

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 740 OF 2023

VIJAY PAL SINGH YADAV

...APPLICANT

VERSUS

MADHU GUPTA & ORS.

...RESPONDENTS

INDEX

S. No.	PARTICULARS	Page No.
1	Short Reply on behalf of Respondent No. 3	1-4
2	Forest Offence Report No. 027/0514 dated 05.06.2023	5-6
3	Receipt compensation amount	7
4	Notification under sec. 3 PLPA 1900 S.O. 81/P.A. 2/1900/S.3/2012 dated 19.12.2012	8-9
5	General Notification under sec. 4 PLPA 1900 S.O.8/P.A.2/1900/S.4/2013 dated 4.1.2013	10-11

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 740 OF 2023

VIJAY PAL SINGH YADAV

...APPLICANT

VERSUS

MADHU GUPTA & ORS.

...RESPONDENTS

Short Reply on behalf of Respondent No.3 in Compliance of Order dt.
21.12.2023 passed by Hon'ble NGT.

1. That this case is fixed for 23.07.2024 before this Hon'ble Tribunal.
2. That earlier the case was fixed before this Hon'ble Tribunal and this Hon'ble Tribunal pleased to pass order dt. 21.12.2024. The operative part of the order is reproduced as under:-

“Prima facie, the averments regarding cutting of trees illegally made the application raise questions relating to environment arising out of the implementation of enactments specified in Schedule-I to the National Green Tribunal Act, 2010

5. Let notices be issued to respondents number 1 to 3 for 18.03.2024 requiring them to file their reply to the averments made in the application within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.....”

3. That in compliance of the order dt. 21.12.2024, the respondent No. 3 seeks leave of this Hon'ble Tribunal to file the reply to the averments made in OA by the applicants.
4. That the entire revenue estate of Pataudi Tehsil in Gurugram district is notified under Section 3 of the Punjab Land Preservation Act (PLPA), 1900 and General orders under Section 4 of PLPA, 1900 have been made applicable vide notification no. S.O.81/PA.2/1900/S.3/2012 dated 19th December 2012 and notification no. S.O.8/P.A.2/1900/S.4/2013 dated 4th January 2013 respectively. The provisions of PLPA notifications mandates that prior permission of Divisional Forest Officer, Gurugram must be obtained for any felling of trees in areas notified under PLPA, 1900 irrespective of ownership of land. Violation of restrictions/conditions imposed under PLPA notification is a forest offence u/s 19 and 20 of PLPA, 1900.
5. That the Answering Respondent had received a complaint of felling of trees standing on the suit land situated in the revenue estate of village Januala, Tehsil Pataudi, Distt. Gurugram. The said land has not been notified as either kind of forest under provisions of the Indian Forest Act, 1927 and is not recorded as forest in the records of the Forest Department. However, the said land is located within Pataudi Tehsil, Gurugram which has been notified u/s 3 of PLPA, 1900 and general orders u/s 4 of PLPA, 1900 has been made applicable and Tree Cutting Activity is regulated on such land irrespective of ownership of land. Any tree-cutting activity without permission from the Forest Department is illegal and in violation of the law for which the Forest Department registers a Forest Offence Report (FOR) and take action against the offenders as per the provisions of law.
6. Taking cognizance of the complaint in the matter, an inquiry was made and It was found that 50 tree were uprooted in the said land. The uprooted

trees 37 trees of Bakain (*Melia azedarch*) and 9 trees of Tut or Mulberry (*Morus spp.*) and 4 trees of other species. Bakain and Mulberry species have been exempted from the felling restrictions under the provision of PLPA notification. Thus out of 50 uprooted trees, 46 trees were exempted from restriction imposed under the PLPA notification and the violation was only with respect to 4 trees of other species. Since the trees were felled in the said land and no permission was ever sought or received from the Divisional Forest Officer, Gurugram for felling of trees as mandated by PLPA notifications, Therefore the answering respondent had registered a Forest Offence Report (FOR No. 027/0514 dated 05.06.2023) against the Respondent No.1 for the forest offences committed for violation of the provisions of section 4 of the PLPA Act 1900. Subsequently, the Forest Offence Report No 027/0514 dated 05.06.2023 was compounded under the provisions of section 68 of Indian Forest Act, 1927 on 21.07.2023 and the compensation for felling of four non-exempted trees amounting to Rs. 1480 was received from the Respondent No.1.

7. That, the answering Respondent acted with the utmost fidelity and in accordance with the law. Upon discovery of the offense, the Respondent ensured that swift and decisive action was taken against the perpetrators, ensuring they were held accountable as per legal procedure. The Respondent's conduct throughout this situation has been motivated solely by upholding the law. The insinuations made by the Applicant that the Answering Respondent's actions were undertaken in bad faith are not only vehemently denied, but constitute a reprehensible attempt to malign a public servant who has acted with the utmost integrity in upholding the law.
8. The Answering Respondent respectfully submits that this matter primarily concerns a property dispute between private parties. While the

Respondent has no involvement in this dispute, his legal responsibility lies in enforcing forest laws. Upon discovering the illegal felling of trees, the Respondent faithfully discharged this duty and took prompt and decisive action to hold the perpetrators accountable through established legal procedures. The attempt to implicate the Answering Respondent in this property dispute is a transparent effort to deflect blame and obfuscate the true nature of the offense.

Place:- Hailymandi, Gurugram

Dated:-19/07/2024



(Rakesh Kumar)

Range Forest Officer, Hailymandi
Respondent No.3

VERIFICATION

Verified at Hailymandi, Gurugram on this 19th day of July, 2024 that the contents of para 1-8 of the short reply submitted are true and correct from the best of my knowledge and belief. No part of it is false and nothing has been concealed therefrom.

Place:- Hailymandi, Gurugram

Dated:-19/07/2024



(Rakesh Kumar)

Range Forest Officer, Hailymandi
Respondent No.3

222

5

DRR No. 144/2023-24

CC No. 134/2023-24

वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

027

FOR Book No. 0514

FOR No.

वन मण्डल	Gurugram				
ब्लॉक/बीट	Haily Mandi / Bilaspur / Bilaspur				
जगह का नाम	Jamaula Hill Area				
FOR No. (Date, Day & Time)	027/0514, DT-5-6-2023 - Day Time				
रिपोर्ट जारी करने वाले का नाम	Sh. Anup Singh F.Gd				
अपराध की जानकारी का स्रोत	स्वयं द्वारा गस्त/मुखबीर द्वारा/शिकायत				
अपराध होने के तारीख/दिन/समय					
जांच अधिकारी का नाम व पद	Sh. Harish Kumar FR				
अपराध घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या P.T.O				
उल्लंघन किया गया अधिनियम	सैक्शन				
भारतीय वन अधिनियम 1927	-				
वन्य प्राणी (संरक्षण) अधिनियम 1972	-				
पंजाब भूमि संरक्षण अधिनियम 1900	Sec - 4				
भारतीय दण्ड संहिता					
अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
	Madhu Gupta	Sh. Naresh Gupta	58	Gupta	HNo-973 Sect-15 part-II Gurugram
जब्त किये गये सामान का विवरण					
जब्त वन उपज का विवरण	प्रजाति	किस्म/साइज	संख्या	मूल्य	मुआवजा राशि
जब्त व्हीकल का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष
औजार/हथियार					
अन्य, यदि कोई हो					
सही को चिन्हित करें	नजरी-नक्शा जी०पी०एस० रीडिंग सहित	संलग्न किया है/तैयार नहीं किया गया	यदि हां तो पृष्ठ संख्या		
	फोटोग्राफ	संलग्न/तैयार नहीं किया गया			
	विडियोग्राफी	संलग्न/तैयार नहीं किया गया			

R.O.A.C.

मुखबीर/शिकायतकर्ता/गवाह के हस्ताक्षर/अंगुठे का निशान

22/11/23

[Signature]

आरोपी का हस्ताक्षर/अंगुठे का निशान

9250001300

(SARISH PARKASH GUPTA)

बीट इन्चार्ज

व० रा० अ०

नाम

रैंक

दिनांक

Haily Mandi

Rakesh Kumar
Forest Ranger

क्र.सं.	प्रजाति	लपट	श्रेणी	संख्या	प्रजाति	लपट	श्रेणी
1	जलज	50	E	26	शुभ्र	45	V
2	"	36	V	27	"	52	V
3	"	52	V	28	"	52	V
4	"	48	V	29	"	67	V
5	"	59	V	30	"	82	V
6	"	34	V	31	"	48	V
7	"	38	V	32	जलज	52	V
8	"	72	V	33	"	48	V
9	"	65	V	34	"	38	V
10	"	48	V	35	"	42	V
11	"	52	V	36	"	65	V
12	"	62	V	37	"	72	V
13	"	68	V	38	"	54	V
14	"	68	V	39	"	58	V
15	"	82	V	40	"	52	V
16	"	67	V	41	"	69	V
17	"	58	V	42	"	105	V
18	"	48	V	43	"	62	V
19	"	66	V	44	"	33	V
20	"	36	V	45	"	42	V
21	"	72	V	46	"	92	V
22	"	18	US	47	मीम	59	V
23	शुभ्र	23	US	48	शीशम	72	V
24	"	20	US	49	"	95	V
25	"			50	जामुन	38	V

PLPA-1900 की चारा- 4 की आ-सूचना दि = 4-1-2013 के अन्तर्गत की गई वृक्षों का सर्वेक्षण

प्रजाति	V	IV	III	Total
शीशम	-	1	1	2
Misc	2	-	-	2
जामुन	2	1	1	4

① G.P.S Cod - 28°35'44.89" N
76°80'14.43" E

② 28°35'44.8" N
76°80'07.98" E

डा. सुधीर सिंह कर्मा

Harish Sr.

FOR-027/0514

वन विभाग फार्म नं. 2

25612

नक्शा नं० ब महकमा वन विभाग गुड़गांव वन मण्डल

रसीद मावजा माल गिरफ्तार शुदा जोरदफा

रसीद नं. 25612 मुकादमा सन् 5-6-23 बनाम राज्य गुदा
W. Narash Gupta, H.No-975, Sector 15-D, GGM 1480-0
 सुपुत्र निवासी वायत मुआवजा रु

व कीमत माल गिरफ्तार शुदा रु 1480-00 कुल रु 1480-00

उपरोक्त मुलजमान से वसूल हुआ और माल गिरफ्तार शुदा मालकान को वापिस दिया व
 माल सरकारी निम्नलिखित वापिस हुआ।

दिनांक : 21/7/2023

Kaish J.
 हस्ताक्षर व अधिकारी

*(Authorised English Translation)***HARYANA GOVERNMENT****FORESTS DEPARTMENT****Notification**

The 19th December, 2012

No. S.O. 81/P.A. 2/1900/S. 3/2012.—Whereas, it appears to the Governor of Haryana that the areas specified in the schedule annexed hereto, situated within Haryana State, are subject to erosion by the removal or displacement of earth, soil stones, or other materials by the action of wind and water and that it is desirable to provide for the conservation of the sub-soil water and for the prevention of erosion in the said areas;

Now, therefore, in exercise of powers conferred by Section 3 of the Punjab Land Preservation Act, 1900 (Punjab Act 2 of 1900) and in supersession of Haryana Government, Forests Department, Notification No. S.O. 113/P.A. 2/1900/S. 3/97, dated 17th November, 1997, the Governor of Haryana hereby notifies the said areas for the conservation of sub-soil water and the prevention of erosion therein :—

Schedule

District	Tehsil	Villages
1	2	3
Panchkula	Kalka	All revenue estates of Kalka Tehsil.
	Panchkula	All revenue estates of Panchkula Tehsil.
Ambala	Naraingarh	All revenue estates of Naraingarh Tehsil.
	Ambala	All revenue estates of Ambala Tehsil.
	Barara	All revenue estates of Barara Tehsil.
Yamuna Nagar	Jagadhari	All revenue estates of Jagadhari Tehsil.
	Chhachhrauli	All revenue estates of Chhachhrauli Tehsil.
Faridabad	Faridabad	All revenue estates of Faridabad Tehsil.
	Ballabgarh	All revenue estates of Ballabgarh Tehsil.
Palwal	Palwal	All revenue estates of Palwal Tehsil.
	Hathin	All revenue estates of Hathin Tehsil.
Gurgaon	Gurgaon	All revenue estates of Gurgaon Tehsil.
	Sohna	All revenue estates of Sohna Tehsil.
	Pataudi	All revenue estates of Pataudi Tehsil.
Mewat	Nuh	All revenue estates of Nuh Tehsil.
	Ferozpur Jhirka	All revenue estates of Ferozpur Jhirka Tehsil.

2392

HARYANA GOVT. GAZ. DEC. 25, 2012
(PAUS. 4, 1934 SAKA)

1	2	3
Mohindergarh	Narnaul Mohindergarh	All revenue estates of Narnaul Tehsil. All revenue estates of Mohindergarh Tehsil.
Rewari	Rewari Bawal Kosli	All revenue estates of Rewari Tehsil. All revenue estates of Bawal Tehsil. All revenue estates of Kosli Tehsil.
Bhiwani	Bhiwani Dadri Loharu	All revenue estates of Bhiwani Tehsil. All revenue estates of Dadri Tehsil. All revenue estates of Loharu Tehsil.

KRISHNA MOHAN,

Additional Chief Secretary to Government Haryana,
Forests Department.

HARYANA GOVT. GAZ. JAN. 15. 2013
(PAUS. 25. 1934 SAKA)

25

(Authorised English Translation)

HARYANA GOVERNMENT

FOREST DEPARTMENT

Notification

The 4th January, 2013

No. S.O. 8/P.A. 2/1900/S. 4/2013.—Whereas the Governor of Haryana is satisfied, after due enquiry, that the regulation, restrictions and prohibitions hereinafter contained are necessary for the purpose of giving effect to the provisions of the Punjab Land Preservation Act, 1900 (Punjab Act 2 of 1900);

Now, therefore, in exercise of powers conferred by Section 4 of the said Act, the Governor of Haryana hereby prohibits the following acts for a period of fifteen years with effect from the date of publication of this order in the Official Gazette in the areas more particularly specified in the Schedule given below, which has been notified under Section 3 of the said Act, *vide* Haryana Government, Forest Department, Notification No. S.O. 8/P.A. 2/1900/S. 3/2012, dated the 19th December, 2012.

- (a) The cutting of trees or timber except Eucalytus, Poplar, Bakain, Bamboo, Tul, Amrood and Ailanthus or the collection or removal or subjection to any manufacturing process, of any forest produce other than flower, fruit and honey, save for *bona fide* domestic or agricultural purposes of the right-holders in the land, provided that the owners of the land may sell trees or timber after obtaining a permit to do so from the Divisional Forest Officer of the concerned division. Such permit will prescribe such conditions for sale as may, from time to time, appear necessary in the interest of forest conservancy. The farmers of the State shall be liberty to sell Khair trees to any person/agency/Haryana Forest Development Corporation Limited of their choice so as to enable them to get remunerative price of their products provided that the owners of the land may sell the Khair trees after obtaining a permit to do so from the Divisional Forest Officer concerned.

SCHEDULE

District	Tehsil	Village
1	2	3
Panchkula	Kalka	Areas lying on North side of metalled & unmetalled road connecting Chandigarh, Panchkula, Ramgarh Raipur Ran. Naraingarh, Sadhaura, Bilaspur, Chhachhrau, Dadpur and reaching Jamuna river near villages Nathanpur and F. kur
	Panchkula	
Yamuna Nagar	Naraingarh	
	Jagadhari	Areas lying on western side of Delhi-Ballabgarh road and northern road and northern side of Ballabgarh-Sohna road.
Faridabad	Chhachhrauli	
	Ballabgarh	Areas lying on western side of Delhi-Alwar road.
	Faridabad	
Mewat	Nuh	All Revenue Estates of Ferozepur Jhirka Tehsil.
	Ferozepur Jhirka	
Gurgaon	Gurgaon	All Revenue Estates of Gurgaon Tehsil.
	Sohna	All Revenue Estates of Sohna Tehsil.
	Pataudi	All Revenue Estates of Pataudi Tehsil.
Mohindergarh	Narnaul	All Revenue Estates of Narnaul Tehsil.
	Mohindergarh	All Revenue Estates of Mohindergarh Tehsil.
Rewari	Rewari	All Revenue Estates of Rewari Tehsil.
	Bawal	All Revenue Estates of Bawal Tehsil.
	Kosli	All Revenue Estates of Kosli Tehsil.
Bhiwani	Dadri	Areas lying on western side of Dadri, Bhiwani, Tosham & Hisar Road.
	Bhiwani	
	Loharu	

KRISHNA MOHAN,

Additional Chief Secretary to Government Haryana,
Forest Department.