

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

I N D E X

IN

RESPONSE AFFIDAVIT

*(On behalf of Respondent No. 2 i.e. Principal Chief Conservator of Forests
(HoFF), Uttarakhand, Dehradun)*

(In Compliance to the Hon'ble Tribunal's Order dated 17.12.2024)

IN

ORIGINAL APPLICATION No. 1350 OF 2024

IN THE MATTER OF:

Naresh Kumar

.....Applicant

Versus

State of Uttarakhand

.....Respondent

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Dated: /01/2025



Deepak Bora

Advocate

Counsel for the State of Uttarakhand

17, New Lawyers Chambers,

Setalvad Block

Supreme Court of India

New Delhi 110001

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Affidavit of Dr. Dhananjai Mohan (Male), aged about 59 years, S/o Sh. S. S. Rajput, presently posted as Principal Chief Conservator of Forests (HoFF), Uttarakhand, Dehradun.

(Deponent)

I, the above-named deponent, do hereby solemnly affirm and state on as of:

1. That the deponent is presently posted as Principal Chief Conservator of Forests (HoFF), Uttarakhand, Dehradun and has been arrayed as a Respondent No.2 in the present matter as such he is fully conversant with the facts of the case and competent to swear the present Affidavit.

adopted the Uttar Pradesh Tree Protection Act, 1976 for the purpose of protection of trees outside the reserve and protected forests in the State of Uttarakhand. It is further submitted that the State Government vide its notification 927/X-3-2012/21(08)/2010 dated 30.11.2012, has empowered the District Horticulture Officer for granting sanction to fell fruits tree standing on agricultural land, for prosecution of the cases registered under the U.P Tree protection Act, 1976 etc. Thus, the Divisional Forest Officer/Forest Department is not competent to take action against the violators in the present matter. Copy of the notification dated 30.11.2012 is being annexed and marked herewith as **ANNEXURE-1.**

5. That as soon the deponent came to know about the present case, the deponent has sought a report from the Divisional Forest Officer (DFO), Haridwar Forest Division. The DFO, Haridwar Forest Division vide his report dated 24.01.2025, has informed that the District Horticulture Officer has granted sanction to Mr. Abhishek Tyagi, Ms. Deepika Tyagi and Mr. Mahavir Prasad to fell mango trees in the agricultural land, whereas, they have felled more than sanctioned trees against which he District Horticulture Officer, Haridwar had imposed a fine also.
6. That since the Divisional Forest Officer/Forest Department is not competent to take action against the violators as the District Horticulture Officer has been empowered for implementing the U.P Tree Protection Act in the State of Uttarakhand and the District Horticulture Officer, Haridwar has also been arrayed as Respondent No.4 by this Hon'ble Tribunal in the present original application and therefore, the best response to the application filed by the applicant before this Hon'ble Tribunal, can only be placed by the District Horticulture Officer, Haridwar.



7. That the deponent undertakes to comply the further directions, to be passed by this Hon'ble Tribunal in the present matter.

I, the above named deponent, do hereby verify that the contents of Para nos. 1, 2, 3, 5, 6 & 7 of this affidavit are true to my personal knowledge, those of Para nos. - 4 - of this affidavit are based on records, those of Para nos. of this affidavit are as per the legal advice received and those of Para nos. of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

[Handwritten Signature]

DEPONENT

So help me God

I, Avnish Gupta, Legal Assistant, Forest Department, Uttarakhand, Dehradun, do hereby identify the deponent who has produced the records of the case before me and I am satisfied that she is the same person as alleged.

[Handwritten Signature]

IDENTIFIER

Solemnly affirmed before me today, the 28th day of January, 2025 at 12:00 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY



[Handwritten Signature]

This affidavit is sworn before me by
Shri. Dr. Dharmyan Mehta
who is identified by Shri.
at Dehradun on 47/1/25

[Handwritten Signature]
(Rajender Singh Negi)
Advocate & Notary, Dehradun

संलग्नक - 01

उत्तराखण्ड शासन
वन एवं पर्यावरण अनुभाग-3
संख्या:- 927/X-3-2012/21(08)/2010
देहरादून- दिनांक:- 30 नवम्बर, 2012

अधिसूचना

राज्यपाल उत्तर प्रदेश वृक्ष संरक्षण अधिनियम, 1976 (उत्तराखण्ड राज्य में यथाप्रवृत्त) की धारा-3 की उपधारा (iii) द्वारा उदत्त शक्तियों का प्रयोग करते हुए कृषि भूमि पर फलदार वृक्षों के पतन हेतु अनुज्ञा जारी करी। एवं धारा-14(1) के अधीन कृषि भूमि पर फलदार वृक्ष, जो इस अधिनियम के उपबन्धों का उल्लंघन करते हों, गिराना, काटना या स्थल से हटाना तथा ऐसे फलदार वृक्ष का अकड़ी के साथ-साथ ऐसे उल्लंघन में प्रयुक्त नाव, गाड़ी वाहक या पशु भी यदि कोई हो, जो अभिहित करने एवं उक्त अधिनियम की धारा-15 उपधारा-(1) के अधीन कृषि भूमि पर किराये पर फलदार वृक्षों के संबंध में इस अधिनियम के अधीन किये गये अपराधों का प्रामाण्य करने के लिए जिला उद्यान अधिकारी को प्राधिकृत करते हैं।

(एस0 रामास्वामी)
प्रमुख सचिव

संख्या:- 927/X-3-2012, तददिनांकित।

प्रतिलिपि:- निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. प्रमुख सचिव, मा0 मुख्यमंत्री, उत्तराखण्ड।
2. आयुक्त, वन एवं ग्राम्य विकास, उत्तराखण्ड शासन।
3. प्रमुख सचिव, राजस्व/कृषि/उद्यान विभाग, उत्तराखण्ड शासन।
4. आयुक्त, गढ़वाल/कुमाऊँ गण्डल, उत्तराखण्ड।
5. मुख्य वन संरक्षक, गढ़वाल/कुमाऊँ, उत्तराखण्ड।
6. समस्त वन संरक्षक, उत्तराखण्ड।
7. समस्त जिलाधिकारी, उत्तराखण्ड।
8. समस्त प्रभागीय वनाधिकारी, उत्तराखण्ड।
9. निदेशक, उद्यान विभाग, चौकटिया, रानीखेत, अल्मोड़ा, उत्तराखण्ड।
10. गार्ड फाईल।

कार्यालय प्रभागीय वनाधिकारी
देहरादून वन परामर्श देहरादून
गणतन्त्री संख्या 23-1
प्रमाण संख्या 10/12
दिनांक 17-12-2012

आज्ञा से,

(सुशांत पटनायक)
अपर सचिव

T.C.
2. समस्त प्र.प.स. व S.D. के कार्यालयों को सूचित करने के लिए
उक्त नोट को व.प. संख्या 10/12 पर
प्र. संख्या 10/12



This affidavit is sworn before me by
Shri. Dr. Rajender Singh Negi
who is identified by Sd/-
at Dehradun, U.P.

(Rajender Singh Negi)
Advocate & Notary, Dehradun