

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI.**

M.A No .10/2025
in OA NO. 343 of 2024

Mahendra Kumar Arora

...Applicant

Versus

State of Punjab & others.

...Respondents

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SUBMITTED BY:-

Place: CHANDIGARH

Dated: 11/4/2025


 Guramanpreet Singh, PFS,
 Divisional Forest Officer,
 Patiala, Punjab.

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**Reply by the way of affidavit of Guramanpreet Singh,
PFS, Divisional Forest Officer, Patiala, Punjab on the
behalf of Respondent No. 2.**

Respectfully Showeth:

I, the above named deponent, am conversant with the facts of the case and competent to swear this affidavit, do hereby solemnly affirm and declare as under:-

1. That I am presently holding the charge of Divisional Forest Officer, Patiala.



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2. That I have been duly authorized by Principal Chief Conservator of Forests (HoFF) to file this affidavit on behalf of respondent No.2.

PRELIMINARY OBJECTIONS

1. That the applicant has approached the Hon'ble Tribunal with half facts/misleading information and has not disclosed the true facts and circumstances pertinent to adjudicate the matter in question.
2. That the applicant has levelled false allegations against the officials of Forest Department, who have performed their duties in accordance with due process of law and nothing has been done as contrary to law.
3. That it is submitted that the Forest Department had received a complaint by the present complainant regarding British Co Ed School (respondent no. 5), located on Left side of Forest Strip Sanour distributary (RD Patiala Sanour Road to Patiala Pehowa Road) falling in Sanour Beat, Patiala Range, Patiala Forest Division from the office of Deputy Commissioner



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Patiala on 15.02.2022. Upon receiving this complaint, a five member team was constituted by Divisional Forest Officer Patiala on 15.02.2022 under Range Officer, Nabha Ms. Amandeep Kaur for enquiry of the same. The team submitted its Report on dated 10.03.2022.

4. That as per the report, the school was using access /approach measuring 0.01022 hac. through forest strip without necessary approval under Forest Conservation Act, 1980 for a Non-Forest purpose. The temporary encroachment for passage and parking was carried out in an area of 817 Sq. Mtr. A New Residential Colony was established by another private person, named Jasvir Singh s/o Ranjodh Singh Resident of Ajit Nagar , Patiala (Proprietor of R.S Enclave), on Right Side of Sanour distributary. While taking access to the colony through a road under jurisdiction of Municipal Committee Sanour, land breaking was carried out by the said coloniser in the Forest strip adjacent to the road in an area of about 495 Sq. Mtr. Additionally, total 28 trees were also found missing on the above mentioned site in



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Sanour distributary, of which only 11 dead and dry trees were departmentally felled whereas 17 were felled illicitly, though the timber has been retrieved from the strip and recorded in the timber form No. 5 and 7 of the department by concerned incharge.

5. That upon receiving the above report, the concerned Divisional Forest Officer, Patiala took punitive action against the erring parties i.e., the school and the Coloniser and damage reports against the coloniser and school were issued on 02.02.2022 and 31.05.2022 respectively, thereafter, as per the rules a complaint case bearing No. COMA/2275/2022 (Divisional Forest Officer Patiala Vs Kiran Harika, British Co. Ed School) which is listed for consideration on 01/05/2025 and COMA/429/2022 (Divisional Forest Officer Patiala Vs Jasvir Singh, Coloniser) which is listed for evidence on 18/04/2025 are pending in the court of Chief Judicial Magistrate, Patiala, respectively. Hence, it is clear that the department has taken action as per rules.



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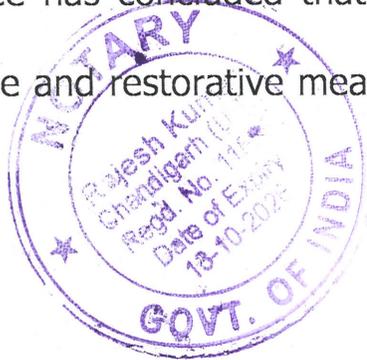
6. That for the loss of 17 trees and for non-action against the violation, the concerned Beat incharge was suspended immediately on 11/03/2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules, 1970 has been initiated by the office of Divisional Forest Officer Patiala.
7. It is pertinent to mention here that Joint Demarcation of the Forest Land has also been carried out with Revenue Department on 25.03.2022 and the temporary encroachment utilized for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken back by the Range team Patiala.
8. That it is further relevant to mention here that a notice dated 25.02.2022 under Forest Conservation Act, 1980 was issued by the Office of Divisional Forest Officer Patiala to the School for taking approval for approach and access from Ministry of Environment Forest and Climate Change and the online case for diversion of Forest land for approach and access with area of 0.1022 Ha. Following has the notice the school



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applied through Proposal No. FP/PB/Others/433877 dated 19.06.2023 (**Annexure R-1**), this area is now revised to 0.0156 ha. after carrying out a fresh survey and for restoration of forest land damaged by the school along with the forest strip a penal NPV (Net Present value) amount of Rs.4,23,430/- has been proposed in the above FCA case by the Office of Divisional Forest Officer Patiala as per the Forest Conservation Act, 1980 rules. The above proposal has been sent to Nodal Officer FCA, S.A.S Nagar, Punjab for further necessary action.

9. That in compliance to Hon'ble National Green Tribunal order dated 1-7-2024, a Joint Committee comprising Principal Chief Conservator of Forest, District Magistrate, Patiala and Regional officer, MoEF&CC, Chandigarh was constituted. The committee has submitted its detailed report dated 16-9-2024 which is annexed (**Annexure R-2**) in which the Joint Committee has concluded that adequate remedial, punitive, preventive and restorative measures have been taken by the



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Divisional Forest Officer , Patiala, the same is reproduced as under :-

"Punitive Action against the Concerned taken by Divisional Forest Officer Patiala:

- 1. Punitive action for violation under Indian Forest Act 1927, against school was initiated on 31.05.2022 by issuing damage report and civil case COMA 2275 of 2022 was filed against School, in District Court Patiala.*
- 2. Punitive action for violation under Indian Forest Act 1927, against the Residential colony was initiated by issuing damage report on 02.02.2022 and a civil case, COMA 429 of 2022, was filed against the coloniser in District Court Patiala.*
- 3. With respect to loss of 17 trees and non action against violation, the concerned Beat incharge was suspended immediately on 11/03/2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules 1970 has been initiated by office of DFO Patiala.*



Remedial Action taken up and Proposed:

1. *Joint Demarcation of the Forest Land has been carried out with Revenue Department Dated 25.03.2022 and the temporary encroachment utilized for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken by the Range team Patiala.*

2. *Notice under Forest Conservation Act 1980 has been issued to the School for taking approval for approach and access from Ministry of Environment Forest and Climate Change by Office of Divisional Forest Officer Patiala Dated 25.02.2022 .*

3. *The online case for diversion of Forest land for approach and access with an area of 0.08175 ha. has been applied by the School Proposal : FP/PB/Others/433877 dated 19.06.2023 and*



Restoration of Forest land damaged by the School along the Forest strip has been proposed in

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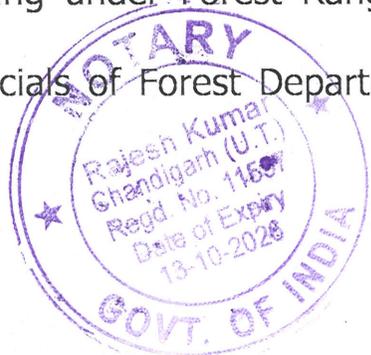
the FCA case by Office of Divisional Forest Officer Patiala.

Preventive Action Taken:

The violation carried out by violators Concerned (The coloniser of the residential colony and the school) though being a compoundable offence under Indian Forest Act 1927, in order to make the action deterrent the civil case has been filed against the offenders."

REPLY ON MERITS

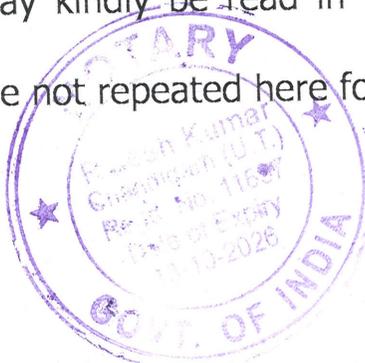
1. That para no. 1 of the application is admitted to the extent that the Centre Government is creating awareness in the general public about tree plantation to reduce and curb pollution. Rest of the para is wrong and hence denied. It is wrong and denied that about 250 trees were illegally felled by the British Co-Ed School Authorities and has also encroached upon the Forest land in Patiala-Sanour Road falling under Forest Range Patiala, in connivance with the officials of Forest Department mentioned in this para. It is



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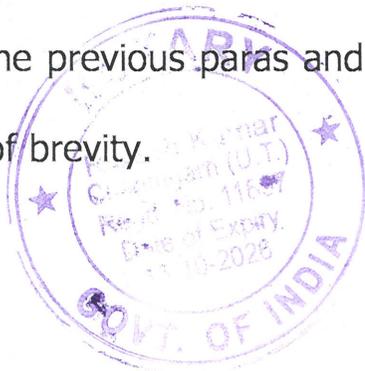
also wrong and denied that there has been any tampering of tree register. It is relevant to mention here that the copy of the records are available in higher offices also and all standing trees have been entered in the register. As explained in para 1 to 9 above, only 17 trees have been felled and for which punitive action against both the concerned staff and the user agency has already been taken.

2. That the contents of para no. 2 of the application are wrong and hence denied. All the allegations levelled in this para are vague, concocted and without any footing. It is pertinent to mention here that the Forest Department on receiving the complaint on 15.02.2022, a five member team was constituted by Divisional Forest Officer Patiala on 15.02.2022 under Range Officer Nabha Ms. Amandeep Kaur for enquiry of the same. The team submitted its report on 10.03.2022 and the actions taken thereafter are mentioned in detail in the above preliminary paras, which may kindly be read in reply to the averments of this para and are not repeated here for the sake of brevity.



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3. That the contents of para no. 3 of the application are wrong and hence denied. It is pertinent to mention here that for redressal of the complaint of the complainant and in compliance to Hon'ble National Green Tribunal order dated 1-7-2024, a Joint Committee comprising Principal Chief Conservator of Forest, District Magistrate, Patiala and Regional officer , MoEF&CC, Chandigarh was constituted. The committee has submitted its detailed report dated 16-9-2024 which is annexed as **Annexure R-2** in which the Joint Committee has concluded that adequate remedial, punitive, preventive and restorative measures have been taken by the Divisional Forest Officer, Patiala. The complete set of actions taken by the replying respondent are already described in the preliminary paras and are not repeated here for the sake of brevity.
4. That the contents of para no. 4 of the application are wrong and hence denied. The detailed reply to the same has been given in the previous paras and not being repeated here for the sake of brevity.



Prayer clause is wrong and hence denied.

Keeping in view of the above, it is most humbly and respectfully prayed that the application filed by the applicant may kindly be dismissed in the interest of justice.

Place: 
Date: CAN
11.4.2015


Deponent
Guramanpreet Singh, PFS
Divisional Forest Officer,
Patiala, Punjab.

Verification

Sr. No.
3165

Verified that the contents of the reply by way of affidavit from Para No. 1 to 9 of preliminary objections and Paras No. 1 to 4 on merits are true and correct to the best of my knowledge and nothing has been concealed therein.

I identified the deponent/assurant who has Signed/Thumb Marked in my presence


Signature
B. O. P. Singh

Place: 
Date: CAN
11.4.2015

ATTESTED AS IDENTIFIED

NOTARY, CHANDIGARH (U.T)


Deponent
Guramanpreet Singh, PFS
Divisional Forest Officer,
Patiala, Punjab.

Proposal Details**Proposal No.:**

FP/PB/OTHERS/433877/2023

Single Window No.:

SW/133572/2023

CAF No.:

CAF/130431/2023

Project Name:Permission for construction of approach Access to "THE BRITISH CO-ED HIGH SCHOOL" at Vill:
Sanour Tehsil: & Distt: Patiala**State:**

PUNJAB

Area (in ha):

0.0156

Division(s):

Patiala Division

Proposal Submission Date:

19/06/2023

Application received at State :

N/A

Application received at IRO :

N/A

Application received at MoEF&CC :

N/A

Proponent Name :

KIRAN HARIKA

Scenario :

Scenario 4

Demand/Payment:

N/A

Additional Demand/Payment:

N/A

In-Principle Approval:

In-Progress

Final Approval:

In-Progress

Compliance report regarding order of the Hon'ble National Green Tribunal dated 01.07.2024 pertaining to the Original Application number 343/2024 Mahendra Kumar Arora Vs State of Punjab

Hon'ble National Green Tribunal in its order dated 01.07.2024 (Annexure 1), pertaining to the Original Application number 343/2024 Mahendra Kumar Arora Vs State of Punjab, constituted a committee to visit site, collect relevant information and if finds complaint to be correct, take up appropriate remedial, punitive and preventive action including assessment of environmental compensation in accordance with law. Committee was also directed to submit compliance report with the Registrar General of the Tribunal within the stipulated time. The operative part of the order is reproduced as under :

2. Complainant has stated that about 250 trees have been illegally cut on Patiala Devigarh Road by a private British co-ed School in collusion with District Forest Officer Sanor, District Patiala causing damage to environment.
3. In our view, above complaint can be looked into at the first instance by Statutory Regulators and local authorities. Therefore, we constitute a joint Committee comprising Principal Chief Conservator of Forest of the area concerned, District Magistrate, Patiala and Regional Officer, MoEF&CC, Chandigarh.
4. District Magistrate, Patiala shall be nodal agency for coordination and compliance.

5. Above Committee shall visit site, collect relevant information and if finds above complaint to be correct, take appropriate remedial, punitive and preventive action including assessment of environmental compensation in accordance with law within two months.

6. Committee shall submit compliance report with Registrar General of this Tribunal within 15 days, after expiry of above period who if finds necessary may place matter before the Bench for further orders. "

It is submitted that, Office of Principal Chief Conservator of Forest Punjab (HoFF) deputed (Annexure 2) Conservator of Forests, South Circle to represent Principal Chief Conservator of Forest Punjab (HoFF) in a joint committee as per above order of the NGT. Additional Deputy Commissioner (General), Patiala represented District Magistrate Patiala and Technical Officer represented Regional Office MoEF&CC, Chandigarh.

In the meeting dated 20.08.2024 (Annexure 3) Divisional Forest Officer Patiala appraised the committee regarding the Forest Strip Sanour distributary (RD Patiala Sanour Road to Patiala Pehowa Road) falling in Sanour Beat, Patiala Range, Patiala Forest Division, Violation in the Forest strip under Indian Forest Act 1927 and the actions taken by concerned office on receipt of the complaint by Mahendra Kumar Arora dated 15.02.2022.

The site visit was carried out by the committee on 28.08.2024 (Annexure 4) in presence of Divisional Forest Officer, Patiala and concerned field staff with records. As per the Area

Register, the Forest Strip is 3.5 meter wide on both sides of the Distributary. The School had temporarily used the Forest Strip for passage and Parking on the Left side of the Distributary. The owner of the Residential colony had damaged the Forest land on the right side of the Distributary for passage.

The complainant Shri Mahendra Kumar Arora was given the opportunity of hearing by the committee on 02.09.2024 (Annexure 5). The complainant didnot appear in person and mailed his written statement (Annexure 6). In written statement of the complainant it is stated as under.

- (1) *"That the officers of Forest Department Patiala DSFO Madam, DFO Balveer Singh Dhillon Officer Sanaur, Ramanpreet Singh Block Officer, Sarwan Singh Block Officer Sanaur, Patiala in order to benefit a private school British Co-Ed and an illegal colony on right side of Sanour Distributary RD Sanaur Road to Devigarh Road and on adjoining Pahewa road have felled 250 trees.*
- (2) *That after cutting the trees by the said officials, the entries of these lines have been deleted by tampering the government records. As per google map and google earth, the trees which were present during October 2021 were not present during November 2021., which trees were shown on Google Map and Google Earth in October 2021 and were not present in November 2021. To investigate this, take a report from the RT expert and the check record register.*
- (3) *Attempts were being made to suppress the matter by sending legal notice regarding illegal encroachment on forest*

land opposite to the British Co-Ed School however, Coloniser/colony developer in connivance with Forest Officers have erected electric poles in place of trees without obtaining NOC. Forest land is encroached and no action has been taken up.

- (4) That in above RD on the left side of of the Sanour Distributory opposite side of the school tree are not included in the record and they are prepared to fell these trees also illegally.

That through joint demarcation by Kanungo of Forest Department and Officers of Revenue Department the it could be ascertained that the above officers have got encroachment done on land worth crores and on how much of land by School and the Coloniser. Constitute a special team under the supervision of current Ho'ble Deputy Commissioner.

The above Coloniser in connivance with Officers of Forest Department has developed a road on forest land worth lakhs without approval. New electric poles are also being installed on forest land without NOC. Investigate the matter and file case against guilty officers under Corruption Act."

British Co-ed School Authorities were given opportunity of hearing on date 05.09.2024 (Annexure 7). School Authorities appeared before the committee and submitted their written reply on 06.09.2024 (Annexure 8). In their written reply the School Authorities have submitted as under.

(1) "That the British Co-ed High School (hereinafter referred as a School) has received a Letter dated 02.09.2024 from your Office and learnt that one Mahinder Kumar Arora has leveled allegations against the School regarding cutting of 250 trees and caused damaged to the Environment. That the British Co-Ed High School is one of the most prominent Schools in Patiala. The school provides a well-rounded education built in a foundation of Academics, Creative Arts, Sports, Adventure Camps and Community Service which includes various activities like awareness campaigns, tree plantation and community outreach programmesto name a few. Students gain international exposure through trips abroad, YFU, AFS, the International School Award and the School Enterprise Challenge. Nationally, students participate in treks and tours, IAYP, MUNs, Debates, NCC and NSS, Sports and Performing Art. School takes responsibility to prepare young people to navigate the world as confident, caring and responsible citizens. The academic standards are very high and our students always excel in ISC and ICSE Examinations. Every year students have been toppers at District, State and National level. As an Institution, we are deeply committed to maintaining our reputation and ensuring the highest standard of integrity. So, the question of involvement of the school in such like incidents of cutting trees or encroaching any land of forest department does not arise.

(2) No Objection Certificates taken by School

That we would like to clarify our position regarding the construction of our School. We have obtained the necessary

permissions from Punjab Mandi Board and secured change of land use (CLU) Certificate from the Concerned Authorities for the establishment of our institution. The school has also taken NOC from Punjab Mandi Board to open the main gates of the School towards road. Copy of the NOC bearing No. 6099 dated 22.03.2022 is attached herewith as Annexure R-1 and Copy of C.L.U. issued by concerned authority is attached herewith as Annexure R- 1/A. Earlier, the School has no knowledge that there is any land of forest department. It has come to our knowledge that the land adjoining the link road near our School belongs to forest land. Our School has taken the NOC from Punjab Mandi Board under good faith assuming that the land belonged to Mandi Board. Thereafter, the School, immediately applied for NOC's from forest department regarding school entrance/gate. Copy of the NOC's applied to the Forest Department is attached herewith as Annexure R-2. School has also obtained NOC from Punjab Mandi Board to construct a bridge over Canal duly shown in the site plan. Copy of the NOC is attached herewith as Annexure R-3.

(3) Allegations of Encroachment

I want to clarify that our School's boundary is clearly defined and ends at Point-B on the site plan, we submitted. There had been no encroachment into forest area and we are committed to upholding environmental regulations. Even, the School has left eight feet, its own land outside the School Premises/Boundary for parking. The complainant leveled false allegations regarding encroachment. Moreover, a site plan and photographs showing the actual position are attached herewith.

(4) Allegations regarding Cutting of Trees

That the allegations regarding cutting or felling any trees mentioned in complaint are baseless, not substantiated by actual position on the ground. The School has never cut or fell any trees as alleged in the complaint. School clarifies that no activity of cutting or felling of trees has taken on our premises or outside the premises. Our school has implemented various initiatives aimed at promoting environmental awareness, including tree planting drive and educational programs on conservation. The allegations levelled by the complainant are false and frivolous. Which is clearly established from following points:-

i. That the Building of the School is segregated/Separated by Canal and a (interlocking tiles) road shown in the site plan attached herewith as Annexure R-4. So, the School has no concern with the land of forest department adjoining with the (interlocking tiles)/road. That one Private Colonizer has developed a Private Colony at Point-A duly shown in the Site Plan as (Annexure R-4), under the name of "R.S. Enclave". Moreover, the above said Colonizer has also got constructed an interlocking tiles road with the help of Nagar Council, Sanaur, which is clearly established from photographs taken on inauguration. Copy of the Photographs showing the Board of 'R.S. enclave' is attached herewith as Annexure R-5 and Copy of the photographs showing the interlocking road, are also attached herewith as Annexure R-6 to R-8. Moreover, the above said Private Colonizer has also affixed four pillars in front of the road to stop the General Public from the use of this road. Copy of the

photographs showing the pillars affixed on the road are attached herewith as Annexure R-9. The Private Colonizer has got constructed the road with the purpose to approach his Colony "R.S. Enclave duly shown in the Site Plan as well as in the photographs. The School is neither the beneficiary of the above said road nor have any concern/contribution in the construction of road. So the question of cutting any trees or encroaching on any area of forest land by the School does not arise. For more clarity of the facts, deponent has attached a site plan (Annexure R-4), in which, the Building of the School is duly shown at Point-A in the site plan and the boundary wall of the school at Point-B of the site plan. Then, there is a Green Zone/Green Area duly shown at Point-C in the site plan. The road leads towards the Village Jaurian Sadkan from main road duly shown at Point-D in the site plan. Then, there is a Green Zone/Green Area duly shown at Point-E in the site plan. Then, a Canal duly shown in Blue Colour at Point-F segregated/divide the area of School from the land of forest department. Then there is a road constructed by one Private Colonizer duly shown in Yellow Colour at Point-G. All the above said facts are also corroborated from photographs already attached above. So, the deponent has no concern with the land of forest department and has no reason to cut any such trees. In fact, the land of forest department is far away from the boundary wall of School. Moreover, School is fully prepared to cooperate with any investigating authorities misunderstanding, to clear up this misunderstanding.

ii. That the complainant with malafide intention has not mentioned any date, month or year, when the School allegedly cut the trees or allegedly encroached over any area of forest land.

iii. That our School also organizes many plantation drives. Copy of the photographs regarding our past and ongoing projects aimed at increasing green cover are attached herewith as Annexure R-11 to R-21.

(5) Reason to move false complaints:

It has come to our notice that individuals who were unsuccessful in securing admission for their children, despite their political connections, have initiated these baseless complaints themselves or through some third person. Moreover, the School has inquired about the complainant after receiving this complaint and has come to know that complainant is used to file false and frivolous application against various persons and institutions just to extract money. The complainant is a habitual litigant. The British Co-Ed High School Categorically deny these allegations, which the School believe have been made just to extract money and lower the reputations of the School. The school reserves his right to initiate legal proceedings against complainant for moving false and frivolous complaints.

It is therefore, prayed that the complaint moved by the complainant against the British Co-Ed High School is based upon false and frivolous facts and same is liable to be dismissed with heavy cost. Moreover, legal proceedings are liable to be initiated against the complainant for providing wrong and false information."

The Divisional Forest Officer Patiala submitted a detailed report to the committee about complaint (Annexure 9 and 10). In this report the Divisional Forest Officer, Patiala has informed as under.

- (1) "A complaint regarding British Co Ed School, located on Left side of Forest Strip, Sanour distributory (RD Patiala Sanour Road to Patiala Pehowa Road) was received from office of Deputy Commissioner Patiala on 15/02/22. The complainant alleged in the complaint, that British Co Ed School Authorities have illegally felled about 250 trees and also encroached upon Forest land in connivance with the Forest Department in Patiala-Sanour road falling under Forest Range Patiala.
- (2) A 5 member Team was constituted by Divisional Forest Officer Patiala dated 15.02.2022 under Range Officer Nabha Ms.Amandeep Kaur for enquiry of the same. The team submitted its Report dated 10.03.2022. As per the Report total 28 trees were found missing on above mentioned site in Sanour distributory, of which only 11 Dead and Dry trees were departmentally felled and no action taken against 17 trees, though the timber has been retrieved from the strip and recorded in the timber form by concerned incharge and in addition land breaking of Forest land (Violation under Indian Forest Act 1927) has been found on both sides of the Forest Strip.
- (3) It was brought to the notice of the Divisional Forest Office that during the period of the complaint, a New

Residential Colony was established on Right Side of Sanour distributary. While taking access to the colony through a road under jurisdiction of Municipal Committee Sanour, Land breaking was carried out in the Forest strip adjacent to the road in an area of about 495 Sq Mt. It is also reported By the Division office that the loss of trees and Land breaking in Right side of the Forest strip alleged in the complaint took place around November 2021, when the colonizer damaged forest strip adjacent to Nagar Council Road for approach to his Residential Colony.

- (4) It was also brought to the notice of the Forest Division Patiala that the Private School, British Co Ed School is operational since the year 2004. It is situated on Left Side of Sanour distributary (RD Patiala Sanour road to Patiala Pehowa Road). The school was using access /approach through forest strip without necessary approval under Forest Conservation Act 1980 for Non Forest Purpose. The temporary encroachment for Passage and Parking was carried out in an Area of 817 Sq Mt.
- (5) The detailed action taken report has been sent by Divisional Forest office, Patiala Forest Division to Conservator of Forest, South Circle vide letter No 3386 Dated 4/7/2022 (Annexure 1)
- (6) Punitive Action against the Concerned taken by Divisional Forest Officer Patiala:
1. Punitive action for violation under Indian Forest Act 1927, against school was initiated on 31.05.2022 by

issuing damage report and civil case COMA 2275 of 2022 was filed against School, in District Court Patiala (Annexure 2).

2. Punitive action for violation under Indian Forest Act 1927, against the Residential colony was initiated by issuing damage report on 02.02.2022 and a civil case, COMA 429 of 2022, was filed against the coloniser in District Court Patiala (Annexure 3).

3. With respect to loss of 17 trees and non action against violation, the concerned Beat incharge was suspended immediately on 11/03/2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules 1970 has been initiated by office of DFO Patiala.

(7) Remedial Action taken up and Proposed:

1. Joint Demarcation of the Forest Land has been carried out with Revenue Department Dated 25.03.2022 (Annexure 4) and the temporary encroachment utilized for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken by the Range team Patiala.

2. Notice under Forest Conservation Act 1980 has been issued to the School for taking approval for approach and access from Ministry of Environment Forest and Climate Change by Office of Divisional Forest Officer Patiala Dated 25.02.2022 (Annexure 5).

3. The online case for diversion of Forest land for approach and access with area of 0.08175 Ha. has

been applied by the School Proposal : FP/PB/Others/433877 dated 19.06.2023 (Annexure 6) and Restoration of Forest land damaged by the School along the Forest strip has been proposed in the FCA case by Office of Divisional Forest Officer Patiala.

(8) Preventive Action Taken:

The violation carried out by violators Concerned (The coloniser of the residential colony and the school) though being a compoundable offence under Indian Forest Act 1927, in order to make the action deterrent the civil case has been filed against the offenders.

(9) In addition to the Complaint, the allegations raised in the written statement of the complainant was also enquired into and Field verification report of Concerned Range officer stated that the electric poles are not in the Forest Strip. It is further reported by concerned Range office that allegations of tampering of tree register is false as the copy of the records are available in higher offices and all standing trees have been entered in the register. The same has been reported by Division office Patiala in its letter no 9065 Dated 13/9/2024 (Annexure 7)

(10) It is reported that, As per the Area Register, the Forest Strip is 3.5 meter wide on both sides of the distributary. The School had temporarily used the Forest Strip for passage and Parking on the Left side of the Distributary. The owner of the Residential colony had damaged the Forest land on the right

side of the Distributary for passage. The demarcation of the Forest strip had already been carried out on 25/3/2022 and the temporary Violation on the Forest land has been cleared and has been taken possession by Concerned Range team. The Punitive action against the Violators and Concerned Beat in charge for major penalty been initiated against the concerned Beat in charge as per department rules. Regarding the Loss of trees, Punitive action against the Concerned Beat in charge has been taken up. The Restoration of the Forest strip has been proposed in the Forest Diversion case applied by the School."

Observations and Conclusions of the Committee.

The Committee based on observations during the field visit to the area under consideration, detailed consultation with the DFO, Patiala, written statement by the complainant, written statement by the School Authorities and report by the DFO, Patiala the Committee found the following,

1. A complaint regarding British Co-Ed School located on Left side of Forest Strip, Sanour distributary (RD Patiala Sanour Road to Patiala Pehowa Road) was received from office of Deputy Commissioner Patiala on 15/02/22. The complainant alleged in the complaint, that British Co Ed School Authorities have illegally felled about 250 trees and also encroached upon Forest land in connivance with the Forest Department in Patiala-Sanour road falling under Forest Range Patiala.
2. This complaint was immediately inquired into by the Divisional Forest Officer and it was found that

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- i) the Private School, British Co Ed School is operational since the year 2004 and is situated on Left Side of the Sanour distributary (RD Patiala Sanour road to Patiala Pehowa Road). The school was using access /approach through forest strip of 3.5 m wide without necessary approval under Forest Conservation Act 1980 (now Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980). There was encroachment over 817 sq m of forest area for passage and parking.
 - ii) A New Residential Colony was established on Right Side of Sanour distributary. While taking access to the colony through a road under jurisdiction of Municipal Committee Sanour, land breaking was carried out in the Forest strip adjacent to the road in an area of about 495 Sq Mt. It is also reported By the Division office that the loss of trees and Land breaking in Right side of the Forest strip alleged in the complaint took place around November 2021, when the colonizer damaged forest strip adjacent to Nagar Council Road for approach to his Residential Colony.
 - iii) As per the report of Range Forest Officer who inquired into the complaint during the year 2022 (which is a part of the report of DFO Patiala), forest strips on both the sides of the Sanour Distributary (RD Patiala Sanour Road to Patiala Pehowa Road) were checked and it was found that a total of 28 trees were missing from the strip on right side of the Sanour Distributary. Out of these 28 trees, 11 Dead and Dry trees were felled Departmentally as per rules of the Forest Department and no action was taken against remaining 17 trees by the concerned beat incharge though he could retrieve timber.

3. A Joint Demarcation of the Forest Land was carried out with Revenue Department Dated 25.03.2022 and the temporary encroachment utilized for passage and parking by the violators has been cleared along both sides of the Forest Strip and Possession of Forest Land has been taken by the Range team Patiala.
4. During the site inspection by the committee, no direct evidence was found which could verify the allegation of illegal felling of tree by a specific person or entity. However from all the secondary information, records and report of the DFO Office it is evident that there was illegal felling of 17 trees and not 250 as alleged in the complaint.
5. With respect to loss of 17 trees and non action against violation, the concerned Beat in charge was suspended immediately and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules 1970 has been initiated by office of DFO Patiala.
6. Cases against the British Co-Ed school and the Private Colony have been filed in the Court of Judicial Magistrate as per the provisions of Indian Forest Act 1927 even though there was provision to compound this violation to set a deterrence.
7. Following notice from the Forest Department, School Authorities have applied (Proposal : FP/PB/Others/433877 dated 19.06.2023) for post facto approval for diversion of 0.08175 Ha of forest land for approach and access to school as per the provisions of Van (Sanrakshan Evam

Samvardhan) Adhiniyam, 1980. This area is now revised to 0.0156 ha. The Restoration of the Forest strip over violated area of 0.08175 ha has been proposed in the Forest Diversion case applied by the School and this cost shall be borne by the School Authorities. The further action against the violation will be decided by the MoEF&CC, New Delhi while considering the proposal for post-facto approval.

8. The some new allegations viz., erecting electric poles in forest area and tampering with records, raised in the written statement dated 31.08.2024 of complainant before the committee, though not part of original complaint were also inquired by the Divisional Forest Officer and it was found that the electric poles are not in the Forest Strip. It is further reported that the allegations of tampering of tree register is false as the copy of the records are available in higher offices and all standing trees have been entered in the register.

9. As of now there are no legal provisions/guidelines for assessment of environmental compensation in the State of Punjab.

The committee finds that following the complaint, the matter was inquired into and adequate remedial, punitive, preventive and restorative measures are taken by the Divisional Forest Officer Patiala.

The committee also finds that there was illegal felling of 17 trees and not 250 trees as alleged in the complaint.

Committee also directed Forest Division to be more vigilant, ensure adequate forest protection and initiate timely action against violators as per the law.



Technical Officer
Regional Office
MoEF&CC,
Chandigarh



Additional Deputy
Commissioner (G),
Patiala



Conservator of
Forests,
South Circle, Patiala



205**BEFORE THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****AUTHORITY LETTER**

I, Dharminder Sharma, IFS, Principal Chief Conservator of Forests (HoFF), Department of Forest and Wildlife Preservation, Punjab, SAS Nagar (Respondent No. 2) hereby authorize Sh. Guramanpreet Singh, PFS, Divisional Forest Officer, Patiala to defend and file affidavit on behalf of the undersigned (Respondent No. 2) in the present court case i.e. MA No.10 of 2025 in OA No. 343 of 2024 Mahendra Kumar Arora Vs State of Punjab. He may kindly be allowed to appeal/defend and file affidavit in this case on behalf of Respondent No. 2. Undersigned is also in agreement with report filed by the Joint Committee in the present case.

**DHARMINDER SHARMA
PRINCIPAL CHIEF CONSERVATOR OF FOREST (HOFF)**

Date **09-04-2025**
Place **Chandigarh**