

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 202/2025

AYUSH DIXIT

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENT

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THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR STATE OF U.P.

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DATE: 07.08.2025

PLACE: NOIDA

BEFORE THE NATIONAL GREEN TRIBUNAL

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ORIGINAL APPLICATION NO. 202/2025

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**RESPONSE ON BEHALF OF RESPONDENT NO. 5 IN COMPLIANCE
WITH ORDER DATED 25.05.2025 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL, NEW DELHI**

I, Bharath Kumar D.K , aged about 32 years, son of Durugappa, presently posted as Divisional Director Forest And Wildlife Division Pilibhit, Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Deponent herein and am well acquainted with the facts and circumstances of the case and am duly authorized and competent to swear the present Affidavit.
2. That the contents of the report have been drafted by my counsel under my instructions and the same are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Ayush
07/08/20



I. BACKGROUND OF THE MATTER:

3. That in the present matter, the applicant has alleged that a 150-year-old Semal tree located in a mango orchard in village Ilabas, near the temple site and adjacent to the Tiger Reserve forest, was illegally cut down without any valid permission. The applicant further claimed that five other mango trees, each over 50 years old, were also illegally felled over the past few months, and attempts were made to destroy the evidence by burning their roots. The applicant possesses video and photographic proof of these acts.

II. ACTION TAKEN BY THE FOREST DEPARTMENT

4. That upon receipt of the complaint through the IGRS portal, the Forest Department duly visited the said site and registered H-2 Case No. 37/2024-25 dated 25.01.2025 in connection with the subject matter. In the course of inquiry conducted under the said case, it was recorded that few months ago four mango trees were found to have been fallen. That the said trees were observed to be in a dry and dilapidated condition, and it was informed by the villagers of nearby area that 1-2 years prior, the said trees may have fallen as a result of a storm. That stumps of four grafted (**kalmi**) mango trees were also found at the location. That the cumulative weight of four of the mango trees was assessed to be approximately 80 quintals.

A Copy of the H2 case dt. 25.01.2025 has been annexed herewith as ANNEXURE A-1.



Sudesh Singh Chauhan
07/08/25

III. DIRECTIONS OF THE HON'BLE TRIBUNAL ON THE LAST DATE OF HEARING

5. That the abovementioned matter was listed for hearing on 26.05.2025, wherein the Hon'ble Tribunal directed as under:

"4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Uttar Pradesh through Principal Secretary, Environment, Forest & Climate Change Department; (2) Field Director, Tiger Reserve, Pilibhit; (3) U.P. Pollution Control Board, through its Member Secretary; (4) District Magistrate, Pilibhit; and (5) Divisional Forest Officer, Pilibhit who are impleaded as respondents no. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 5 requiring them to file their reply/response within two months.

5. In view of the environmental questions involved in the case, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of officers duly authorized by Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), District Magistrate, Pilibhit and Divisional Forest Officer, Pilibhit and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and

Am
02/08/26



representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The UPPCB will be the nodal agency for coordination and compliance.....”

IV. INSPECTION BY THE JOINT COMMITTEE

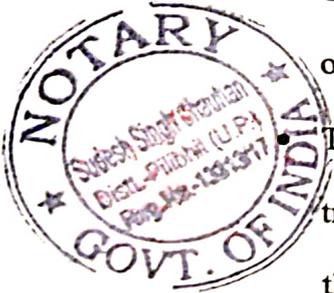
6. That in compliance of the aforementioned order, the District Magistrate constituted a Joint Committee comprising of:

- Sub-District Magistrate, Bisalpur, Pilibhit
- Regional Officer, UPPCB, Bareilly
- Shri Anjani Kumar Srivastava, SDO, Pilibhit
- Assistant Scientific Officer, UP Pollution Control Board, Bareilly

7. That the said committee inspected the site in question on 15.07.2025. That the applicant was present during the said inspection. That during the said inspection, the following were the observations of the committee:

- An*
02/08/25
- That during the course of the inspection conducted by the Committee, remnants of the trunk and root of a Semal tree were observed at the site in question.

That remnants of the stems and roots of four grafted (**kalmi**) mango trees were also found at the location, and it was specifically noted that the stem of one such grafted (**kalmi**) mango tree were found to



be burnt, while the roots were visibly exposed upon the removal of the topsoil.

- That upon prima facie assessment, it appeared that the said mango trees were in a dry and dilapidated condition.
- That a branch from the trunk of one of the grafted (**kalmi**) mango trees was found to have fractured and fallen, ostensibly as a consequence of a storm.
- That during the course of the said inspection, the applicant submitted that the approximately 50-year-old mango trees had been felled earlier and were not cut in his presence, whereas the 150-year-old Semal tree has felled in front of him on 24.12.2024.

By
03/10/24

That Shri Gauri Shankar, son of Shri Krishna, resident of Village Ilabas and owner of the subject site, in the presence of the Gram Pradhan of Village Ilabas, stated that approximately one to two years prior, four grafted (**kalmi**) mango trees situated within the said land had dried up and were subsequently felled during a storm, leaving them in a wholly dilapidated state.

Copy of the written statement submitted of Shri Gauri Shankar and Gram Pradhan has been annexed herewith as **ANNEXURE A-2**.

Copy of the affidavit of the Gram Pradhan has been annexed herewith as **ANNEXURE A-3**.



- That it was further submitted by the said individuals that a temple dedicated to the deity Mata (Goddess) is situated directly opposite the said land, where a traditional fair (mela) has been customarily held for several years, attracting a significant number of devotees.
- That it was contended that the fallen and obstructive condition of the said trees was impeding the movement of devotees attending the fair, thereby necessitating the removal of the fallen tree remains in order to ensure unobstructed access and public convenience.
- That the applicant was duly informed of the entire factual position and legal status at the site itself by the undersigned authority/committee members.
- That upon examination of the tree trunks at the site, it is evident that the grafted (**kalmi**) mango trees were indeed dry and in a state of disrepair.



7. That it is further submitted that grafted (**kalmi**) mango trees were previously classified as prohibited species in the Government Order dated 31.10.2017. However, pursuant to Government Order No. 24/81-5-2020-07-93 dated 07.01.2020, grafted (**kalmi**) mango trees have not been included in the prohibited species. It is also pertinent to submit that the Semal tree does not fall under the category of prohibited species.

A Copy of the Government Orders dt. 31.10.2017 and 07.01.2020 has been annexed herewith as ANNEXURE A-4.

V. DIRECTIONS OF THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO. 421 OF 2020

8. That it is pertinent to note here that the Hon'ble Tribunal has quashed the Government Order dt. 31.10.2017, in view of the fact the State Government had subsequently issued a fresh Government Order dated 07.01.2020 in supersession of the Government Order dated 31.10.2017. It is further submitted that a Civil Appeal No. 421/2020 was filed before the Hon'ble Supreme Court, wherein the said Government Order dt. 07.01.2020 was challenged. That Hon'ble Apex Court in the vide order dt. 30.01.2024 dismissed the said appeal as infructuous and acknowledged the Government Order dt. 07.01.2020. The relevant portion of the order is reproduced herein below for ready reference:

"2. The National Green Tribunal has by the order impugned herein quashed the notification dated 31.10.2017 issued under U.P. Trees Conservation Act, 1976 as being contrary to the judgment of this Court in "T. N. Godavarman Thirumulpad Vs. Union of India & Ors." reported as (1997) 2 SCC 267. In view of the fact the State Government has subsequently issued a fresh notification dated 07.01.2020 in supersession of the notification dated 31.10.2017, this appeal has become infructuous.



3. *The Civil Appeal is dismissed as infructuous.*”

A Copy of the Order dt. 30.01.2024 has been annexed herewith as
ANNEXURE A-5.

8. That the deponent is duty bound to fulfil the obligation which are assigned under the law and directions passed by this Hon’ble Tribunal. The Deponent is fully committed to ensure strict adherence to the orders of this Hon’ble Tribunal and undertakes to faithfully comply with any further directions or instructions that may be issued by this Hon’ble Tribunal, without demur or delay.

9. Hence, the present response is being submitted for the kind perusal of this Hon’ble Tribunal. It is prayed that the same be taken on record.



DEPONENT

**प्रमाणीय निदेशक
वन एवं वन्यजीव प्रभाग
पीलीभीत**

VERIFICATION

Verified at Pilibet on this 7th day of August, 2025, that the contents of the above affidavit from paragraphs 1 to 8 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



[Handwritten Signature]
07/8/25

[Handwritten Signature]

DEPONENT

प्रमाणीय निदेशक
वन एवं वन्यजीव प्रमार्य
पीलीभीत

Certified that Shri. Bhuvanendra Singh
Opponent identified by Shri. [Signature]
Who is personally known to me swear to
confirmed the content of this affidavit as
my presence at Pilibhit on 07/8/25
AM/PM & further under [Signature] the seal.

[Handwritten Signature]
07/8/25

Sudesh Singh Chauhan
Advocate & Notary
Distt. Pilibhit (U.P.)

वन विभाग पश्चिमी क्षेत्र, बरेली.. 1636

सामाजिक वानिकी प्रभाग, पीलीभीत

रेंज कैथ सलपुर

37/2024-25 कासकर रेंज

अन्य अपराध 3050 आश्रित निवासी की प्रसूचना (रिपोर्ट) सं० दि० 25/01/2025

अधिकेत्र रेंज- कैसलपुर

१. नाम, पिता का नाम और निवास स्थान- नाम- जौरी शंकर 3/0 श्रीकृष्ण निगम मधवापुर काठवाली विपारिया कला जिला पीलीभीत

२. साक्षी का नाम- रामसरन (दो०)

३. कथित अपराध का पूरा विवरण- ग्राम इलावास देवालय मे 04 वृक्ष आम के अन्वेष अभिवाद्य

दिनांक : 25/01/2025

४. मूल्य

५. चालान और अनुसंधान के सम्बन्ध में विशेष कथन- विभागीय जांच

६. प्रसूचना के ब्यौरे और प्रमाण आदि का उल्लेख-

साक्षात्

निवेदन है कि आज दिनांक 25/1/2025

को लगभग 5:20 PM को I.G.R.D के द्वारा शिकायत प्राप्त हुई कि ग्राम इलावास देवालय काठवाली जिला पीलीभीत के कुदमाष्ट 05 वृक्ष आम का पालन किया गया है। मैं तत्काल हमरामसर (पान्च) को साथ लेकर देवालय पर पहुंचा तो प्रथम दृष्टया देखने पर आम के 04 वृक्षों की सुडियां पड़े गईं जो कि सड़ी बगली हुई थी। आम पास के लोगों से जानकारी करने पर पता चला कि उक्त आम के 04 वृक्ष का शकावट जौरी शंकर 3/0 श्रीकृष्ण निगम मधवापुर काठवाली विपारिया कला जिला पीलीभीत के है जो कि लगभग 1-2 वर्षे पूर्ण मांछी ब लुप्तान के कारण गिर गये थे। उक्त आम के 04 वृक्षों का साक्ष प्रमाणों के सह गाण्य मिला जिनका कुल वजन लगभग 80.00 कुन्तल था वापस रेंज कापिलाप माफ्त आवश्यक कापिलाही की।

मेधेय प्रभागीय कैस सलपुर निवास में
अभिन।

C.C.
काठवाली
रामसरन

(R.Humar)
(राजेश कुमार)
काठवाली
कैसलपुर रेंज

पंचायत समिति
(कैसलपुर) पीलीभीत

में ग्लग डब्लान इलाकास देवल धाना दिपारिया कला जिला-पीलीभीत
 में लान करली हूँ कि गौरीगंज S/O श्रीकृष्ण
 निवासी माधोपुर का बाग इलाकास देवल में है
 उस बाग में एक दो वर्ष पूर्व पुरेव चार वक्क जलमी आम
 के आंखी बुझान में लार के गिर गए थे
 जो कि कित्तफुल जर जर हालत के थे उन पेडो से
 भेले में आने वाले भकले को परेशानी हो रही थी
 उस कारन उन पेडो को वहाँ से हटा दिया गया था।

यही मेरे लान है



श्रीकांत अग्रवाल

विभागाध्यक्ष



दि 20/1/2011



रौपि

सुभाष चंद्र

विपिन कुमार

मैं गौरी शंकर S/O श्रीवृष्ण निवासी प्राणपुर मैरावाग
 इलावाश टेबल है है/ उसकाग मे स्क्र दौ साल पूर्व
 सूखे चार वृक्ष कलसी आपन के आँधी तूफान मे
 काट कर गिर गस्ये जो कि बिल्कुल जरजर हलत
 के है/ इलावाश टेबल मे माता का मंदिर है यहाँ
 पर कई वर्षों से तैला लगता है मेले मे भक्तों को
 आने मे परेशानी होती थी इसकारण उन पेड़ों को वहाँ
 से हटवा दिया गया था

पत्नी मैरे ध्यान है

प्राणी
 गौरी शंकर



INDIA NON JUDICIAL



Government of Uttar Pradesh

IN UP6570582788889X

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 Unique Doc. Reference : SUBIN-UPUP1417270429113865721242X
 Purchased by : KIRAN DEVI WO RADHEYSHYAM
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) :
 First Party : KIRAN DEVI WO RADHEYSHYAM
 Second Party : Not Applicable
 Stamp Duty Paid By : KIRAN DEVI WO RADHEYSHYAM
 Stamp Duty Amount(Rs.) : 10
 (Ten only)



that Sr. Kiran Devi
 who is personally known to me Swears
 & confirms the contents of this affidavit
 which has been read over & explained
 after understanding the same the solemnly
 affirms the contents of this Bisalpur
 date 30-7-25 4:25 AM PM

Vishnu Kumar Bisalpur
 Adv. & Notary
 Regd. No. 1958
 GOVT OF INDIA

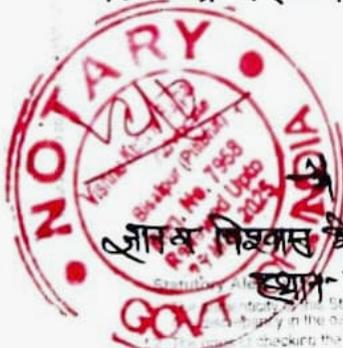
- व्यपथपत्र नोटेरी -

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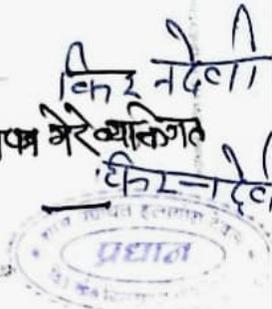
समसः- प्राधिकृत प्राधिकारी

व्यपथपत्र ओर से किरन देवी जो राधेश्याम निवाली ग्राम- इलाबास देवल तहसिल बिसलपुर (पीलीभीत) वर्तमान ग्राम प्रधान ग्राम पंचायत इलाबास देवल विकास ब्रह्म-विमलपुत्र तहसिल बिसलपुर जिला पीलीभीत निम्नवत् है-

- (1) यह कि मेरा उपरोक्त पता सत्य व सही है।
- (2) यह कि व्यपथी अपने पूरे होश-व्यास में बिना किसी जोर-झवाव के जान कर रहे हैं कि गौरीचंकर पुत्र श्रीकृष्ण निवासी ग्राम माधौपुर का बाग ग्राम इलाबास देवल में उस बाग में एक-दो वर्ष पूर्व सुबे चार वृक्ष कलमी लागू के ओप्ली चूफान में फटकर गिर गये थे, जो कि बिलकुल जर्जर अवस्था के थे उन पेड़ों से मेले में जाने वाले भक्तों को परेशानी हो रही थी, इस कारण उक्त पेड़ों को वहाँ से हटवा दिया गया था।



मैं सत्यापित करती हूँ कि कुल कथन उपरोक्त व्यपथपत्र में व्यक्तिगत जान बूझ के सब व सही है। ईश्वर मेरी मड करे।
 ग्राम बिसलपुर दि. - 30-7-25



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वन एवं वन्यजीव अनुभाग-2
संख्या-2536/14-2-2017-377/76 टीसी
लखनऊ दिनांक 31 अक्टूबर, 2017

पुनरीक्षित अधिसूचना

उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 (उत्तर प्रदेश अधिनियम संख्या 1 सन 1904) की धारा-21 के साथ पठित उत्तर प्रदेश इमारती लकड़ी और अन्य वन उपज अमिवहन नियमावली, 1978 के नियम-3 के प्रतिबन्धात्मक खण्ड के खण्ड (ग) के अधीन शक्तियों का प्रयोग करके और सरकारी अधिसूचना संख्या-2530/14-2-97-377/76-टी.सी., दिनांक 14-8-1997 और संख्या-2427/14-2-2017-377/76-टी.सी., दिनांक 25-10-2017 का अधिकरण करके राज्यपाल निम्नवत् छूट प्रदान करते हैं :-

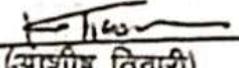
- (1) राज्य के 62 जिलों अर्थात्- (1) आजमगढ़ (2) बलिया (3) बस्ती (4) बदायूँ (5) देवरिया (6) गाजीपुर (7) मैनपुरी (8) मऊ (9) मुरादाबाद (10) संतकधीरनगर (11) भदोही (संतरविदास नगर) (12) वाराणसी (13) अलीगढ़ (14) इलाहाबाद (15) अम्बेडकरनगर (16) बागपत (17) बाराबंकी (18) बरेली (19) फतेहपुर (20) गाजियाबाद (21) गोरखपुर (22) हाथरस (23) जौनपुर (24) कानपुर नगर (25) कानपुर देहात (26) कौशाम्बी (27) कुशीनगर (28) मथुरा (29) हापुड़ (30) शानली (31) मुजफ्फरनगर (32) सिद्धार्थनगर (33) कन्नौज (34) बांदा (35) एटा (36) फैजाबाद (37) फर्रुखाबाद (38) फिरोजाबाद (39) गौतमबुद्धनगर (40) गोण्डा (41) हरदोई (42) मेरठ (43) प्रतापगढ़ (44) रायबरेली (45) शाहजहाँपुर (46) सम्मल (47) कासगंज (काशीरामनगर) (48) बुलंदशहर (49) अमरोहा (ज्योतिबाफुलेनगर) (50) महोबा (51) औरैया (52) रामपुर (53) सीतापुर (54) सुल्तानपुर (55) अमठी (56) हमीरपुर (57) झाँसी (58) जालौन (59) उन्नाव (60) आगरा (61) इटावा एवं (62) बिजनौर में वन क्षेत्र के बाहर अवस्थित आम (देशी/तुकमी/कलमी), नीम, साल, महुआ व खैर प्रजातियों से निम्न सनस्त वृक्ष प्रजातियों की इमारती लकड़ी और छाल।
- (2) राज्य के 13 जिलों, अर्थात्- (1) बहराइच (2) श्रावस्ती (3) बलरामपुर (4) चन्दौली (5) चित्रकूट (6) लखीमपुरखीरी (7) ललितपुर (8) लखनऊ (9) महाराजगंज (10) मिर्जापुर (11) पीलईभीत (12) सहारनपुर (13) सोनभद्र में वन क्षेत्र के बाहर अवस्थित आम (देशी/तुकमी/कलमी), नीम, साल, महुआ, खैर और सागौन (टीक) प्रजातियों से निम्न सनस्त वृक्ष प्रजातियों की इमारती लकड़ी और छाल।

संजय सिंह
सचिव।

संख्या-2536(1)/14-2-2017-377/76 टीसी, तददिनांक।

- प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-
- (1) प्रधान मुख्य वन संरक्षक एवं विभागाध्यक्ष, उत्तर प्रदेश, लखनऊ।
 - (2) समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन।
 - (3) प्रबन्ध निदेशक, उ०प्र० वन निगम, लखनऊ।
 - (4) समस्त मुख्य वन संरक्षक/वन संरक्षक/प्रभागीय वनाधिकारी/प्रभागीय निदेशक, उ०प्र०।
 - (5) समस्त मण्डलायुक्त, उत्तर प्रदेश।
 - (6) समस्त जिलाधिकारी, उत्तर प्रदेश।
 - (7) समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, उत्तर प्रदेश।
 - (8) समस्त मुख्य विकास अधिकारी, उत्तर प्रदेश।
 - (9) कृषि निदेशक, उत्तर प्रदेश, लखनऊ।
 - (10) ग्राम्य विकास आयुक्त, उत्तर प्रदेश, लखनऊ।
 - (11) सूचना निदेशक, उ०प्र० लखनऊ।
 - (12) गार्ड फाइल।

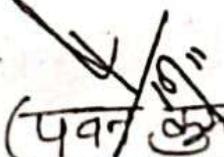
आज्ञा से,


(आशीष तिवारी)
विशेष सचिव।

प्रधान

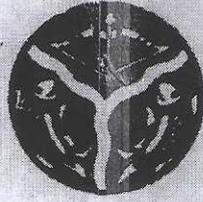
कार्यालय मुख्य वन संरक्षक और विभागाध्यक्ष, उ०प्र० लखनऊ,
पत्रांक-प० 439 /16-35 (अभिवहन) दिनांक, लखनऊ, तारखत 10/2/2017

प्रतिलिपि समस्त मुख्य वन संरक्षक, उ०प्र० एवं समस्त
वन संरक्षक, उ०प्र० को सूचनार्थ एवं आवश्यक कार्यवाही
हेतु प्रेषित।


(पवन कुमार शर्मा)

मुख्य वन संरक्षक
जीति विश्लेषण एवं समत्वम
उ०प्र०, लखनऊ।

B.K.S.
09/11/2017



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-4, खण्ड (ख)
(परिनियत आदेश)

लखनऊ, मंगलवार 7 जनवरी, 2020

पौष 17, 1941 शक सम्बत्

उत्तर प्रदेश शासन

पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-5

संख्या 24/81-5-2020-07-93

लखनऊ, 7 जनवरी, 2020

अधिसूचना

प0आ0-2

उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 (उत्तर प्रदेश अधिनियम संख्या 4 सन् 1904) की धारा 21 के साथ पठित उत्तर प्रदेश वृक्ष संरक्षण अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 45 सन् 1976) की धारा 21 एवं 23 के अधीन शक्तियों का प्रयोग करके और सरकारी अधिसूचना संख्या 2270/14-5-2017-07-93, दिनांक 31 अक्टूबर, 2017 का अधिक्रमण करके राज्यपाल निम्नलिखित प्रजातियों के वृक्षों को निपातित किये जाने का प्रतिषेध करती हैं :-

(1) आम (देशी/तुकमी), (2) नीम, (3) साल, (4) महुआ, (5) बीजासाल, (6) पीपल, (7) बरगद, (8) गुलर, (9) पाकड़, (10) अर्जुन, (11) पलाश, (12) बेल, (13) चिरौंजी, (14) खिरनी, (15) कैथा, (16) इमली, (17) जामुन, (18) असना, (19) कुसुम, (20) रीठा, (21) भिलावा, (22) तून, (23) सलई, (24) हल्दू, (25) बाकली/करधई, (26) धौ, (27) खैर, (28) शीशम एवं (29) सागौन और व्यक्तिगत कृषित या अकृषित धृति पर स्थित अन्य प्रजातियों को छूट प्रदान करती हैं।

2-प्रतिषिद्ध प्रजातियों के वृक्ष, दिनांक 31 दिसम्बर, 2025 तक अपरिहार्य परिस्थितियों यथा- वृक्ष सूख गया हो या सूख रहा हो या व्यथित या सम्पत्ति के लिये खतरा पैदा कर रहा हो या सरकार द्वारा अनुमोदित विकास कार्य के निष्पादन के लिए इसका निपातन किया जाना आवश्यक हो या सनुपयोज्य व्यास प्राप्त कर लिया हो अथवा यदि उसकी फलदायी क्षमता सारभूत रूप से क्षीण हो गयी हो और ऐसे वृक्ष को निपातित करने के लिए सक्षम प्राधिकारी से लिखित में अनुज्ञा प्राप्त कर ली गई हो, के सिवाय निपातित नहीं किये जायेंगे। समुपयोज्य व्यास के लिए प्रमुख वन संरक्षक, अनुश्रवण एवं कार्या योजना, उत्तर प्रदेश, जैसा और जब अपेक्षित हो, समय-समय पर मार्गदर्शी सिद्धान्त जारी कर सकता है।

3-निपातित किये जाने वाले वृक्षों और (निपातित किये गये वृक्षों के बदले में) रोपित किये जाने वाले प्रतिपूरक पौधों का अक्षांश एवं देशान्तर सक्षम अधिकारी से निपातन अनुज्ञा प्राप्त करने हेतु आवेदन करते समय आवेदन-पत्र में उल्लिखित किया जायेगा तथा तत्पश्चात् ऑनलाइन अभिलिखित किया जायेगा।

4-वृक्ष स्वामी, निपातित किये गये प्रत्येक वृक्ष के स्थान पर 10 वृक्षों का आरोपण एवं अनुरक्षण करेगा और वृक्ष रोपित न करने की स्थिति में 10 वृक्षों को रोपित किये जाने तथा 05 वर्ष तक उनका अनुरक्षण किये जाने की धनराशि उक्त अधिनियम, सन् 1976 की धारा 5 और 7 के अनुसार वृक्ष स्वामी द्वारा वन विभाग को जमा की जायेगी। वन विभाग इस धनराशि का उपयोग वनीकरण के प्रयोजनार्थ करेगा। इससे ऐसी प्रजातियों का संरक्षण करने तथा वृक्षावरण का विस्तार करने में भी सहायता मिलेगी।

5-उत्तर प्रदेश वन निगम, वृक्ष स्वामी को उसकी कृषि भूमि पर अवस्थित वृक्षों के प्रमाणीकरण की सुविधा प्रदान करेगा।

आज्ञा से,
सुधीर गर्ग,
प्रमुख सचिव।

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 24/LXXXI-5-2020-07, 93, dated January 7, 2020 :

No. 24/LXXXI-5-2020-07-93

Dated Lucknow, January 7, 2020

IN exercise of the powers under section 21 and 23 of the Uttar Pradesh Protections of Trees Act, 1976 (U.P. Act no. 45 of 1976) read with section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act no. 4 of 1904) and in supersession of the Government notification no. 2270/XIV-5-2017-07-93, dated October 31, 2017, the Governor is pleased to prohibit felling of the following trees species:-

(I) Aam (Desi/Tukmi), (II) Neem, (III) Sal, (IV) Mahua, (V) Bijasal, (VI) Pipal, (VII) Bargad, (VIII) Gular, (IX) Pakar, (X) Arjun, (XI) Palash, (XII) Bel, (XIII) Chiraunjee, (XIV) Khirnee, (XV) Kaitha, (XVI) Imlia, (XVII) Jamun, (XVIII) Asna, (XIX) Kusum, (XX) Ritha, (XXI) Bhilawa, (XXII) Toon, (XXIII) Salai, (XXIV) Haldu, (XXV) Bakali/Kardhai, (XXVI) Dhau, (XXVII) Khair, (XXVIII) Sheesham and (XXIX) Sagaun and exempt other species situated on individual cultivated and un-cultivated holding.

2. Prohibited tree species shall not be felled till dated 31st December, 2025 except under unavoidable circumstances such as tree is dead or dying or it constitutes danger to person or property or its felling is necessary for executing a development work approved by the Government or after attaining exploitable diameter or if the fruit bearing capacity of such tree has declined substantially and permission to fell such tree has been obtained in writing from the competent authority. For exploitable diameter, Principal Chief Conservator of Forests, Monitoring and Working Plan, Uttar Pradesh may issue guidelines from time to time, as and when required.

3. Longitude and Latitude of trees to be felled and compensatory saplings to be planted (*in lieu of* felled trees) shall be mentioned in the application from while applying for obtaining felling permission from the Competent Authority and subsequently recorded online.

4. The tree owner shall plant and maintain 10 trees in place of each tree felled and in case of not planting trees the amount of money for plantation of 10 trees and their maintenance for 5 years shall be deposited by the tree owner to the Forest Department, as per section 5 and 7 of the said Act of 1976. Forest Department will utilise this amount for afforestation purposes. This will help conserve such species and expansion of tree cover too.

5. Uttar Pradesh Forest Corporation will facilitate the tree owner for certification of standing trees on his farm land.

By order,
SUDHIR GARG,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 549 राजपत्र-(हिन्दी)-2020-(1335)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी०एस०यू०पी०-ए०पी० 1 सा० पर्यावरण-2020-(1336)-1000 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 421/2020

THE STATE OF UTTAR PRADESH

Appellant(s)

VERSUS

KSHITIJ AGNIHOTRI & ORS.

Respondent(s)

O R D E R

1. Heard learned counsel appearing for the parties.
2. The National Green Tribunal has by the order impugned herein quashed the notification dated 31.10.2017 issued under U.P. Trees Conservation Act, 1976 as being contrary to the judgment of this Court in "*T. N. Godavarman Thirumulpad Vs. Union of India & Ors.*" reported as (1997) 2 SCC 267. In view of the fact the State Government has subsequently issued a fresh notification dated 07.1.2020 in supersession of the notification dated 31.10.2017, this appeal has become infructuous.
3. The Civil Appeal is dismissed as infructuous.

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

.....J.
(ARAVIND KUMAR)

Signature Not Verified
Digitally signed by
NEETA SARKAR
Date: 2024.02.06
10:31:28 IST
Reason: 

NEW DELHI;
January 30, 2024

ITEM NO.60

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 421/2020

THE STATE OF UTTAR PRADESH

Appellant(s)

VERSUS

KSHITIJ AGNIHOTRI & ORS.

Respondent(s)

(I.A. No. 50418/2019 - EXEMPTION FROM FILING O.T.)

Date : 30-01-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Ms. Aishwarya Bhati, Sr., A.S.G.
Mr. Sudeep Kumar, AOR
Ms. Poornima Singh, Adv.

For Respondent(s) Mr. Arvind Kumar Shukla, Adv.
Ms. Reetu Sharma, AOR
Mr. Nihal Ahmad, Adv.
Mr. Shantanu Shukla, Adv.
Ms. Susmita Devi Ghimiray, Adv.
Ms. Shweta Mahajan, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Bhuwan Chandra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

The civil appeal is dismissed as infructuous in terms of the
signed order.

Pending application(s) stands disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(signed order is placed on the file)