

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

[Under Sections 18(1) read with Sections 14 & 15 of the
National Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO.272 OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & Ors. ... Applicant

Versus.

Union of India & Ors. ... Respondents

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New Delhi

DATED: 20-8-24


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**REPLY ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT FILED BY THE RESPONDENT NO.7
ALONGWITH AFFIDAVIT**

MOST RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the answering respondent No.7 played a fraud with this Hon'ble Tribunal by placing misleading, distorting and wrong facts before this Hon'ble Court. It is submitted that the averments mentioned in the para are incorrect which clearly shows that the answering respondent played a fraud with this Hon'ble Tribunal.

PARAWISE REPLY

- 1&2. That the contents of para 1 & 2 of the parawise reply of the affidavit need no comments.
3. That the contents of para 3 of the parawise reply of the affidavit need no comments.

4. That the contents of para 4 of the parawise reply of the affidavit are wrong and hence, the same are denied.
5. That the contents of para 5 of the parawise reply of the affidavit need no comments.
6. That the contents of para 6 of the parawise reply of the affidavit need no comments. It is clear that the respondent No.7 categorically admitted that "the respondent No.8 & 10 had already cut down approximately 30 trees and are trying to cut other trees also after drying the same using some acid. It is submitted that the answering respondent No.7 was well conversant that the respondent No.8 & 10 deliberately with malafide intention cause loss to the environment and also cause loss to the trees. In spite of this fact no action have been taken against the respondent No.8 to 10 and they were allowed with malafide intention to continue with the same act till they destroyed the entire baghs after cutting the mangoes trees." It is pertinent to mentioned herein that under the UP Protection of Trees Act 1976 there are restrictions to fall any tree standing on any land whether included in a holding or not and cut, remove or otherwise dispose off any tree other than a tree which is completely dead and has fallen without any aid of human agency or any such land. It is clear from the averments given by the respondent No.7 in para 6 that the respondent No. 8 & 10 deliberately with an intent motive cause loss to the trees by putting some

acid and dry the same and cut the same. It is clear from the photographs file alongwith the petition at page 72, 73, that the trees are quite healthy and green but from the page 74, 75 it is clear that the respondent No.8 to 10 jointly and severally removed the trees from the said land. It is an admitted position by the respondent that if, anyone commits the offences, the responsible person shall file an FIR and thereafter, if, the offence proved against the culprit i.e., Respondent No.8 to 10. Any forest officer without any warrant as per Section 13 of the Act can arrest the said persons and the only Ld. Magistrate has power to release the said persons after executing the appropriate bond. In as per section 10 of the Act if, any person found culprit for committing offence he shall be punished with the imprisonment which may be extended to six months or with fine or both. No punishment ever given to the respondent No.8 to 10 in accordance with law, it shows the respondent No.7 connived with respondent No. 8 to 10 and helped them under connivance to illegally cutting, removal of the trees hence, liable to be punished with the same punishment under Section 120B IPC.

7. That the contents of para 7 of the parawise reply of the affidavit are denied for want of knowledge and it is strange that the official respondent No.7 is providing such information which is totally within the knowledge of the petitioners and the respondent No.8 to 10.

8. That the contents of para 8 of the parawise reply of the affidavit are misleading and shows connivance with the respondent No.7. No report produced by the respondent No.7 qua the averments mentioned in annexure 3 and even the statement given in para 6 by the answering respondent No.7, that they are in connivance with the respondent No.8 to 10 and trying to cut trees illegally by one or other reasons. No report produced by the respondent which shows that any action have been taken that the averments mentioned in the application dated 07.11.2023 are true but a connivance took place in between the said persons by saying the general averments. It is noteworthy to mentioned herein that the complaints filed by the complainant who categorically stated that the respondent No.8 to 10 are conniving with the Forest Department and trying to remove the trees.
9. That the contents of para 9 of the parawise reply of the affidavit are wrong and hence the same are denied and the same is only an eye wash to mislead the Hon'ble Court by saying that the respondents No.7 denied to grant any permission for felling the mango trees situated in the said land. But if, inspite of the direction the respondent No.8 to 10 illegally cut down the trees after violating the provisions of the Act and thus cause loss to the environment. But no action have been taken by the respondent No.7 against the respondent No.8 to 10.



10. That the contents of para 10 of the parawise reply of the affidavit need no comments as the same is matter of record but the same is only an act of misleading this Hon'ble Tribunal, as from the complaints of the petitioner no action have been taken or intimated to the petitioners ever. No FIR was ever lodged for illegally cutting the trees by the respondent NO.8 to 10.
11. That the contents of para 11 of the parawise reply of the affidavit need no comments as the averments mentioned in the petition is admitted by the respondent No.7. Even it is in the knowledge of the Respondent No.7 that the trees illegally fell down by the respondent at which time but for illegally removing the trees no action have been taken against the respondents.
12. That the contents of para 12 of the parawise reply of the affidavit are wrong and hence, the same are denied. The said reports are only misleading to save the skin by the respondent No.7 of the forest department as from the para 6 onward it is clear that the illegally cutting / felling of the trees were in the knowledge of the respondent No.7 but no action have been taken to protect the trees by the respondent No.7.
13. That the contents of para 13 of the parawise reply of the affidavit are wrong and hence, the same are denied.
14. That the contents of para 14 of the parawise reply of the affidavit are wrong and hence the same are denied

as the same is not relevant for the present case. No FIR was ever lodged by the respondent No.7 against the respondent No.8 to 10 for their illegal acts and even it is clear that the respondent No.7 and forest department protect the respondent No.8 to 10.

15. That the contents of para 15 of the parawise reply of the affidavit are wrong and hence the same are denied.
16. That the contents of para 16 of the parawise reply of the affidavit are wrong and hence the same are denied.
17. That the contents of para 17 of the parawise reply of the affidavit cannot be allowed as from the averments of the affidavit it is clear that the respondent No.7 and the forest department in connivance with the respondent No.8 to 10 illegally cut down the trees willfully and take law in their own hand. Even though inspite of the notices,ailable warrant the respondent No.7 avoided appearance before this Hon'ble Tribunal and deliberately committed offences in connivance with Respondent No. 8 to 10.
18. That the contents of para 18 of the parawise reply of the affidavit need no comments.

PRAYER

It is therefore most respectfully prayed that the respondent No.7 may kindly be punished with the respondent No.8 to 10 as they connived with each other and deliberately cause loss to the environment in the interest of justice.

To grant any other and further orders which may be deemed fit and proper in the interest of the justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

Deepank

Signature of the Applicants

New Delhi
DATED:

Deepank
[VISHWENDRA VERMA] & [SHIVALI]

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AFFIDAVIT

I, DEEPANK KUMAR SHARMA, S/o Shri Dinesh Kumar Sharma, aged about 31 years, R/o 1810, Mandi Railway road, Near Sarvodaya Inter College, Railway Road, Pilakhuwa, Tehsil Hapur, U.P.. Presently at New Delhi, do hereby solemnly affirm and state as under-

1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of this reply has been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.



3. That the contents of this reply are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

Identify the deponent who has signed in my Presence

Deepank

DEPONENT

VERIFICATION:

Verified at Delhi on this the 21 day of August, 2024 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

[Handwritten mark]



Deepank

DEPONENT

**ATTESTER
NOTARY PUBLIC**

21 AUG 2024