

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPLE BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 704 OF 2022**

IN THE MATTER OF:

Zafar Abbas

....APPLICANT

VERSUS

State of Uttar Pradesh &Anr....RESPONDENTS

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Reply/Short Affidavit on behalf of the Respondents no __ & __	1-5
2.	Annexure R-1 True Copy of the photographs and the statements of the people living nearby the subjective land dated 12.10.2022	6-09
3.	Annexure R-2, True copy of the letter no 2253/35-3 dated 16/11/2022 by Divisional Director , Social Forestry Division Meerut	10

Date :

Place :

Filed by

Divisional Director, Social Forestry Division, Meerut

(On behalf of Secretary Environment, Forest and

Climate change , Govt.of Uttar Pradesh)

BEFORE THE NATIONAL GREEN TRIBUNAL 1
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION.NO. 704 /2022
IN THE MATTER OF:

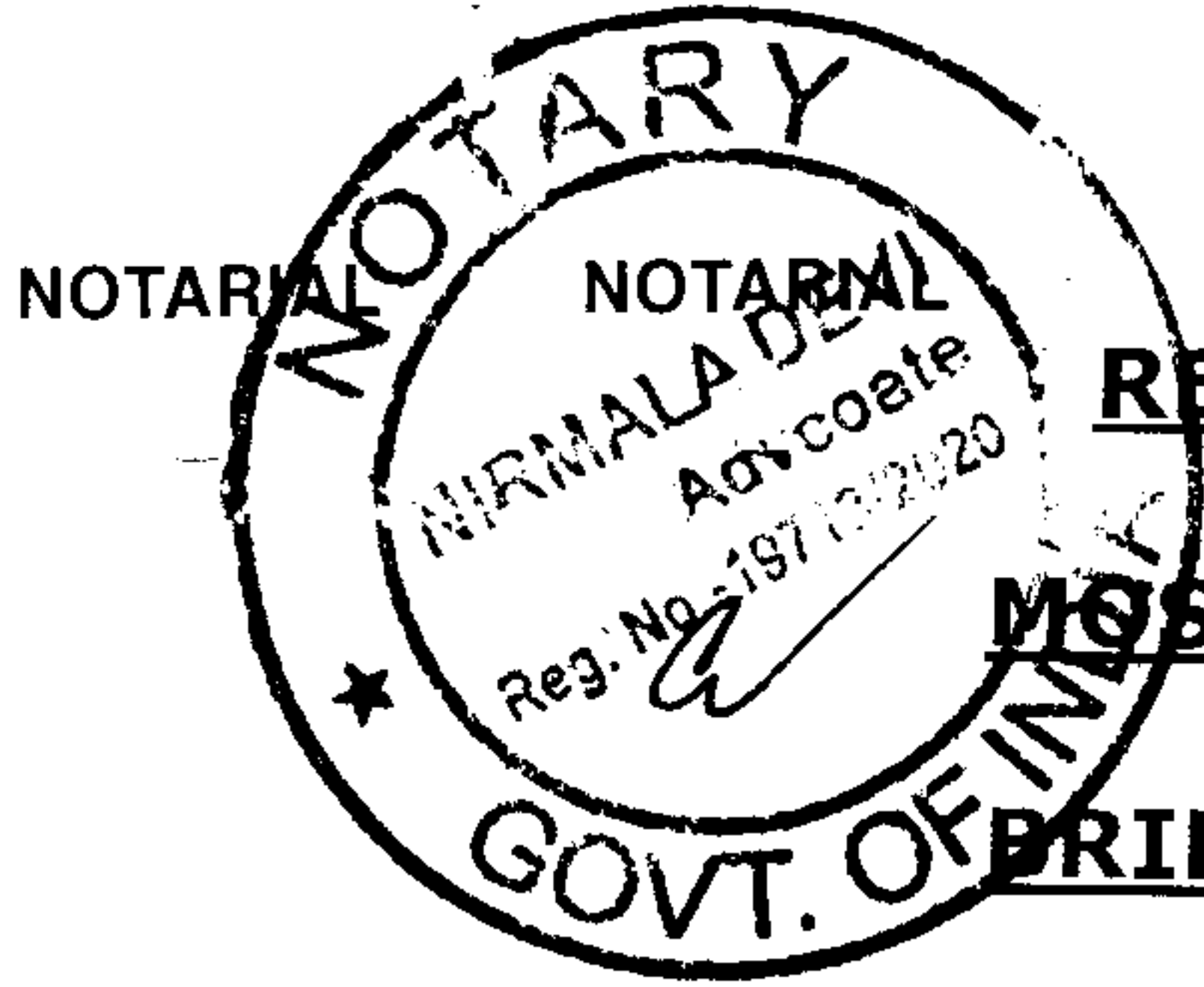
Zafar Abbas

...APPLICANT

VERSUS

State of Uttar Pradesh and Anr

....RESPONDENTS



REPLY/ SHORT AFFIDAVIT ON BEHALF OF THE
RESPONDENTS NO. ALONG WITH THE AFFIDAVIT

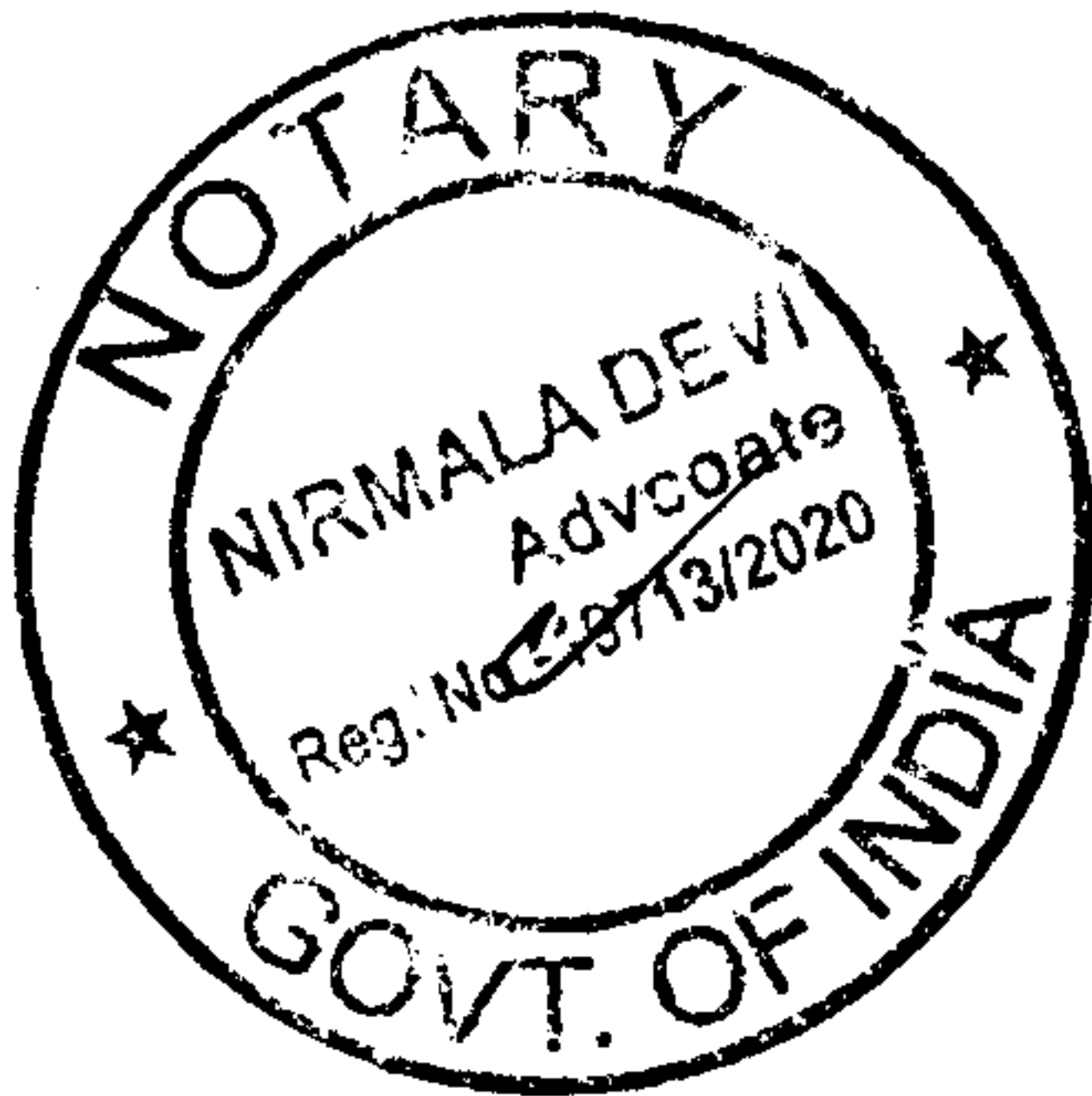
MOST RESPECTFULLY SHOWETH

BRIEF FACTS OF THE CASE :

I, Rajesh Kumar, aged about 32 years Divisional Forest Officer, Meerut/o Rang Lal Meena do hereby solemnly affirm and declare as under: -

1. That in my official capacity as Divisional Forest Officer, Meerut , I am well conversant with the facts of the case as derived from the official record. As such, I am competent to swear the present affidavit on behalf of Respondent no 1 .

2. That the above mentioned O.A. petition has been filed by the petitioners with the prayer to



(i) Direct the respondents to ensure that no further activity of construction or any activity related to construction should not enhance and be stopped immediately.

(ii) Direct the respondents to ensure that the entire area of 40 bighas of khasra no 15/1 should be demarcated and all building material lying there should be removed and penal action should be initiated against the violators.


प्रमाणित निदेशक
समाजिक वानिकी प्रभाग
मेरठ

3. That the respondents are duty bound to fulfil the obligations which are assigned to them under the law and direction passed by this Hon'ble Tribunal. It is submitted that the respondents have been performing its statutory duty for the protection of environment and providing, maintaining the public amenities to the resident of Meerut.

4. That in the present matter petitioner raised issue pertaining to environment arising out of the implementation of the enactments specified in schedule 1 to the National Green Tribunal Act, 2010, by which he is seeking the demarcation of entire area of 40 bighas comprised in khasra no. 15/1 situated in Village NanglaTashiQasampurKankarKheda Meerut, Uttar Pradesh and removal of encroachments and building material from the same. Applicant has averred in the application that the applicant is the owner of above-mentioned agricultural land and there has been no cultivation on the subject agricultural land since last 70 years.

5. It is averred in the application that Respondent no 2 Uttar Pradesh Shia Central waqf Board is misusing its authority over the Waqf-ul-aulaad land and allowing unknown third parties to encroach on the same disturbing the ecology and the environment. A builder is trying to occupy and convert a part of the said land into a residential colony and has commenced the work by digging out the wild grass and According to applicant the act of constructing a residential colony have detrimental effect on the flora and fauna and biodiversity and will affect recharge of water.

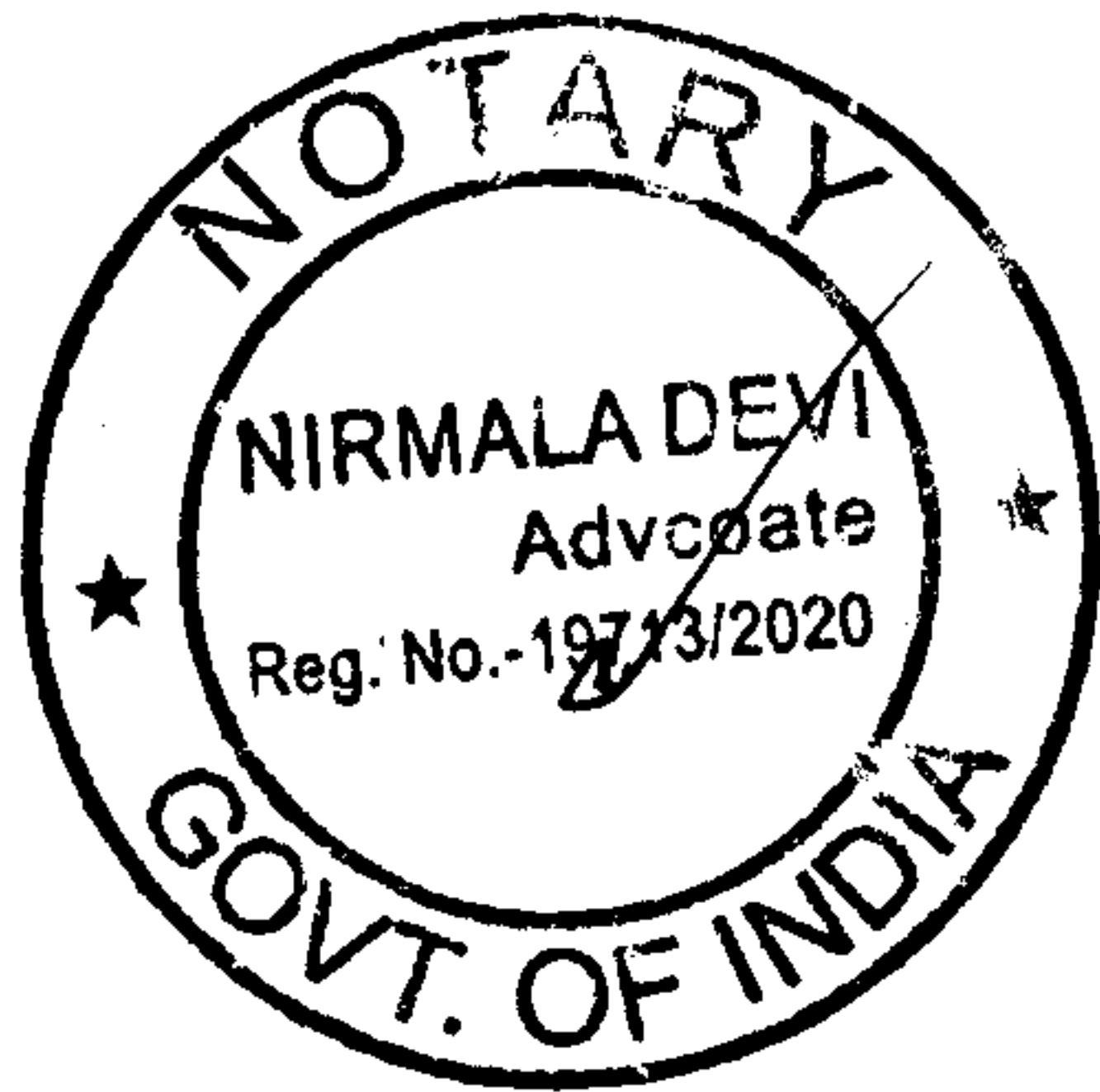


प्रभागीय निदेशक
सामाजिक वानिकी प्रभाग
मेरठ

6. That on dated 27.11.2022 the Hon'ble National Green Tribunal was pleased to issue notice to the respondents. It has been directed to the respondents to file the response to the averments made in the petition. It is submitted that Hon'ble National Green tribunal impleaded District Magistrate , Meerut as respondent no 3 for proper adjudication of the questions involved in the case . On the next date i.e. 11.10.2022 Hon'ble National Green tribunal applied the precautionary principle to the present case and passed appropriate directions that the land be preserved in the present state of environment till adjudication of the questions involved in the case and directed the respondents to maintain status quo regarding possession and existing position of the land till further orders. It is further submitted that Hon'ble National green* tribunal directed the superintendent of police and District magistrate, Meerut to take requisite steps for maintaining the status quo regarding the possession and existing position of the land in question .



7. It is submitted that I.A. application 231/2022 filed in the Hon'ble National Green Tribunal , New Delhi in O.A. 704/2022 seeking interim relief. That in compliance of the statutory duties which are assigned under the law and order of this Hon'ble Tribunal, That the answering respondent performed their duties with utmost sincerity and took necessary steps in compliance of the order of this Hon'ble tribunal. It is submitted that the above investigation done through Sub Divisional Director, Social forestry, Meerut. It is further submitted that through the letter 93/35-3 dated 12.10.2022 Sub - Divisional Forest officer, Meerut, has been informed that enquiry has been concluded on the Khasra no. 15/1 and it is revealed by

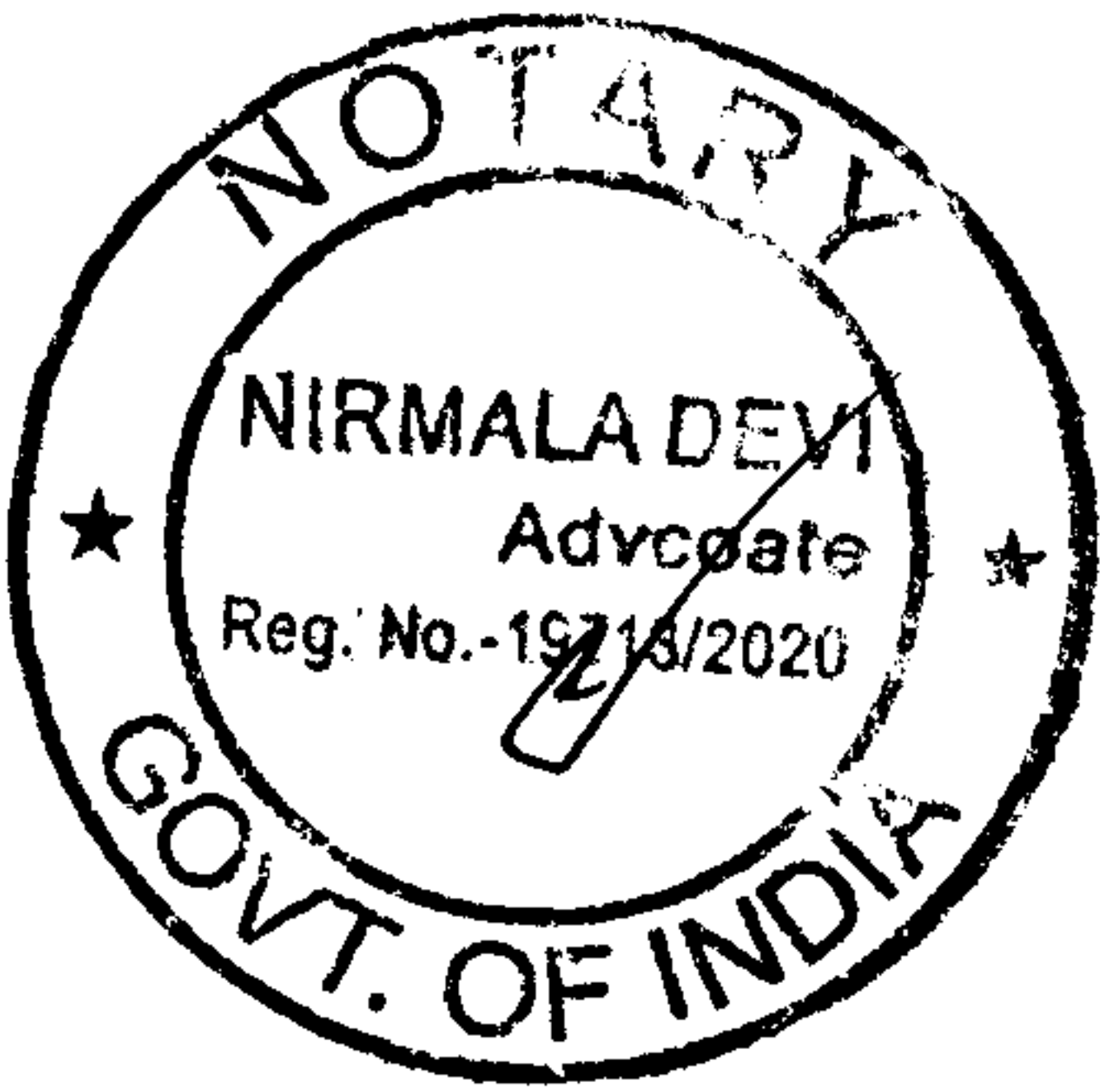


प्रमाणित निदेशक
सामाजिक वानिकी प्रभाग
मेरठ

the enquiry that roads for cutting the colony were found on the spot, Soil and bricks were lying on the spot. That there is no evidence of any tree being cut on the spot. No tree was found cut on the spot. It is submitted that statements were recorded from the people living nearby during the investigation. It has been told by the persons present on the spot that no tree has been cut. There were bushes, grass and pits found on the respective land . The land is situated on the right track of Meerut - Sardhana road .The photographs of the spot and the statement of the people living nearby are annexed in this reply . True copy of the photographs and statements of the people living nearby the subjective land are annexed herewith as **ANNEXURE R 1**



8. That after intense examination and inspection of the spot in compliance of the order dated 27.09.2022. A letter no. 2253/35-3 dated 16.11.2022 has been sent to Forest Conservator/ Regional Director , Social Forestry , Meerut Circle , Meerut by Divisional Director, Social Forestry Division , Meerut regarding the intense inspection of the spot and request him to apprise about the same to the Chief conservator of Forest , U.P. for necessary actions in the sequence of the order dated 27.09.2022 passed by the National green tribunal .True copy of the letter no 2253/35-3 dated 16/11/2022 are annexed herewith as **ANNEXURE R2**



9. That the contents of the present affidavit are drafted under my instructions and I have understood the same . Neither any part of this affidavit is false and nor any material is concealed therefrom .

प्रभाजीय लिदेशक
सामाजिक वानिकी प्रभाग
मेरठ

10. That the contents of the present affidavit are being humbly placed for the kind consideration of this Hon'ble Tribunal .

Verification :

I , the above named deponent , verify that the contents of this affidavit are true and correct as per the officially record available with my office , nothing material has been concealed therefrom.



Verified at ^{Meerut.} 20/11/2022 on this day of NOV, 2022

DATE: 20/11/2022

PLACE: Meerut

प्रभा नन्द लिदेशक
सामाजिक विकास प्रभाग
मेरठ

Divisional Director, Social Forestry Division, Meerut
(On behalf of Secretary Environment, Forest and Climate change , Govt.of Uttar Pradesh)

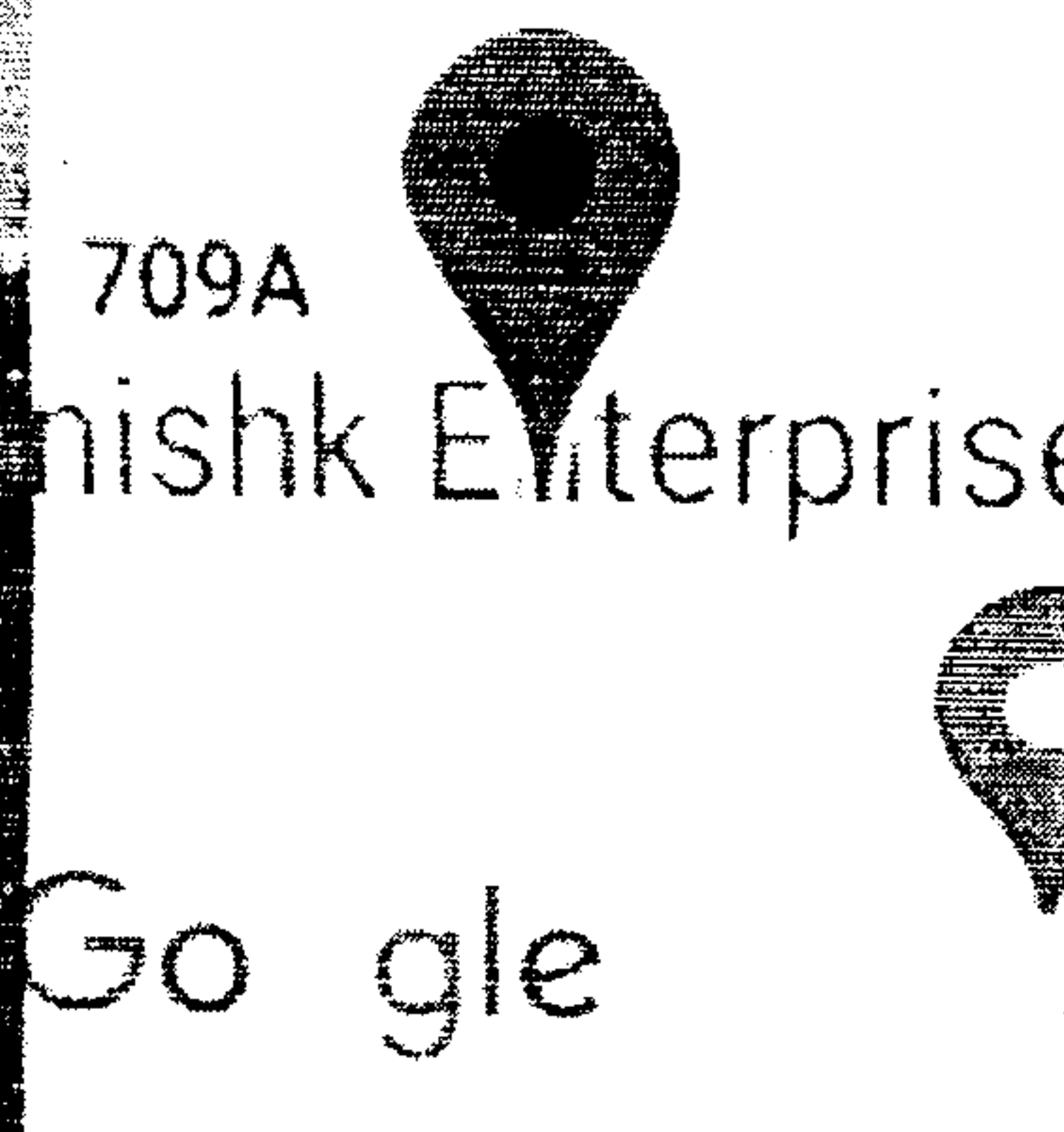
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SATISH CHAND TYAGI
Advocate
Reg. No. - UP-2400/77
C.O.P. No. - 092620
37, Law Chambers Building
Civil Court, Meerut Mch.- 9837292880

ATTESTED
20-11-2022
NOTARY



GPS Map Camera



Meerut, Uttar Pradesh, India

Kanker Khara Kanker Khara, Dream City,

Uttar Pradesh 250001, India

Lat 29.043128°

Long 77.660321°

12/10/22 05:51 PM GMT +05:30



 GPS Map Camera

Meerut, Uttar Pradesh, India

Kanker Khara Kanker Khara, Dream City, Uttar Pradesh

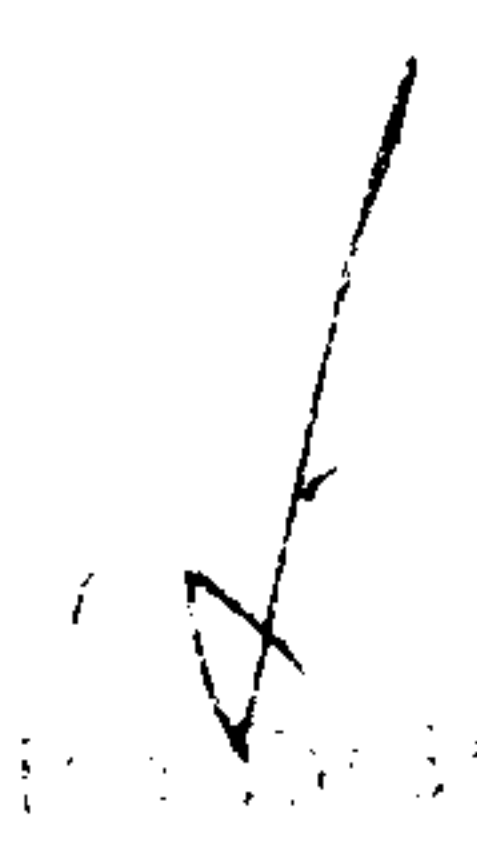
250001, India

Lat 29.043117°

Long 77.660304°

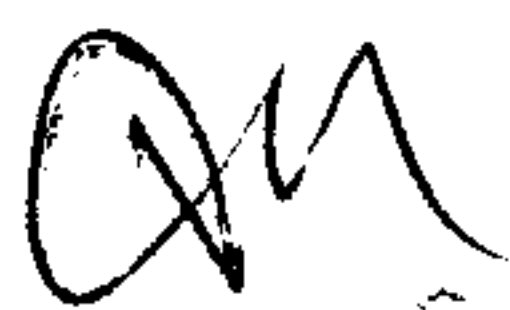
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Date: 12/10/22
Time: 05:51 PM
Location: Meerut, Uttar Pradesh

मेरे उमर दीन पुत्र की बाबू रंग निवासी-सरधारा
 तब सरधारा निवासी मेरे का निवासी है बघाव करना
 है कि मैं बाइस महीने बगैर का कार्य विगत
 कई वर्षों से नगला बाइस, सरधारा बाइस मेरे
 पर करता है। हमारे सामने जो वाली जमीन है
 उस पर कोई दृष्टि नहीं जो कड़ी-कड़ी पर झांझी
 झांझी तथा भूमि पर गड्ढे के निचे कुछ दिन
 पूर्व खोद-खोद कर के मिट्टी अथवा कार्य विना
 गला है मेरी जानकारी में इस स्थान के कोई दृष्टि
 नहीं मालूम गला

प्रमाणित!


 प्रमाणित करने वाला अधिकारी
 सरधारा

हम
 उमर दीन
 (उमर दीन पुत्र की बाबू रंग)
 निवासी-सरधारा
 बाबू-सरधारा
 बाइस-बाइस
 निवासी-मेरे


 प्रमाणित निदेशक
 सामाजिक वानिकी प्रभाग
 मेरठ

संलग्न

मैं बाबूसागरी जी को नमस्कार दे निवाली
 जी मैं सख्त सख्त सख्त को निवाली है
 हमारी आत्मा को सख्त में बचानी जमान है
 उस जमान में जो है वृद्ध नही था बड़े बड़े
 पद इनकी सुखवास वदेस थ मुद दिने पुन
 मुद आत्मा को सुख में नही बचानी आत्मा
 बचानी आत्मा को सुख में नही बचानी आत्मा
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 आत्मा में सुख

प्रमाणित
 गुण
 प्रमाणित एवं आवश्यक

बाबूसागरी
 १४ जीम सिटी सख्तना
 सख्त मरु

प्रमाणित निदेशक
 सामाजिक दानिकी प्रमाण

दूरभाष संख्या - 0121 - 2663866
E-mail - dfomeerut@gmail.com



कार्यालय प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, मेरठ।

(223/1 सिविल लाईन, मेरठ - 250 001)

पत्रांक 2253 / 35-3 मेरठ, दिनांक, 16 नवम्बर, 2022

सेवा में,

वन संरक्षक/क्षेत्रीय निदेशक,
सामाजिक वानिकी, मेरठ वृत्त,
मेरठ।

विषय:- मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली में दायर ओ0ए0 Application seeking Interim Direction alongwith affidavit in support जफर अब्बास बनाम उ0प्र0 राज्य आदि के सम्बन्ध में।

सन्दर्भ:- 1- मुख्य वन संरक्षक कोर्ट केस, उत्तर प्रदेश लखनऊ का पत्रांक को0के0 529/35-3 दिनांक 26.9.2022
2- आपका पत्रांक 1420/35-3 दिनांक 29.9.2022

महोदय,

उपरोक्त सन्दर्भित पत्रों के क्रम में अवगत कराना है कि उपरोक्त की जांच उप प्रभागीय वनाधिकारी मेरठ के माध्यम से करायी गयी। उप प्रभागीय वनाधिकारी मेरठ द्वारा अपने पत्रांक 93/35-3 दिनांक 12.10.2022 द्वारा अवगत कराया गया है कि ग्राम नंगला ताशी कासमपुर खेडा खसरा संख्या 15/1 की मौक पर जांच की गयी। मौके पर कॉलोनी काटने हेतु रास्ते, मिट्टी डालना तथा ईट व मिट्टी मौके पर पड़ी हुई है। मौके पर किसी भी वृक्ष के काटे जाने के साक्ष्य नहीं है। मौके पर कोई भी वृक्ष कटा हुआ नहीं पाया गया। आसपास में रहने वाले व्यक्तियों से जांच के दौरान ब्यान लिपिबद्ध किये गये। मौके पर उपस्थित व्यक्तियों द्वारा बताया गया कि कोई वृक्ष नहीं काटा गया है। संबंधित भूमि पर झाड़ी एवं घास तथा भूमि पर गड़ढे थे। यह भूमि मेरठ-सरधना मार्ग की दांयी पटरी पर स्थित है। मौके के फोटोग्राफ व आसपास रहने वाले व्यक्तियों के ब्यान साथ में संलग्न है।

मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 27.9.2022 के अनुक्रम में यथावश्यक कार्यवाही हेतु मुख्य वन संरक्षक, कोर्ट केस, उत्तर प्रदेश, लखनऊ को अपने स्तर से लिखने का कष्ट करें।

संलग्न:- उपरोक्तानुसार।

भवदीय,

प्रभागीय निदेशक,
सामाजिक वानिकी प्रभाग,
मेरठ।

संख्या: 2253 / उपरोक्तदिनांकित।

प्रतिलिपि मुख्य वन संरक्षक, कोर्ट केस, उत्तर प्रदेश लखनऊ को सन्दर्भित पत्र के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

प्रतिलिपि भंवर सिंह जादौन, स्थायी अधिवक्ता, उत्तर प्रदेश राज्य, मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

प्रभागीय निदेशक
सामाजिक वानिकी प्रभाग
मेरठ

प्रभागीय निदेशक,
सामाजिक वानिकी प्रभाग,
मेरठ।