXURE 9/3
15

पत्रांक 328 / वृक्ष पातन / 2025-26
सेवा में,

दिनांक: 24 / मई, 2025

अधिशाली अभियन्ता
प्रान्तीय खण्ड लो0नि0वि0
भटवाड़ी, उत्तरकाशी।

विषय:- ग्राम मुखवा में अखरोट वृक्षों के अवैध पातन के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक प्रभारी उद्यान सचल दल केन्द्र हर्षिल द्वारा अपने पत्र दिनांक 23.05.2025 द्वारा अवगत कराया गया है कि श्री सुबोध सेमवाल पुत्र श्री श्रीधर सेमवाल ग्राम मुखवा द्वारा दूरभाष पर शिकायत की गयी है कि लो0नि0वि0, भटवाड़ी के टेकेदार द्वारा मा0 प्रधान मंत्री जी भारत सरकार जनपद आगमन कार्यक्रम हेतु माह जनवरी, 2025 में मुखवा पार्किंग के निर्माण में मेरे बगीचे को नुकसान पहुंचाया गया है जिसमें 07 अखरोट वृक्षों का बिना अनुमति के पातन किया गया है।

अतः उक्त के क्रम में अवगत कराना है कि उक्त शिकायतकर्ता के शिकायत के आधार पर सम्बन्धित भूमि पर 07 अखरोट वृक्षों के अवैध पातन किये जाने के कारण वन अधिनियम 1976 में निहित प्राविधानों के अनुसार जुर्माने की धनराशि रू0 35000.00 (रू0 पैंतीस हजार मात्र) सुसंगत लेखा शीर्षक 0401-00-800-13-00 में जमा करने का कष्ट करें। ताकि विषयगत प्रकरण को निस्तारित किया जा सके।

भवदीय

मुख्य उद्यान अधिकारी
उत्तरकाशी

पृ0सं0 / उक्तानुसार।

प्रतिलिपि:- प्रभारी उद्यान सचल दल केन्द्र हर्षिल को उनके उक्त पत्र के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

मुख्य उद्यान अधिकारी
उत्तरकाशी

अधिशाली अभियन्ता
प्रान्तीय खण्ड लो0नि0वि0
भटवाड़ी (उत्तरकाशी)



Proof of Service

Basanti Devi In Person

Today

Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them. Click to learn more

BEFORE THE NATIONAL GREEN TRIBUNAL
ND08: 04.08.2025
PRINCIPAL BENCH, NEW DELHI

PDF Reply Affidavit Basanti Devi - OA 80 of 25.pdf
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Original Application No. 80/2025
Basanti Devi & Ors. Versus PWD Bhatwari,
Uttarkashi & Ors
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RESPONDENTS

12:36 pm

Contact info



Basanti Devi In Person
+91 81717 48565

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