

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

IN

O.A No. 199 OF 2024 (WZ)

Earlier

O.A No. 1165 OF 2024 (PB)

IN THE MATTER OF:

News Item titled "Forest Department struggling to regain 14,000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024

INDEX

Sr. No.	Particulars	Page No.
1.	Reply Affidavit on behalf of the Ministry of Environment, Forest & Climate Change i.e. Respondent No. 2	
2.	The Copy of letter dated 18.12.2024 addressed by the Respondent No.2 to State Government annexed hereto as Annexure-1	

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REPLY AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE i.e. RESPONDENT NO. 2.

MOST RESPECTFULLY SHOWETH

I, E. Thirunavukkarasu, S/o Shri M. Elangovan, aged about 57 years, currently working as Scientist "E" in the Ministry of Environment, Forest & Climate Change, Regional-Office, Nagpur, do hereby solemnly affirm and state on oath as follows:

1. That in my above-mentioned official capacity, I am authorized to swear this Affidavit on behalf of Respondent No. 2, in the above-mentioned Original Application and as such I am competent to swear the present Affidavit.



2. At the very outset, the Respondent deny each and every allegation, contention and/or insinuation contained in the said Application, which are contrary to and/or inconsistent with what is stated hereinafter. In any event, nothing contained in the said Application, which is not specifically admitted herein, may be deemed to have been admitted, for want of denials or otherwise. Further, it is submitted that Respondent No. 2 is not directly concerned or involved with the issue comprising the subject matter of the Original Application.

STATEMENT OF FACTS

3. That this original application is registered *suo-motu* by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on the basis of the news item titled "Forest Department struggling to regain 14,000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024. The matter relates to the challenges faced by the Pune Forest Department in reclaiming 14,000 hectares of land currently held by the Revenue Department. As per article published in the news paper, earlier policies resulted in large scale transfers of forest

land, but negligence resulted in encroachment over time. The forest department is now struggling to regain its land and prevent it from future encroachment.

4. The article highlighted that the Pune Forest Department has identified over 30,000 hectares of reserve forest land, successfully reclaiming 20,000 hectares from the Revenue Department. However, it is alleged that approximately 14,000 hectares of reserve forest land still remain with the Revenue Department. Furthermore, it is also alleged that in certain areas, permanent settlements like buildings and slums have been established on the forest land. Evicting people from these settlements is difficult, as alternative land must be provided for relocation. Sometimes, land initially allocated for agricultural purposes is later utilized for commercial or residential use. This further complicates the efforts to reclaim forest land. Also, the terrain (including hilly and uneven areas) and disputed land pose difficulties.

5. In this regard, it is humbly submitted that the Ministry of Environment, Forest & Climate Change (hereinafter referred to as the “MoEF&CC”) deals with policy and regulatory issues at a broader level. The role of the Ministry is to formulate policy, provide directions and guidance in an advisory capacity, and



approvals under the relevant provisions of the Central Acts.

6. It is humbly submitted that the 'land' is a subject matter of the State Government. The forest areas and their legal boundaries are determined and maintained by the concerned State Government. That being the repository of land records, the State Government holds the primary responsibility for determining the status of any parcel of land, taking into account gazette notifications, provisions of State and Central Acts, and relevant judgments and directives of the Hon'ble Supreme Court.
7. That, prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is required for carrying out any non-forest activity on forest land. That contravention of the above provision would amount to a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and attract the penal provisions as specified under Section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
8. Further, with reference to felling of trees and destruction of forest, it is submitted that the protection and management of forest is primarily the responsibility of State Governments / Union Territory Administrations. There are strong legal



frameworks for the protection and management of tree resources which include the National Forest Policy 1988; the Indian Forest Act, 1927; the Wildlife (Protection) Act, 1972; the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980; and the State Forest Acts/State-specific Tree Preservation Acts and Rules, etc. The State Governments /Union Territory Administrations take appropriate actions in accordance with the provisions made under these Acts/ Rules for regulating the felling of trees.

9. It is humbly submitted that the protection and management of forests including the eviction of the encroachment is predominantly the responsibility of the concerned State/Union Territory. Therefore, the State Government is the appropriate authority to take action in the matter of removal of encroachment in accordance with law. Accordingly, various actions to remove the encroachment are taken as per the provisions under various Acts such as Indian Forest Act, 1927; Wild life Protection Act, 1972; Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and other rules made under these Acts and State specific Acts and Rules.

10. That to ascertain the correct position and truthfulness of the matter, the Regional Office, MoEF&CC, Nagpur, vide letter dated CC-530/RON/2024-NGP/13847 dated 18.12.2024 had



requested the Government of Maharashtra to provide a factual report of the allegations made in the application. However, the information from the Government of Maharashtra is awaited. The report from the State Government is imperative in examining the status of the land in question and whether the area attracts the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and if any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has taken place. (The Copy of letter dated 18.12.2024 addressed by the Respondent No.2 to State Government annexed hereto as Annexure-1).

11. That the Answering Respondent No. 2 craves liberty to file further additional Affidavit, if so required with leave of this Hon'ble Tribunal.


DEPONENT

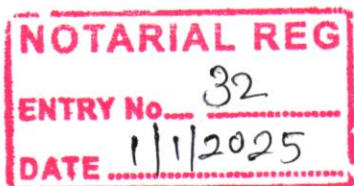
(इ. थिरुनावुक्करसु)
(E. Thirunavukkarasu)

वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपूर-४४०००१
Regional Office, Nagpur-440001

VERIFICATION

I, the above-named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Nagpur on this 1st Day of January, 2025



[Handwritten Signature]

DEPONENT
(E. Thirunavukkarasu)

वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर-४४०००१
Regional Office, Nagpur-440001

SWORN BEFORE ME ON THIS 1st
DAY OF Jan 2025 AT NAGPUR BY
SHRI / SMT/ Ku. E. Thirunavukkarasu
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Adv. Arandhaji Roy
ADVOCATE, NAGPUR

[Handwritten Signature]

NOTARY
GOVT. OF INDIA
NAGPUR (M.S.) INDIA





भारत सरकार
GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FORESTS &
 CLIMATE CHANGE

Regional Office
 Ground Floor, East Wing
 New Secretariat Building
 Civil Lines, Nagpur - 440001
 apccfcentral-ngp-mef@gov.in
 Dated: 18.12.2024

F. No. CC-530/RON/2024-NGP/ 13&47

To

**The Principal Chief Conservator of Forests (HoFF),
 Government of Maharashtra,
 3rd Floor, Van Bhavan, Ramgiri Road,
 Civil Lines, Nagpur-440001**

Sub: OA No. 199/2024 (WZ) [Earlier OA No. 1165/2024-PB] in the matter of News item titled "Forest Dept: struggling to regain 14, 000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024 before NGT (WZ), Pune-reg..

Ref: Order dated 19.09.2024 passed by the Hon'ble NGT, Principal Bench, New Delhi in the captioned matter.

Sir,


The undersigned is directed to refer to the subject and Order under reference wherein the Hon'ble Tribunal has registered suo-motu on the basis of the news item titled "Forest Dept. struggling to regain 14,000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024 which relates to the challenges faced by the Pune Forest Department in reclaiming 14,000 hectares of land currently held by the Revenue Department. As per the article, earlier policies resulted in large scale transfers of forest land, but negligence resulted in encroachment over time.

Since "land" is a subject matter of the State Government, the Government of Maharashtra is requested to provide the factual report of the allegations made in the application to this office **within one week** from the date of issuance of this letter.

This is issued with the approval of the DDGF (Central), Regional Office, MoEF&CC, Nagpur.


Encl: As Above

Yours faithfully,


(C.B. Tashildar)
 AIGF (Central)

Copy to:

1. The Inspector General of Forests, Forest Protection Division, MoEF&CC, GoI, New Delhi- 110003.
2. The Principal Secretary (Forests), Revenue & Forest Department, Govt. of Maharashtra, Mantralaya, Mumbai- 400032.
3. Guard File


(C.B. Tashildar)
 AIGF (Central)

Item No. 02

Court No. 1

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

Original Application No. 1165/2024

News Item titled "Forest Dept. struggling to regain 14,000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024

Date of hearing: 19.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Forest Dept. struggling to regain 14,000 hectares of land in Pune" appearing in the Hindustan Times dated 28.08.2024.

2. The matter relates to the challenges faced by the Pune Forest Department in reclaiming 14,000 hectares of land currently held by the Revenue Department. As per the article, earlier policies resulted in large-scale transfers of forest land, but negligence resulted in encroachment over time. The forest department is now struggling to regain its land and prevent it from future encroachment.

3. The article explains that the issue has historical roots, dating back to the British era when forest and defense departments owned the majority of the land. In 1978, the Indian government ordered the Forest Department to transfer some land to the Revenue Department for administration, town planning, and agriculture. Unfortunately, due to incomplete documentation during subsequent land transfers, some portions of forest land were encroached upon. Over time, both the forest and revenue departments neglected this land. The article alleges that with decreasing forest cover and increasing land disputes, the central

government in the early 2000s once again ordered the Forest Department to identify reserve forest land and mark it to prevent future encroachment/misuse. Accordingly, the Forest Department began the identification of reserve forest land in 2008.

4. The article highlights that the Pune Forest Department has identified over 30,000 hectares of reserve forest land, successfully reclaiming 20,000 hectares from the Revenue Department. However, approximately 14,000 hectares of reserve forest land still remain with the Revenue Department. However, the reclamation of land includes several challenges like litigation, existing encroachments, and lease proposals. Furthermore, in certain areas, permanent settlements like buildings and slums have been established on the forest land. Evicting people from these settlements is difficult, as alternative land must be provided for relocation. Sometimes, land initially allocated for agricultural purposes is later utilized for commercial or residential use. This further complicates the efforts to reclaim forest land. Also, the terrain (including hilly and uneven areas) and disputed land pose difficulties.

5. The above news item indicates violation of the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986.

6. The news item raises substantial issues relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 *SCC Online SC 897*.

8. Hence, we implead following as respondents in this matter:

- (i) Principal Chief Conservator of Forest, Maharashtra, Van Bhawan, Ramgiri Road, Civil Lines, Nagpur-440
- (ii) Ministry of Environment, Forest and Climate Change, Regional Office, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001
- (iii) District Magistrate, Pune, Collector Office Pune, Finance Rd, Agarkar Nagar, Pune, Maharashtra 411001

9. Issue notice to the above respondents for filing their response/reply by way of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

10. Since the matter relates to the Western Zonal Bench, Pune, therefore, OA is transferred to the Western Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Western Zonal Bench, Pune.

11. List before Western Zonal Bench at Pune on 04.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 19, 2024
Original Application No. 1165/2024
AS