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BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1176 of 2024

In the matter of:

Jagdish Kalra

Applicant

Versus

HSPCB & Ors.

Respondent

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Dated: 16/01/2025

Place: Panipat

W. Singh
Deputy Commissioner,
Panipat.

Through

R. Khurana

Rahul Khurana, Advocate
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Respondent

Status report by Virender Kumar Dahiya, IAS, Deputy Commissioner, Panipat in compliance of order dated 24.09.2024.

1. That the said matter was listed before this Hon'ble Tribunal on 24.09.2024. The matter is regarding illegal felling of trees by Respondent No.8 in HUDA, sector-1, Panipat, Haryana. Hon'ble Tribunal pleased to pass the order dated 24.09.2024, the operative part of the order is as under :-
"The respondent No.7 Deputy Commissioner directed to carry out the site inspection to ascertain of illegal felling of trees that has been taken place, take appropriate remedial action and submit a comprehensive report before the Tribunal within two months".
2. That in compliance of Hon'ble NGT order dated 24.09.2024 in said matter a committee consisting of Sub-Divisional Magistrate, Panipat, District Forest Officer, Panipat, Estate Officer, HSVP, Panipat, Executive Engineer, Horticulture Wing, Panipat and Regional Officer, HSPCB, Panipat was constituted vide order No. 2256/M.B dated 07/11/2024. Copy of order dated 07.11.2024 is enclosed as **Annexure-R/1**.

Virender Kumar Dahiya

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3. That members of the committee visited the site and it was found that the park of area approx. 500 sq yard is located in the Sector 11 HSVP, Panipat. The park falls in the jurisdiction of municipal corporation, Panipat. At site, it was found that one tree "Pipal" has been axed below the stem. Also, heavy pruning of 2 trees were done in the said park. The trees pruned have new leaves at present. Present photos of trees and park in question are annexed as **Annexures-R/2**.
4. That a meeting of committee was held on 26.11.2024 and it was found that the tree located in park near plot No. 761, Sector-11-12, falls in the jurisdiction of Municipal Corporation, Panipat therefore, Sub-divisional Engineer, Municipal Corporation, Panipat was advised to lodge FIR in the matter. The minutes of the meeting of joint committee is annexed as Annexure-R/3. The Executive Engineer, MC, Panipat has informed vide letter No. 853 dated 13/01/2025 that letter has been sent to SHO, Chandni Bagh, Panipat to take legal action against the unknown person for cutting of the tree. Copy of letter is attached as **Annexure-R/4**.
5. That District Forest Department, Panipat has intimated that Notification dated 04-01-2013 passed by Forest Department provides prior permission for felling of trees from Divisional Forest Officer in respect area covered under said Notification. It is further submitted that office order dated 03.09.2023 has been passed by the Development and Panchayat Department, Haryana to regulate cutting of trees in non-forest areas owned by Gram Panchayats. Copy of Notification dated 04-01-2013 passed by Forest Department, Haryana is annexed as **Annexure-R/5**. The copy of order dated 03.09.2023 passed by the Development and Panchayat Department, Haryana is annexed as **Annexure-R/6**. The area in question is not covered under any of said Notification/Order.

W. Sahay

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6. That Municipal Corporation, Panipat has been directed to plant 5 plants in the vicinity against one tree felled.
7. The status Report is submitted for kind consideration of this Hon'ble Tribunal and will abide by the any further direction in the said matter.

Place: Panipat
Date: 16/01/2025

W. Sahay
Deputy Commissioner,
Panipat

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Order

Sub: Constitution of joint committee in O.A. No. 1176 of 2024.

The above said matter was fixed for hearing before NGT on 24.09.2024 and passed an order dated 24.09.2024. The operative part of the order is as under.

"The Respondent No.7, Deputy Commissioner is directed to carry out the site inspection to ascertain the extent of illegal felling of trees that has taken place, take appropriate remedial action and submit comprehensive report before the Tribunal within two months."

The issue raised in said O.A. No. 1176 of 2024 is regarding cutting of a tree in the park adjoining to Plot No. - 761, sector - 11, HSVP, Panipat. Hon'ble NGT has directed to file a comprehensive report in said matter through deputy Commissioner, Panipat.

In view of the above, a joint committee of the following officers is hereby constituted under the chairmanship of Sub-Divisional Magistrate, Panipat for submission of report:-

1. Sub-Divisional Magistrate, Panipat
2. District Forest Officer, Panipat
3. Estate Officer, HSVP, Panipat
4. Executive Engineer, Horticulture Wing, HSVP, Panipat
5. Regional Officer HSPCB, Panipat

The committee will submit the report to the undersigned within 15 days, so that comprehensive report could be submitted before the NGT.

The next date in said matter has been fixed for 17/01/2025.

Wschyl
Deputy Commissioner,
Panipat.

Endst.No/

2256 T.H.B

Dated 07/11/2024

action:-

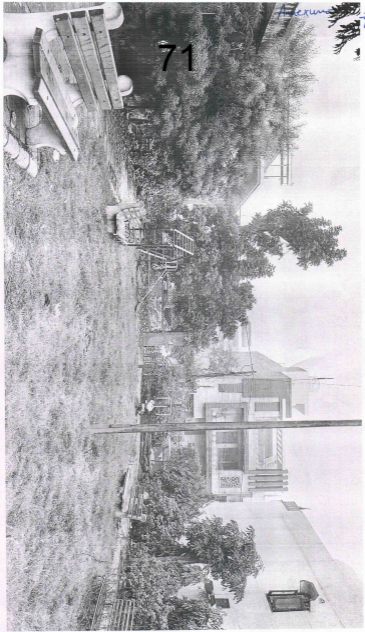
A copy of the above is forwarded to the following officials for further necessary

1. Sub-Divisional Magistrate, Panipat
2. District Forest Officer, Panipat
3. Estate Officer, HSVP, Panipat
4. Executive Engineer, Horticulture Wing, HSVP, Panipat
5. Regional Officer HSPCB, Panipat

Wschyl
Deputy Commissioner,
Panipat.

Alexander 5/R/2

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दिनांक 26.11.2024 को प्रातः 10:30 बजे श्री ब्रह्म प्रकाश, एच0सी0एस0 उपमण्डल अधिकारी(ना0), पानीपत की अध्यक्षता में प्लाट नम्बर 761 सैक्टर-11 हुडा, पानीपत के साथ लगते पार्क में बहुत पुराने पेड़ को अवैध रूप से काटे जाने की जांच बारे गठित की गई कमेटी की बैठक की कार्यवाही।

बैठक में निम्नलिखित अधिकारियों ने भाग लिया:-

1. संपदा अधिकारी, हरियाणा शहरी विकास प्राधिकरण, पानीपत।
2. क्षेत्रीय अधिकारी, हरियाणा राज्य प्रदूषण नियन्त्रण बोर्ड, पानीपत।
3. उपमण्डल अधिकारी (बागवानी), हरियाणा शहरी विकास प्राधिकरण, पानीपत।
4. वन राजिक अधिकारी, पानीपत।

बैठक में उपस्थित क्षेत्रीय अधिकारी हरियाणा राज्य प्रदूषण नियन्त्रण बोर्ड, पानीपत ने बताया कि प्लाट नम्बर 761 सैक्टर-11 हुडा, पानीपत के साथ लगते पार्क से जो वृक्ष काटा गया है, के संबंध में उनके विभाग द्वारा कोई कार्यवाही की जानी वञ्चित ना है।

बैठक में उपस्थित संपदा अधिकारी, हरियाणा शहरी विकास प्राधिकरण, पानीपत व उपमण्डल अधिकारी(बागवानी), हरियाणा शहरी विकास प्राधिकरण, पानीपत ने बताया कि सैक्टर-11 हुडा, पानीपत उनके विभाग से वर्ष 30-05-2016 को स्थानांतरण होकर नगर निगम, पानीपत के कार्यक्षेत्र में जा चुका है। इसलिये इस मामला में नगर निगम, पानीपत द्वारा कार्यवाही की जाये।

वन राजिक अधिकारी, पानीपत ने बताया कि उनके कार्यालय के पत्र क्रमांक स्टैनो शाखा/487 दिनांक 29.07.2024(प्रति संलग्न) द्वारा मुख्य वन संरक्षक, मध्य परिमण्डल, रोहतक को लिखा गया था कि शिकायत में अंकित काटे गये वृक्ष/पेड़ वन विभाग के अधिकार क्षेत्र में नहीं पड़ते हैं, उक्त पेड़ नगर निगम, पानीपत के अधिकार क्षेत्र में पड़ते हैं, जिस कारण उक्त क्षेत्र पर वन विभाग के कोई नियम/कानून लागू नहीं होता। उक्त शिकायत में नगर निगम, पानीपत के कार्यालय द्वारा कार्यवाही की जानी बनती है। इस पत्र की प्रति प्रधान मुख्य वन संरक्षक, हरियाणा व आयुक्त नगर निगम, पानीपत को भी पुष्टांकित की गई है।

बैठक में विस्तार से विचार विमर्श व प्रस्तुत दस्तावेजों के अवलोकन उपरान्त उपस्थित सभी ने एकमत से सहमति प्रकट करते हुये निर्णय लिया कि प्लाट नम्बर-761, सैक्टर-11 हुडा, पानीपत के साथ लगते पार्क से जो वृक्ष/पेड़ काटे गये हैं, वह क्षेत्र नगर निगम, पानीपत के कार्यक्षेत्र में पड़ता है, इसलिये इस मामला में उपमण्डल अधिकारी, नगर निगम, पानीपत को हिदायत की गई कि वह इस मामला में तुरन्त एफ0आई0आर0 दर्ज करवाते हुये की गई कार्यवाही से इस कार्यालय को भी अवगत करवाये।

उपमण्डल अधिकारी (ना0),
पानीपत।

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8.

पू0कमांक 154 / स्टे.नो दिनांक: 29-11-2024
इसकी एक प्रति उपायुक्त महोदय, पानीपत की सेवा में उनके आदेश पू0कमांक
2375-77/एम0ए0 दिनांक 21.11.2024 की अनुपालना में आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

उपमण्डल अधिकारी (ना0),
पानीपत। Z



g. Annexure - R/4

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To

Station House Officer,
Police Station Chandnibagh,
Panipat.

Memo no. 853

Dated: 11/1/2025

Subject: To take action against the unknown person for tree cutting.

With reference to Executive Engineer M.C Panipat Memo no. 1760 dated 25.07.2024, Trees were cut down from the park of Sector 11-12 by some unknown person.

you are again requested to take legal action in the said matter immediately and also intimate the undersigned.

[Signature]
o/c Superintending Engineer
Municipal Corporation,
Panipat

Encls no. 854-855

Date: 13/1/2025

A copy of the above is forwarded to the following for information and necessary action please.

1. Worthy Commissioner Municipal Corporation, Panipat.
2. Executive Engineer, Municipal Corporation, Panipat.

[Signature]
o/c Superintending Engineer
Municipal Corporation,
Panipat

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MUNICIPAL CORPORATION PANIPAT

To

SHO

PS Chandnibagh

Panipat

Memo No: 1760 Date: 25/07/24

Sub:- Action against unknown person for tree cutting.

In reference to above cited subject, it is informed that grievance have been received from public that trees have been cut in parks of HSVP Sec- 11&12 by unknown person.

In this regard you are requested to dies the needful as per rules against such unknown person.


Executive Engineer
M.C. Panipat

Endst. No. 1759 Dt. 25/07/24

A Copy of the above is forwarded to W/CMC Panipat for info & necessary Action.


Executive Engineer
M.C. Panipat



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HARYANA GOVT. GAZ. JAN. 15, 2012
PART 23 1954 SAKA



(Unofficial English Translation)

HARYANA GOVERNMENT
FOREST DEPARTMENT

Notification

The 4th January, 2012

No. S.O. 3174, 2011MS-40012.—Whereas the Governor of Haryana is satisfied, after due enquiry, that the regulations, restrictions and prohibitions hereinafter contained are necessary for the purpose of giving effect to the provisions of the Forest Land Preservation Act, 1900 (Rajaji 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 are deemed to be notified under Section 3 of the said Act, vide Haryana Government, Forest Department, Notification No. S.O. 3174/2011, 1/2/12, dated the 15th December, 2011.

- (a) The cutting of trees or timber trees, *Each year, Poplar, Bakaj...*
Merbau, Teak, Keekar and Ails which are the culms...
 or reduction in any manufacturing process, of any forest produce other than forest, fruit and honey, save the forest districts, or agricultural purposes at the rights holders in the land, provided that the owners of the land may sell trees or timber when 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 conservation. The owners of the State shall be liberty to sell their trees to any person/agency/Haryana Forest Development Corporation Limited of their choice so as to enable them to get remunerative price of their produce provided that the owners of the land may sell the State trees after obtaining a permit to do so from the Divisional Forest Officer concerned.

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MADHYA GOVT. GAZ. JAN. 8, 1913
(PART II, 1914 SAKA)

SCHEDULE

Distric	Tehsil	Village
1	2	3
Panchkula	Kalla	Area lying on North side of metalled & unmetalled road connecting Chasighat, Panchkula, Raigarh, Raigarh Khas, Narangan, Zafusa, Bilaspur, Chhachhraw, Jalsapur and reaching Jansari river near villages Nabhay and Jalsar
	Panchkula	
Vadaha	Pansegah	Area lying on western side of Delhi-Bathinda road and on western side of Bathinda-Sekoa road
	Jagadhari	
Vadaha	Chhachhraw	Area lying on western side of Delhi-Bathinda road and on western side of Bathinda-Sekoa road
	Chhachhraw	
Hansi	Bathinda	Area lying on western side of Delhi-Bathinda road and on western side of Bathinda-Sekoa road
	Paritokh	
Muzir	Web	Area lying on western side of Delhi-Bathinda road and on western side of Bathinda-Sekoa road
	Parwarpur Baska	
Gurgaon	Gurgaon	All Revenue Estates of Gurgaon Tehsil.
	Sekoa	All Revenue Estates of Sekoa Tehsil.
	Paritokh	All Revenue Estates of Paritokh Tehsil.
Mehindergarh	Marsud	All Revenue Estates of Marsud Tehsil.
	Mehindergarh	All Revenue Estates of Mehindergarh Tehsil.
Bawal	Bawal	All Revenue Estates of Bawal Tehsil.
	Kroli	All Revenue Estates of Kroli Tehsil.
	Kroli	All Revenue Estates of Kroli Tehsil.
Lohiana	Gudri	Area lying on western side of Gudri, Bawal, Tankar and Hissar Road.
	Bilwan	
	Lohiana	

KRISHNA MO SAN,
Additional Chief Secretary to Government for
Forest Department.

True Copy.

E.C.

Development and Panchayats Department Haryana

79 ORDER

Development of Social Forestry is one of the duties of a Gram Panchayat as provided in Section 21A of the Haryana Panchayats Raj Act, 1994. Gram Panchayats are required to promote and develop social forestry within their jurisdiction. To regulate the cutting of trees on private land in such areas, it has been decided by State Government that the Gram Panchayat may allow cutting of trees on private land only in the manner prescribed hereinafter.

The applicant may submit an application to the Gram Panchayat or Gram Sachiv for cutting of tree. The Sarpanch shall immediately get the preliminary inspection done. In case the proposal is not found to be justified, the same is to be rejected at this level itself and if it is found to be a fit case or if it falls within the categories of trees detailed below, it shall be considered and decided by the Gram Panchayat. The Gram Panchayat shall be competent to approve the cutting of such tree. The entire process shall be completed within 10 days:-

- Diseased (name of disease and extent) tree.
- Dead/dry tree.
- Road blockage and constitutes obstruction to traffic.
- Leaning and posing danger to life or property.
- Over mature (if estimated age is beyond tree rotation period).
- Critical root zone is covered with concrete (root asphyxiation).
- Hollowness in tree.
- Lacks mechanical strength.
- Decay in the main trunk due to fungi.
- Termite infestation in tree.
- Silviculturally mature trees.
- Uneven canopy weights.
- Suitable for transplantation.
- Threatens life or property or affects public safety.

In case the tree does not fall in any of the above mentioned categories, the Gram Panchayat will have to seek the opinion of the Biodiversity Management Committee (BMC) constituted at the Panchayat level on the ecological value of the tree before allowing its cutting. If required a joint inspection can be done by the Gram Panchayat and the BMC. On the basis of joint inspection report, the Gram Panchayat shall consider and may allow the request of the applicant for cutting of tree subject to the conditions that the person on whose land the tree stands, shall commit to plant atleast 3 trees of the indigenous species / variety and also protect and ensure their conservation for atleast 3 years. In case the request of the applicant is rejected by the Gram Panchayat, the applicant may approach the BHPD concerned.

Permission for felling of trees within the jurisdiction of the Forest Department shall be given exclusively by the Forest Department only.

Chandigarh
 Dated: 27/08/2023

Anil Malik, IAS
 Additional Chief Secretary Government of Haryana
 Development & Panchayats Department, Chandigarh
 dated 31/9/23

1. Copy of the above is forwarded to the following for information and necessary action:-
- The Additional Chief Secretary, Govt. of Haryana, Environment, Forest and Wildlife Department
 - The Principal Chief Conservator of Forest (HBF), Haryana, Panchkula
 - All the Deputy Commissioners, Haryana
 - All the Chief Executive Officers, Zila Parishad, Haryana
 - All the District Development and Panchayat Officers, Haryana
 - All the Block Development and Panchayat Officers, Haryana
 - All the Sarpanch in the State Haryana.
 - All Gram Sachiv in the State Haryana

True Copy
 [Signature]

[Signature]
 Deputy Superintendent (General)
 Additional Chief Secretary Government of Haryana
 Development & Panchayats Department, Chandigarh