

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRICIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 264 of 2022

IN THE MATTER OF:-

Vir Singh Rana

...Applicant

Versus

Ministry of Environment Forest and
Climate change & Ors.

...Respondents

INDEX

| Sr.no. | Particulars | Pages | COURT FEE |
|--------|---|-------|-----------|
| 1 | REPLY FILED ON BEHALF OF RESPONDENT NO. 4 i.e. MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE & ORS. | 1-4 | |
| 2. | PROFF OF SERVICE BY E-MAIL Dated 05.09.2022 | 5 | |



(RAJESH K. SINGH)
ADVOCATE

**Office- N-20, Basement,
Jangpura, Extension,
New Delhi-110014
Mob. -9868012182**

Mail: rajeshsinghadv@gmail.com

1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, DELHI

ORIGINAL APPLICATION No. 264 of 2022

Vir Singh Rana

... Applicant (s)

AND

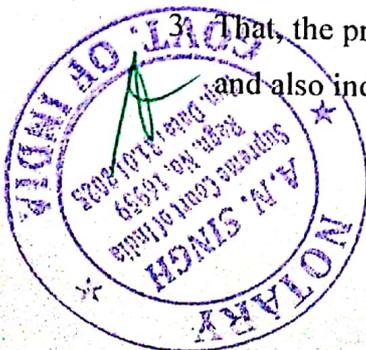
Ministry of Environment Forest
and Climate Change

... Respondent (s)

COUNTER- AFFIDAVIT ON BEHALF OF RESPONDENT NO.04 ,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
NEW DELHI

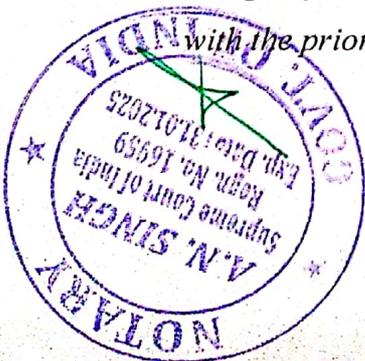
I, Shivanand S. Talawar aged about 40 years, S/o Late Shasikant C Talawar do hereby solemnly affirm and state as follows:

1. That, I am working as Assistant Inspector General of Forest in the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi (hereinafter referred to as 'MoEFCC' for brevity) and in my official capacity, I am conversant with the facts of the case based on knowledge derived from official records and such am competent and authorized to file have been duly authorized to file this affidavit.
2. That, I have gone through the contents of the present Application and have understood the contents thereof.
3. That, the present affidavit is being filed through the MoEFCC as Respondent No.4 and also indicates the basic stand and role of the Ministry in the case.



4. That, at the outset, I state that this respondent, MoEFCC is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, biodiversity, natural resources and wildlife. That most of the averments made in the said Application pertains to the State Respondents and the same may be testified by the State Government, who are also the respondents in the instant matter as the management of its resources and use thereof is under the control and management of the concerned State Government.
5. That, it is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, *inter-alia*, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
- A. It is submitted that prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 (FC Act) is required for carrying of any non-forestry activity on forest land.
- B. The Section -2 of the Forest (Conservation) Act, 1980 are herein reproduced below;

"2.Restriction on the de-reservation of forests or use of forest land for non-forest purpose-Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing, -



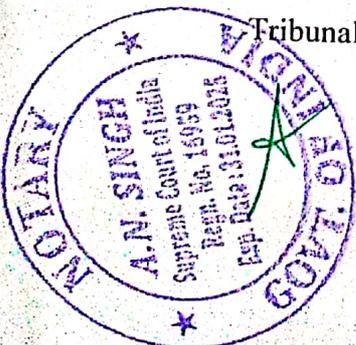
- i. that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii. that any forest-land or any portion thereof may be used for any non-forest purpose;
- iii. that any forest- land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv. that any forest-land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

[Explanation-For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest-land or portion thereof for-

- a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b) any purpose other than reforestation,

But does not include any work relating or ancillary to conservation, development and management of forests and wild life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.]”

6. That, the Answering Respondent craves liberty to rely on the present affidavit and thereafter reserves its right to file additional information before the Hon'ble Tribunal, if required till Pendente-Lite.



7. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.

[Signature]
05/09/2022

DEPONENT

शिवानन्द एस. तलवार / SHIVANAND S. TALWAR
सहायक वन महानिरीक्षक
Asstt. Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

[Signature]
I identify the deponent who has signed/Put T.I. in my presence

VERIFICATION:

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

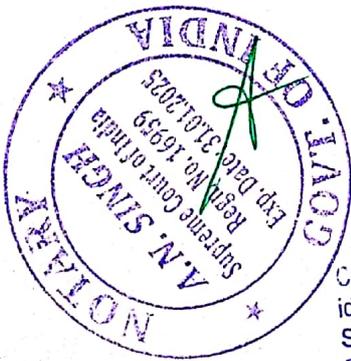
05 SEP 2022

Verified at New Delhi on this 05th September day of, 2022.

[Signature]
05/09/2022

DEPONENT

शिवानन्द एस. तलवार / SHIVANAND S. TALWAR
सहायक वन महानिरीक्षक
Asstt. Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



Certified that the above named Deponent identify by Shri/Smt. R.K. Singh, Adv. Solely affirmed, declared as at S. No. 8027 The contents of the affidavit which have been read & explained to me are true and correct
Notary

05 SEP 2022

ATTESTED

[Signature]
A.N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7382539115

05 SEP 2022

Advance Service of Reply dt. 05.09.2022 in O. A No. 264/2022, titled as Vir Singh Rana Vs. MoEF & CC & Ors.

1 message

Rajesh kumar singh <rajeshsinghadv@gmail.com>
To: vir4883@gmail.com

Mon, Sep 5, 2022 at 2:47 PM

Sir/Ma'am,

Please find attached herewith advance copy of a Reply dt. 05.09.2022 in O. A No. 264/2022, titled as Vir Singh Rana Vs. MoEF & CC & Ors. being e-filed by the Respondent No. 4 (UOI/MoEF)..

Kindly treat this as due advance service.

Thanks,

Rgds;
Rajesh K. Singh
Advocate
For Respondent No. 4
Mob. 9868012182

 Reply in O.A No. 264 of 2022 on behlaf of R-4 (MoEF).pdf
1711K