

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

IN

O.A No. 203 OF 2024 (WZ)

Earlier

O.A No. 1200 OF 2024 (PB)

IN THE MATTER OF:

News Item titled "Pune: NIBM annex residents raise concerns over forest destruction with authorities" appearing in Punekar News dated 11.09.2024

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2.	Copy of the letter dated 14.11.2024 has been 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, Chandulal B. Tashildar, S/o Shri Babalal H. Tashildar, aged about 36 years, currently working as Assistant Inspector General of Forests (Central) 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 fully conversant with the facts and circumstances of the present cases and have been authorized to swear this Affidavit on behalf of Respondent

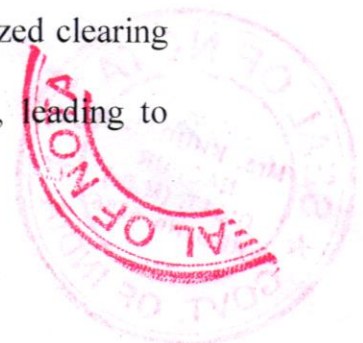


No. 2, MoEF&CC in the above-mentioned Original Application and as such I am competent to swear the present Affidavit.

2. It is respectfully submitted at the very outset that Respondent No. 2 denies each averment and/or submission made in the present application which are contrary to and inconsistent with the averments made and facts stated in the present reply. It is further submitted that nothing stated in the original application may be deemed to have been admitted by Respondent No. 2 unless and until the same is expressly admitted in the present reply. 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 "Pune: NIBM annex residents raise concerns over forest destruction with authorities" appearing in Punekar News dated 11.09.2024. The news item relates to the destruction of forest land in Pune, Maharashtra, and its adverse impact on the urban population. As per the news item, unauthorized clearing and development activities are taking place in the area, leading to



significant environmental degradation.

4. It is alleged in the news item that as per the local community, these actions are not only damaging the ecosystem but also affecting their quality of life due to increased dust and decreased greenery. Furthermore, it is also alleged that the rainwater rushing down the hills results in the flooding of residential societies in the area. It is claimed that the hill behind Heritage Mall is in an unstable condition and can collapse anytime, resulting in a tragedy. The news item asserts that the community is advocating for stricter enforcement of environmental regulations to protect the remaining forested areas.

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 frame policy, provide directions, and guidance in an advisory capacity, and approvals under the provisions of the relevant Central Acts.

6. It is humbly submitted that the 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government.

That being the repository of land records, the State Government has



the primary responsibility to determine the status of any parcel of land, giving due regard to gazette notifications, provisions under State and Central Acts, and concerned judgments and directions 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 given under Section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

8. Further, with regards to the felling of trees and the destruction of forests, it is submitted that the Protection and management of forests 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 Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and State Forest Acts/State-specific Tree Preservation Acts and Rules, etc. The State Governments /UT Administrations take appropriate actions in accordance with the provisions made under these Acts/ Rules for



regulating the felling of trees.

9. Since, the land is a subject matter of the State Government, the Regional Office, MoEF&CC, Nagpur, vide letter dated CC-528/RON/2024-NGP/13740 dated 14.11.2024 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 (SanrakshanEvamSamvardhan) Adhiniyam, 1980 and if any violation of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 has taken place. **(Copy of the letter dated 14.11.2024 has been annexed hereto as Annexure-1).**

10. That the Answering Respondent No. 2 craves liberty to file additional information, if any, till pendent lite

11. That, in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Court may pass any order as it deems fit.

DEPONENT
 (सी. बी. ताशिलदार) भा.व.से
 सहायक वन महानिरीक्षक (केन्द्रीय)
 (C. B. Tashildar) I.F.S.
 AIGF (Central)



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.

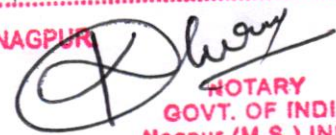
Verified at Nagpur on this 20th Day of December, 2024.


DEPONENT
सहायक वन महानिरीक्षक (केन्द्रीय)
(C. B. Tashildar) I.F.S.
AIGF (Central)

NOTARIAL REG
ENTRY No. 36115
DATE 20/12/2024

SEAL OF NOTARY
Mrs. KHURANA
NAGPUR
DISTT. (M.S.)
REG. No. 6386
GOVT. OF INDIA

SWORN BEFORE ME ON THIS 20th
DAY OF Dec 2024 AT NAGPUR BY
SHRI / SMT./ Ku. Chandaku B. Tashildar
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Roy
ADVOCATE, NAGPUR


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

NOTARY
MRS. CHANCHAL KHURANA
Nagpur Dist.
(M.S.) INDIA
Regd. No.
6386
GOVT. OF 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: 14.11.2024

F. No. CC-528/RON/2024-NGPI/ 13740

To

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

Sub: Original Application No. 203 of 2024 (WZ) Earlier OA No. 1200/2024 (PB) titled as News Item titled "Pune: NIBM annex residents raise concerns over forest destruction with authorities" appearing in Punekar News dated 11.09.2024 before the Hon'ble NGT (PB), New Delhi now transferred to WZ Bench at Pune.-reg.

Ref: Order dated 30.09.2024 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 this *suo-motu* Original Application on the basis of the news item titled "Pune: NIBM annex residents raise concerns over forest destruction with authorities" appearing in Punekar News dated 11.09.2024 which relates to the destruction of forest land in Pune, Maharashtra and its adverse impact on the urban population. As per the news item, unauthorized clearing and development activities are taking place in the area, leading to significant environmental degradation.

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.

Yours faithfully,

Encl: As Above

(C.B. Tashildar)
 AIGF (Central)

Copy to:

1. The Inspector General of Forests, Forest Protection Division, MoEF&CC, Gol, 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)