

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH NEW DELHI**

Original Application No. 452/2023

Surender Kumar

Applicant

versus

State of Haryana

Respondent

**CORAM:- HON'BLE MR. JUSTICE ARUN KUMAR TYAGI,  
JUDICIAL MEMBER HON'BLE DR. A. SENTHIL  
VEL, EXPERT MEMBER.**

**Hon'ble NGT passed the following directions in order dated 01.08.2023 in OA No. 452/2023 titled as Surrender Kumar versus State of Haryana:-**

*".....Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of State PCB, District Magistrate, Mahendragarh and Divisional Forest Officer, Mahendragarh and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant, verify the factual position and take appropriate remedial action by following due course of law. The State PCB will be the nodal agency for coordination and compliance*

*Factual and Action taken Report may be submitted within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. List for further consideration on **31.10.2023**".*

1. In compliance of the order dated 01.08.2023, a meeting of the Joint Committee, constituted by Hon'ble National Green Tribunal vide order in O.A. No. 452/2023, was held on 03.08.2023 at 03.30 PM in the office of the Deputy Commissioner, Mahendragarh to follow the directions of Hon'ble NGT. Copy of Minutes of meeting dated 03.08.2023 is attached as **Annexure-1**. The discussions and decisions taken in the meeting were as follows: -
  - Sub Divisional Magistrate, Mahendragarh was deputed by the deputy Commissioner on her behalf to undertake the visit to the site with the other members of the committee i.e. Divisional Forest Officer, Mahendragarh and Regional officer, HSPCB, Mahendragarh Region within a week and submit the report accordingly. It was also required to associate the applicant.
  - Divisional Forest Officer, Mahendragarh was asked to take necessary action against the defaulting agency/person in accordance to applicable law as the matter relates to cutting of trees. He was also required to place the report in this regard before the committee for further necessary action.
  - It was decided that Divisional Forest Officer, Mahendragarh will provide satellite images (Both the Pre and post) of the site, in question, to report the exact loss of plantation and habitats in the region.
  - Regional officer, HSPCB, Mahendragarh Region being the Nodal Agency for coordination and compliance was required to submit the Action Taken Report at the earliest before the committee for further timely submission to Hon'ble NGT.
2. Accordingly, site was inspected on dated 16-08-2023 by the members of Joint Committee i.e. Sub Divisional Magistrate Mahendragarh, Divisional Forest Officer Mahendragarh and Regional Officer Mahendragarh Region alongwith applicant named Surrender Singh, VPO Kothal Khurd, Distt. Mahendragarh, Officers of MICADA, Sh. Dhirender Kumar, Sarpanch, Village Kothal Khurd.

DFO, Mahendragarh has intimated that a Pond (Johar) was under construction by Micro Irrigation & Command Area Development Authority (MICADA), Haryana for micro Irrigation project on the Panchayat land of Kothal Khurd and also intimated that Forest Department observed with the help of GPS Coordinates a KML file was being found that total 07 trees were present on constructed site. These 07 trees which were obstructed in construction of Pond (Johar) were uprooted by contractor of Moongipa Irritech and JCB operator (copy of site inspection report, written statement and site photographs is attached as **Annexure-2**).

3. Contractor of Moongipa Irritech and JCB Operator for the work of MICADA Division, Mahendragarh confess that they have uprooted the trees and taking action by the Forest Department, Mahendragarh vide Forest Offence Report (FOR) no. 055/0600 dated 04-05-2023 under Section 4 of Punjab Land Preservation Act, 1900 has been issued against Moongipa Irritech Contractor named Saili Ram S/o Sh. Amar Chand, District- Bhiwani and JCB Operator named Anil Kumar S/o Sh. Rajender Distt. Bhiwani (copy of Forest Offence Report is attached as **Annexure-3**). Prosecution Case no. 7M/2023-24 has been made against above said Offenders in Special Environment Court, Faridabad by Forest Department, Mahendragarh (**Annexure-4**).

From the above points the result is that on the constructed site of Johar there were only 07 trees which were uprooted by contractor of Moongipa Irritech and JCB Operator and further, required necessary action according to rule has been taken. However, as per claim made by complainant that there were present 50 trees and no such proof of uprooting of 50 trees observed from the site conditions.

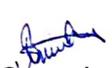
**Recommendation of the Joint Committee: -**

1. Regarding remedial action in this matter it is decided that 50 plantation will be done by Forest Department, Mahendragarh in consultation with village Panchayat Khotal Khurd on the nearby Panchayat land available.
2. The Executive Engineer, MICADA Division, Mahendragarh will also make additional plantation 50 trees on periphery/around the constructed pond (Johar) in consultation with Forest Department, Mahendragarh.

It is, therefore, prayed that the above Action Taken Report in compliance with the directions issued by this Hon'ble Tribunal vide order dated 01.08.2023, may kindly be considered please.

  
Divisional Forest Officer  
Forest Department, Mahendragarh

  
Regional Officer  
HSPCB, Mahendragarh Region

  
Deputy Commissioner  
Mahendragarh at Narnaul

**Minutes of the Joint Committee, constituted by Hon'ble National Green Tribunal vide order dated 01.08.2023 in OA 452/2023, held on 03.08.2023 at 03.30 PM in the chamber of the Deputy Commissioner, Mahendragarh.**

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A meeting of the Joint Committee, constituted by Hon'ble National Green Tribunal vide order dated 01.08.2023 in OA 452/2023, was held on 03.08.2023 at 03.30 PM in the chamber of the Deputy Commissioner, Mahendragarh to follow the directions of Hon'ble NGT. The discussions and decisions taken in the meeting were as follows:-

- Sub Divisional Magistrate, Mahendragarh was deputed by the Deputy Commissioner on her behalf to undertake the visit to the site with the other members of the committee i.e. Divisional Forest Officer, Mahendragarh and Regional Officer, HSPCB, Mahendragarh Region within a week and submit the report accordingly. It was also required to associate the applicant.
- Divisional Forest Officer, Mahendragarh was asked to take necessary action against the defaulting agency/person in accordance to applicable law as the matter relates to cutting of trees. He was also required to place the report in this regard before the committee for further necessary action.
- It was decided that Divisional Forest Officer, Mahendragarh will provide satellite images (Both the Pre and Post) of the site, in question, to report the exact loss of plantation and habitats in the region.
- Regional Officer, HSPCB, Mahendragarh Region being the Nodal Agency for coordination and compliance was required to submit the Action Taken Report at the earliest before the committee for further timely submission to Hon'ble NGT.

  
Deputy Commissioner,  
Mahendragarh at Narnaul.

Memo No. 117/DA

Dated: 03/08/2023

**Copy to:**

1. Member Secretary, HSPCB, Panchkula.
2. Sub Divisional Officer(C), Mahendragarh.
3. Divisional Forest Officer, Mahendragarh.
4. R.O., HSPCB, Mahendragarh Region.
5. ADA, DC Office, Narnaul.

**Site Inspection Report by Joint committee comprising of State PCB, SDM Mahendergarh on behalf of District Magistrate Mahendergarh and Divisional Forest Officer, Mahendergarh in matter of Original application no. 452/2023 NGT New Delhi.**

On dated 16-08-2023 site inspection was done by joint committee according to Hon'ble NGT Court, New Delhi Orders including applicant named Surender, VPO Kothal Khurd, District, Mahendergarh, Haryana. Joint Committee inspected the site and found that on the Panchayat land of Kothal Khurd a Johar was under construction by Irrigation Department under MICADA Project. The final outcome according to joint committee inspection is as follows:-

1 A Johar was under construction by Irrigation Department under MICADA Project on Panchayat land of Kothal Khurd. There were no remains of trees cutting on site. GPS Co-ordinates of the constructed Johar were taken which are 28°12'32.6"N 76°10'13.4"E, 28°12'34.0"N 76°10'13.8"E, 28°12'34.3"N 76°10'12.8"E, 28°12'32.8"N 76°10'11.8"E.

With the help of above GPS Co-ordinates a KML file was made and found that total 7 trees were present on constructed site.

2 These 7 trees which were obstructed in construction of Johar were uprooted by contractor of Moongipa Irritech and JCB Operator. (Attached Written Statement).

3 Contractor of Moongipa Irritech and JCB Operator confessed that they have uprooted the trees and taking action by the Forest Department, Mahendergarh Forest Offence Report no. 055/0600 dated 04-05-2023 under section 4 of Punjab Land Preservation act 1900 has been issued against Moongipa Irritech Contractor named Saili Ram S/o Sh. Amar Chand, District Bhiwani and JCB Operator named Anil Kumar S/o Sh. Rajender District Bhiwani (FOR Copy attached). Prosecution case no. 7M/2023-24 has been made against Offenders.

From the above points the result is that on the constructed site of Johar there were only 7 trees which were uprooted by contractor of Moongipa Irritech and JCB Operator and departmental action according to rule has been done and there were not present 50 trees and no proof of uprooting 50 trees from the site.

  
Divisional Forest Officer,  
Mahendergarh.

  
Regional Officer,  
Pollution Board

  
SDM  
Mahendergarh

आज दिनांक 16/08/23 को प्राची श्री सुरेन्द्र सिंह व श्री बलवीर सिंह VPo - कायल खुर्द की शिकायत पर माननीय NGA New Delhi के आदेशानुसार गठीत टीम जिसमें वन प्रोडल अधिकारी भैरवगढ, प्रदुषण नियंत्रण बोर्ड धारुईडा के अध्यक्ष व SDM भैरवगढ द्वारा भौका निरीक्षण किया गया जिसमें प्राची ने शिकायत में दर्शाते स्थल का भौका निरीक्षण करवाया जाहें से शिकायतकर्ता के अनुसार पेडों को उखाडा गया था जिसके GPS Coor. इस प्रकार है।

①  $N. 28^{\circ} 12' 32.6'' E 76^{\circ} 10' 13.4''$   
 ②  $N 28^{\circ} 12' 34.0'' E 76^{\circ} 10' 13.8''$  ③  $N 28^{\circ} 12' 34.3'' E 76^{\circ} 10' 12.8''$   
 ④  $N 28^{\circ} 12' 32.8'' E 76^{\circ} 10' 11.8''$  । सुझम सिन्धु परिषद् के तहत अधिग्रहण की गई भूमि के GPS Coor इस प्रकार है :-

①  $N 28^{\circ} 12' 29.4'' E 76^{\circ} 10' 14.0''$  ②  $N 28^{\circ} 12' 35.5'' E 76^{\circ} 10' 14.0''$   
 ③  $N 28^{\circ} 12' 35.5'' E 76^{\circ} 10' 11.9''$  ④  $N 28^{\circ} 12' 32.6'' E 76^{\circ} 10' 11.8''$

सुरेन्द्र सिंह

17-8-2023

श्रीमान

वन अधिकारी  
महेंद्रगढ़ रेंज  
महेंद्रगढ़

विषय :- कोयल रुद्धि में वन के तालाबों में आये पेड़ काटेने बारे श्रीमान जी,

M.I. CADDA Deptt के द्वारा

गोंव कोयल रुद्धि में तालाब का निर्माण करवाया जा रहा जिसे हमारी कम्पनी मुंगीपा इरीटेक कं.पनी करवा रहे हैं।

यह काम सरपंच तथा अन्य गा.प.मान्य व्यक्तियों की उपस्थिति में शुरु किया गया था। महुल के बाद सब चले गये थे। बाद में हमारे Dept. ने अनौपचारिक रूप से कोयल माटा काटने का उस्ताद देा जिसका हमें खेद है और हम हमीना करने के तैयार हैं। इसमें किसी की जानबुझ कर कोई गलती नहीं है।

आपका  
*[Signature]*

For, Mungjpa Irrig. Tech. Comp.  
Dudhri

10/12/23

मैं 'अनिल कुमार ड/ राजेंद्र' जाती शाली P.P.0 तुलहेड़ी  
 जिला शिवानी का स्थाई निवासी हूँ। मैं मासिक रुक  
 गांव जिला महेंद्रगढ़ में चल रहे जोड़ के निर्माण में  
 कार्य कर रही पोल्टों का ऑपरेशन हूँ शीमान जी  
 मेरे द्वारा अनजाने में कुछ धूसी भी उखाड़  
 दिया गया था जिनकी भेजे जोड़ से बहर  
 निकाल कर डाल दिया

Anil Kumar  
 अनिल ड/ राजेंद्र  
 जाति - शाली  
 गांव - तुलहेड़ी

9058655752  
 4-12-2023

D.R.A. No. 4, 11/2023-24

L3B-ROC 109  
ame: Jiga Br



0600

# वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

FOR NO. 55

FOR Book No. 36032

समय	शुक्रवार 05/11/2023				
पेज नंबर/पेज की संख्या	055/0600				
रीज जगह का नाम	बागहा नज्दीकी / डोगां अदिर				
FOR No. (Date, Day & Time)	055/0600				
रिपोर्ट जारी करने वाले का नाम	जी प्रियंका सिंघ व. र.				
अपराध की जानकारी का स्रोत	स्वयं द्वारा गत / मुखवीर द्वारा / शिकायत				
अपराध होने के तारीख दिन/समय	05/11/2023				
जांच अधिकारी का नाम व पद	जी सुरेश चन्द व. र.				
अपराध घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या पृष्ठ 06/2				
उत्पन्न किया गया अधिनियम	संरक्षण				
भारतीय वन अधिनियम 1927					
वन्य प्राणी ( संरक्षण ) अधिनियम 1972					
परमाथ भूमि संरक्षण अधिनियम 1900	Sec 41				
भारतीय दण्ड संहिता					
अपराधों का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
	सुमित कुमार	राजेश	25 (अपेक्षित)	भारतीय	V.P.O - डोगां अदिर
जन्म किये गये सामान का विवरण	प्रजाति	किसम/साइज	संख्या	मूल्य	मूआवजा गांछ
रथ वाहन का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष
अपराध/संश्लेषण	नशील नशीला पौधों/पौधों/संश्लेषण	संलग्न किया है/तैयार नहीं किया गया	यदि हां तो पृष्ठ संख्या		
	पशु/पक्षी	संलग्न/तैयार नहीं किया गया			
	अपराध/संश्लेषण	संलग्न/तैयार नहीं किया गया			

R.O.A.C.

Uman Singh  
Rajender Singh F.S.  
S. B. Singh

मुखवीर / शिकायतकर्ता/गवाह के द्वारा/अपराध का विवरण

वीर प्रियंका  
व. र. 05/11/23  
नाम: Pratyaksha Singh  
पद: Assistant  
विभाग: Forest

मुखवीर/अपराध/अपराध का विवरण  
Pratyaksha Singh  
9033655752  
9912356124

दिनांक 18/10/2017 को वन राधिक अधिकारी मांगर, श्री  
 राजेन्द्र सिंह व. र. के साथ सीपल खुर्दि से पंचायत में  
 का मोका निरिगत किया गया। मोके पर लीड का निरिगत  
 कार्य किया हुआ पाया गया। मोके पर कीर्ति हल मल  
 हुआ नहीं पाया गया। तत्पश्चात् दिनांक 18/10/2017 को  
 व. रा. जे. मांगर, श्री राजेन्द्र सिंह व. र., श्री विनायक  
 व. र. को साथ लेकर पुनः विकास स्थल का  
 मोका प्रजापत किया। मोके पर सर्वप्रथम गाँव पंचायत  
 सीपल खुर्दि से हुआ गया। सर्वप्रथम साथ बताया कि  
 मोके द्वारा कीर्ति हल नहीं मल गया। दिनांक 18/10/2017  
 को श्री सुरेश प्रसाद व. र. के साथ विकास स्थल  
 का निरिगत किया गया। तथा मोके पर खोई गए  
 लीड की चाली वरक की 195 L. 20000 की गई।

195 L. 20000 से KML फिल वनाकत उत्तर स्थल का  
 आंकलन किया व पाया कि उत्तर स्थल पर 7 वृत्त  
 मोड्ड है जो अब नहीं है। KML का आंकलन करने पर  
 उत्तर हली से upper class के आधार पर थल सुमान  
 लगाया कि उत्तर जित पर 4 वृत्त class III तथा  
 3 वृत्त class IV के ही सन्ती है। सर्वप्रथम साथ बताया  
 कि मोने गाँव पंचायत के माध्यम से उत्तर करने उत्तर  
 हली की हवासे हवाक उत्तर की पाकि किया है क्योंकि  
 उत्तर हली के आंकलन होकर उत्तर के वृत्त मोड्ड  
 है। इसलिए भी वृत्त की total से ही सन्ती है। रिपोर्ट  
 +400 करने है। गाँव संपत्ति व. र. के साथ मोका गया।  
 मोके द्वारा बताया कि उत्तर मोके करने संपत्ति उनके जे. र.  
 द्वारा ही हल प्रजापत गाँव है। इसलिए मोके के वृत्त  
 Operator के विनायक फिल 12/10/2017 से साथ 4 से वृत्त  
 मात्र से गई 7 रिपोर्ट आधी संधि भी पंग है।

(Signature) / 13

कार्यालय वन मण्डल अधिकारी, महेन्द्रगढ़ वन मण्डल, महेन्द्रगढ़  
फोरेस्ट कॉम्प्लेक्स, महेन्द्रगढ़ ।

दूरभाष/फैक्स: +91 01285 220229, ई-मेल: dfomgarh@yahoo.co.in

क्रमांक: 3330.....

दिनांक: 04/10/23

सेवा में,

वन राजिक अधिकारी,  
महेन्द्रगढ़ ।

विषय : अभियोजन केस दायर करने हेतु ।

सन्दर्भ : आपका पत्र क्रमांक 1074 दिनांक 04.10.2023 ।

उपरोक्त विषय के सम्बन्ध में सन्दर्भांकित पत्र द्वारा भेजे गए निम्न केंस पूर्ण रूप से तैयार करके माननीय विशेष पर्यावरण न्यायालय, फरीदाबाद में दायर करने हेतु भेजा जाता है। माननीय न्यायालय में केंस दायर करने उपरांत केंस नम्बर, केंस दायर करने की तिथि तथा केंस की आगामी तिथि से इस कार्यालय को अवगत करवाएं।

केंसों का विवरण :-

- 1- 07M/2023-24 Ajit S/O Rajender; Shailiram S/O Amarchand
- 2- 09M/2023-24 Manjeet S/O Santlal

संलग्न केंसों की मूल फाईल

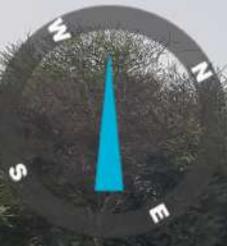
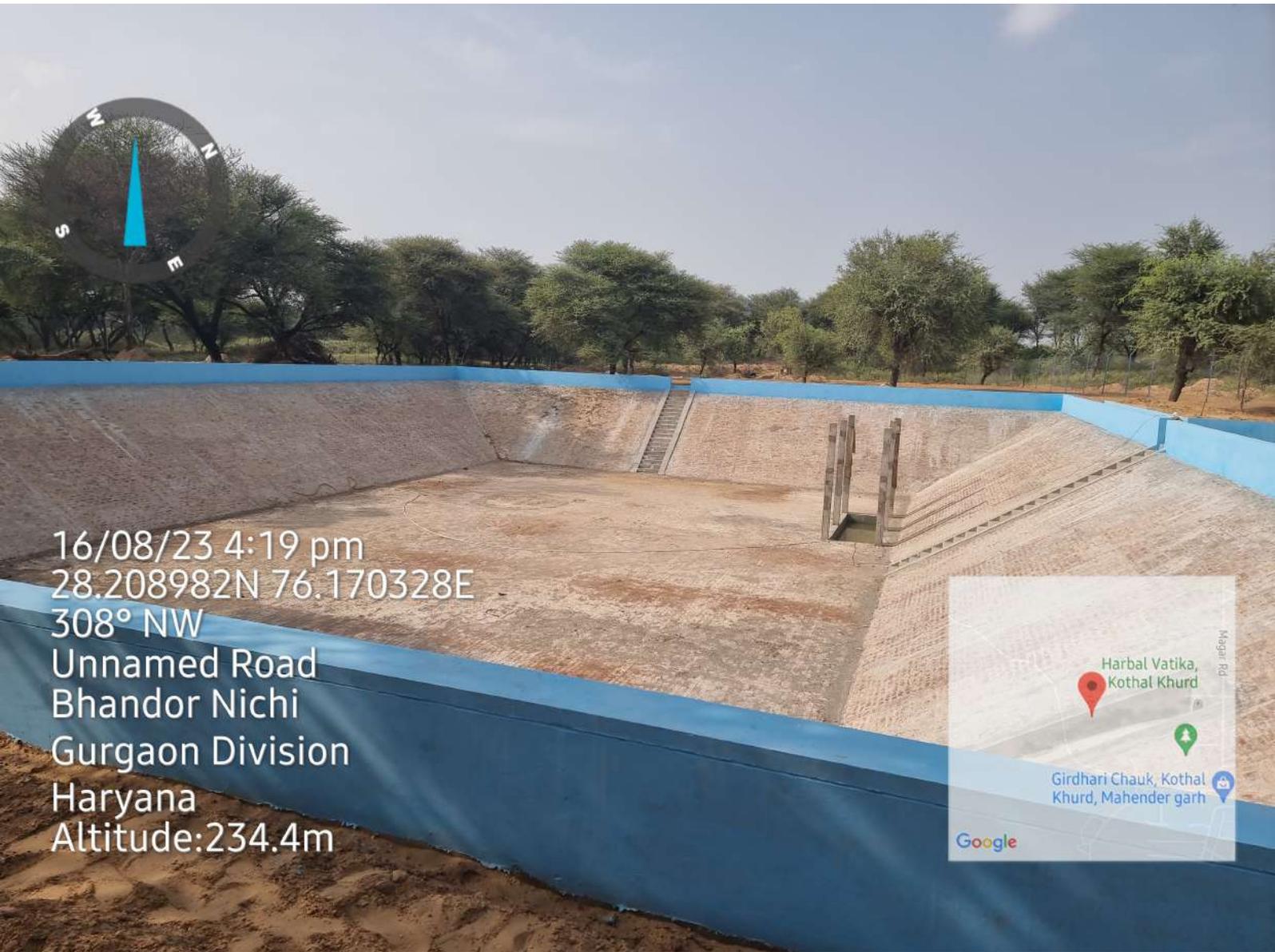
वन मण्डल अधिकारी,  
महेन्द्रगढ़ ।





16/08/23 4:19 pm  
28.208982N 76.170328E  
282° W  
Unnamed Road  
Bhandor Nichi  
Gurgaon Division  
Haryana  
Altitude:234.6m





16/08/23 4:19 pm  
 28.208982N 76.170328E  
 308° NW  
 Unnamed Road  
 Bhandor Nichi  
 Gurgaon Division  
 Haryana  
 Altitude:234.4m

