

**BEFORE THE NATIONAL GREEN TRIBUNAL,**  
**PRINCIPAL BENCH, NEW DELHI**  
ORIGINAL APPLICATION NO.1226 OF 2024

IN THE MATTER OF:

PRAVEEN KUMAR & ANR.

...APPLICANTS

VERSUS

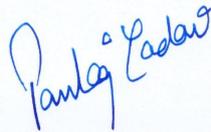
STATE OF HARYANA & OTHERS

...RESPONDENTS

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**THROUGH**



**PANKAJ YADAV & ANIKA CHOPRA (ADVOCATE)**  
A-400, LGF, DEFENCE COLONY,  
NEW DELHI-110024  
9711791179

PLACE: NEW DELHI

DATED: 13.05.2025

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REPLY BY THE WAY OF AFFIDAVIT BY RESPONDENT NO. 9  
 I.E., SH. JEETRAM TO THE ORIGINAL APPLICATION FILED BY  
 THE APPLICANTS

I, the above name deponent do hereby solemnly affirm and declare as under that I being the Respondent No. 9 in the present case am competent to tender this reply by the way of this affidavit.

**PRELIMINARY OBJECTIONS:**

The present Original Application is liable to be dismissed as it has been with malicious intent and suppression of facts and same has been filed by individuals who unsuccessfully contested the elections for the post of Sarpanch in Village Mohanpur against the answering Respondent. The Applicants have deliberately concealed this material fact in order to portray themselves as bona fide environmentalists. Their intent is evidently to malign, harass, and settle personal scores with the answering Respondent under the guise of environmental concern. Such deliberate suppression and mala fide intent are sufficient grounds to dismiss the Application with exemplary costs.

**SANCTIONED USE OF LAND BY PUBLIC HEALTH DEPARTMENT IGNORED:** The Original Application is liable to be dismissed as the Applicants have intentionally failed to disclose that the Public Health

Department, Government of Haryana, vide its letter No. 646 dated 25.07.2024, requested 2 acres of land in Village Mohanpur for the construction of a Boosting Station. Pursuant to this, a meeting of the Panchayat was convened on 26.07.2024, wherein the said land was earmarked for public utility with consensus. The project was approved and undertaken for bona fide public welfare purposes. This key fact has been deliberately suppressed by the Applicants, further strengthening the case for outright dismissal of the Application.

**NON-JOINDER OF PUBLIC HEALTH DEPARTMENT AS A NECESSARY PARTY:** The present OA is liable to be dismissed for non-joinder of the Public Health Department, Mahendergarh, Haryana, which is the executing agency responsible for all works carried out on the said land. All allegations in the Original Application pertain to actions allegedly arising out of activities executed at the behest of the said Department. Without impleading them as a party, the Original Application is fatally defective and unsustainable in law.

**NO PERSONAL ROLE OF RESPONDENT NO. 9 IN ALLEGED ILLEGALITIES:** The Original Application is liable to be dismissed as there is no iota of evidence to demonstrate that the answering Respondent directed or participated in any tree felling or soil excavation. The alleged felling of approximately 15 Kikar and Jaal trees, even if assumed for argument's sake, was never undertaken under the instructions or supervision of the answering Respondent. The project was purely administered by officials of the Public Health Department and hence no personal liability can be fastened on the answering Respondent.

**OFFICIAL FOREST PROCEEDINGS NAME ANOTHER INDIVIDUAL, NOT RESPONDENT NO. 9:** The Application is liable to

be dismissed in light of official records of the Forest Department, which categorically show that one Naveen Kumar was challaned on 03.08.2024 for unauthorized tree felling. The same record notes that the work was being undertaken at the behest of the Public Health Department. This conclusively establishes that the answering Respondent has been wrongly and maliciously impleaded, and no cause of action lies against him.

**ABUSE OF ENVIRONMENTAL JURISDICTION OF THIS HON'BLE TRIBUNAL:** The Original Application is liable to be dismissed as it does not involve any real or substantive environmental dispute but is rather an attempt to politicize administrative actions taken in the public interest. It is a textbook example of misuse of the forum of this Hon'ble Tribunal to advance personal vendettas under the garb of environmental protection. Such conduct deserves to be deprecated and visited with exemplary costs.

**RESPONDENT NO. 9 PRAYES FOR DISMISSAL OF OA:** At the outset, Respondent No. 9 denies each and every averment as stated in the OA as incorrect and false except specifically admitted herein. It is submitted that the present Original Application ("OA") has been filed based on the alleged assumption that Respondent No. 9 has participated in illegal tree felling, illegal soil excavation and misuse of village resources, to his own personal benefit and that approximately 15 Jaal and Kikar trees were cut on the direction of the Sarpanch. The present OA is frivolous and has been filed with mala fide intent to extort monies from the answering respondent. It is based on wholly incorrect and unfounded assumptions of the Applicant. Thus, the present OA deserves to be dismissed outrightly.

### **REPLY ON MERITS**

1. The bare perusal of the OA make it believe that there are no merits in the present OA. The applicants have made a futile and superficial attempt to construct the present OA by filling it with generalized

academic material such as thesis reports, project summaries, and environmental citations, which are neither factually relevant nor legally connected to the allegations made against the answering Respondent. A perusal of the OA reveals that there is no coherent narration of facts, no substantiated pleading of cause of action, and no legal foundation upon which the allegations rest.

2. Rather than addressing specific facts such as dates, evidence, or official proceedings the applicants have relied on borrowed environmental literature that is entirely unrelated to the actual events alleged in the village context. This demonstrates a lack of bona fides, and also reflects that the application is filed in a reckless and casual manner, without any seriousness of purpose.
3. Therefore, it is respectfully submitted that all such references, theories, and citations form no part of any legitimate pleading and hence do not require any reply from the answering Respondent. The answering Respondent denies all such materials by way of general denial, without prejudice to the right to contest them should they ever be relied upon in any substantive proceedings.
4. That for the ease of understanding and for the assistance of this Hon'ble Tribunal, the Respondent No. 9 submits the following:
  - i. It is submitted that the 15 Jaal and Kikar trees in question, situated in Mohanpur, Tehsil Kanina, District Mahendragarh, Haryana (hereinafter referred to as the "said land"), are not under the control or direction of Respondent No. 9, who is the Sarpanch of the village. The said land was lawfully transferred to Public Health Department upon its request for development purposes. In a Panchayat Meeting held on 25.07.2024, attended

by members of the Panchayat, including the Sarpanch, and the Sub-Divisional Engineer representing the Public Health Department, upon request of the Sub-Divisional Engineer, the Sarpanch agreed to provide the said land, which is approximately 2 acres of land, to the Public Health Engineering Department. To avoid any confusion, the contested land, the uprooting of 15 Jaal and Kikar trees and alleged soil excavation, as alleged in the OA, have all been done on land which was transferred to Public Health Department on 25.07.2024 as evidenced by minutes of the meeting in the Panchayat's Diary. The true copy of diary with minutes of meeting held on 25.07.2024 is attached herewith as **Annexure R-1**

- ii. Accordingly, the alleged uprooting of 15 Jaal and Kikar trees, as well as the purported plan to uproot an additional 90 to 100 trees, is an action which cannot be attributed to Respondent No. 9. Likewise, the alleged illegal removal of soil from the said land cannot be imputed to Respondent No. 9 for personal gain. The said land is not Panchayat Land but Government Land, over which Respondent No. 9 has no authority.
- iii. It is submitted that the mala fide intent of the Applicant is evidenced by the fact that Public Health Department has not been made a party to the Application. It is clear that Public Health Engineering Department has a direct and clear interest in the controversy involved in the present O.A. This shows the Applicant's intent to extort money from Respondent No. 9 on unfounded and baseless claims. It is submitted that Public Health Department is a necessary party and in its absence no effective decree/relief can be passed.
- iv. It is most humbly submitted that none of the trees in question

have been cut by or on behalf of orders of Respondent No. 9, nor has any illegal soil excavation been conducted by or on orders of Respondent No. 9. Moreover, it is humbly submitted that Respondent No. 9 has not gained any personal profit from any illegal tree felling, illegal soil excavation on the said land.

- v. It is most humbly submitted that Respondent No. 9 has not violated any directions issued by the Hon'ble Punjab and Haryana High Court, Chandigarh. It is further submitted that there was no obligation upon Respondent No. 9 to obtain permission from the Forest Department, as the alleged felling of trees did not occur under the control, supervision, or direction of the Respondent No. 9/Sarpanch. Nor did Respondent No. 9 /Sarpanch partipate in any illegal soil excavation on the said land. The said actions were carried out by, or under the authority of, Public Health Engineering Department.

It is submitted that the aforesaid aubmissions make it clear that the allegations/averments made by the Applicant are based only on assumptions and are factually incorrect. The present OA has been filed only to waste the precious time of this Hon'ble Tribunal and the same deserves to be dismissed outrightly with exemplary costs.

That Respondent No.9 further reserves its right to file additional reply/objection, if required, upon liberty from the Hon'ble Tribunal.

That the Respondent No. 9 hereby prays that this Hon'ble Tribunal may dismiss the the present Original Application filed by the Applicants in favour of Respondent No. 9 and impose exemplary costs against the Applicant holding the Original Application to be frivolous and vexatious; and/or Pass such order or further order(s) as this

Hon'ble Tribunal may be deem fit, proper and just under the circumstances of the present case.



DEPONENT

#### VERIFICATION

Verified at Gurugram on this 13<sup>th</sup> day of May 2025, that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



DEPONENT

फॉर्म नं० 2

किताब कारवाई पंचायत गौहण्ड ब्लाक कन्नौज जिला महोदय

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वसंत  
बाबा  
२

1 तिथि	2 उपस्थित पंचों के नाम	3 कार्य जो किया गया
26/7/24		<p>आज दिनांक 26/7/24 को गांव पंचायत गौहण्ड कि पंचायत में बैठक का आयोजन किया गया जिसमें गांव के सरपंच, उपायुक्त, और अन्य अधिकारी उपस्थित रहे। बैठक में गांव के विकास, शिक्षा, स्वास्थ्य, और अन्य विषयों पर चर्चा हुई।</p> <p><u>पुस्तक को</u>  <del>आज</del> बैठक में सरपंच के अध्यक्षता में पुस्तक को रखा कि उपकरणों के अभाव में सरपंच दिनांक 26/7/24 को पुस्तक को जलाने का फैसला किया गया।</p> <p>उपरोक्त दिनांक 26/7/24 को गांव के सरपंच, उपायुक्त, और अन्य अधिकारी उपस्थित रहे। बैठक में गांव के विकास, शिक्षा, स्वास्थ्य, और अन्य विषयों पर चर्चा हुई।</p> <p>उपरोक्त दिनांक 26/7/24 को गांव के सरपंच, उपायुक्त, और अन्य अधिकारी उपस्थित रहे। बैठक में गांव के विकास, शिक्षा, स्वास्थ्य, और अन्य विषयों पर चर्चा हुई।</p>



**VAKALATNAMA**  
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
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...RESPONDENTS

**PANKAJ YADAV**

**A-400, LGF, DEFENCE COLONY, NEW DELHI-110024**

9711791179

To be the advocate for the (Respondent No. 9) i.e., Sh. Jeetram son of resident of Village Mohanpur, PO Rasulpur, Tehsil Kanina, Mahendergarh, Haryana-123027 the above-mentioned case to do the following acts, deeds and things or any of them, i.e., to say:

1. To act, appear and plead in the above-mentioned case in this court or any other court in which the same may be tried or heard in the first instance or in appeal or in Letters Patent Appeal or Review or Revision or Execution or any other stage its progress unit until its final decision.
2. To present, sign and verify, pleadings, Appeals Letters Patent Appeals, Cross Objections or petition for execution, review, revision withdrawal, compromise, or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
3. To withdraw or compromise the said case or to submit to arbitration any differences or disputes, that shall arise, touching or in any manner relating to the case.
4. To deposit, draw and receive moneys as grant receipts thereof by way of costs refund or balance of security and other miscellaneous expenses from courts or parties, and to do all other acts and things which may be necessary to be done for the progress and in the course of protection of the said case.
5. To employ any other Legal practitioner authorizing him to exercise to exercise the powers and authorities hereby conferred upon the advocate whenever he may think fit to do so.

AND I/WE hereby agree to ratify and certify whatever the advocate or his substitute will do in the proceedings/premises.

AND I/WE hereby agree not to hold the advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the case is called up for hearing or otherwise.

AND I/WE hereby agree that in event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is not paid and if any cost is allowed for the adjournment, advocate would be entitled for the same.

AND I/WE hereby agree that the advocate will not be bound to appear for us if the case is transferred to any other court or the court sits at any other place other than the normal place of sitting and if any application or retention is to be filed in the case, the advocate will be entitled to a fresh fee in the case.

IN WITNESS WHEREOF I/WE here onto set my/our hands to these presents the contents of which have been explained to and have been understood by me/ us.

This the 02<sup>nd</sup> day of February 2025.

Witness \_\_\_\_\_

Accept .

**PANKAJ YADAV & ANIKA CHOPRA**

Advocate

Enrolment No. P-4127/2018

9711791179

  
(Signatures or thumb impressions  
of the client/s)