

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH OF NEW DELHI
OA NO. 272/2024**

IN THE MATTER OF:-

Deepank Kumar Sharma & Ors ... Applicants

VERSUS

State of UP & Ors. ... Respondents

WRITTEN ARGUMENT ON BEHALF OF THE RESPONDENT NO. -10

MOST RESPECTFULLY SHOWTH-

1. That the Respondent No. 10 is only owner of property Khasra No. 2119, 2123, 2124, 2128 in which not a single tree is cut as the applicant alleged falsely only to harass and torture physically, mentally and financially to the R-10.
2. That the R-10 has already sold the Khasra No. 2120, 2121, 2122, 2125, 2126 & 2127 wide sale deed dated at 29/01/2024 purchased stamp paper at 28/01/2024 (Kindly see page No. 17 to 20 of reply of R-10). inspite of this not a single tree is cut in any khasra no. / field relating to R-10. It is completely wrong that 180 trees are cut in the bagh/ field of the present answering respondent. Kindly see the report of forest department, i.e. R-7 in which it is clearly states that only 79 trees have been cut in which respect the R-8 has already paid fine Rs. 3,95,000.00 to the R-7 as per law of UP Tree Protection Act.
3. That all Khasra No.(s) are non-commercial place due to which all that illegal or legal Acts of R-10 shall be dealt under UP Tree Protection Act 1976. It is mentioned here that UP Trees Protection Act clearly states that if the Forest Department remains mum upon the application to felling the trees till 35 days after application, it will be considered as consent of the concerned department. (Kindly see Section 5(3) of UP Tree Protection Act).
4. That the petitioner/ Applicants filed the present case in enmity to torture the R-10 specifically impleading R-8 & R-9. The R-8 is real elder brother of R-10 and R-9 is cousin brother of R-10 and R-8 & R-10 stay at home of R-9 in Bijnor, UP as and when R-10 & R-8 visit Bijnor. The applicants had filed many civil & criminal cases against R-10 alongwith R-8 (Kindly see page no. 101 to 138 of the reply of R-10).
5. That the R-10 had already closed his all relations from applicants No. 1 & 2 (Kindly see Page No. 59 to 61 i.e. publication in the news paper). Except this R-10 had already given complaints to SP Hapur (page no. 43-47 of reply of R-10) to DM Hapur (Page No. 48 to 58 of the reply of

R-10), SHO Kotwali Pilkhuva (Page No. 75 to 78 of reply of R-10). The R-10 has filed a case before SDM, Hapur vide case No. T202411730602787 of 2024 (Kindly see Page No. 64 to 74 of the reply of R-10).

6. That the R-10 has filed CCTV Footage of his house situated in Pilkhuva, Hapur, (U.P.) which clarifies that the Applicant No. 1 and his wife have made the life of R-10 hell (Kindly have Page No. 79 to 100). The R-10 has informed the DM, Hapur in respect of misdeed of the applicant No.1 to the R-10 (Kindly have page No. 62 to 63). The R-8 & 9 are impleaded by the applicants to demoralize and to create botheration for R-10 such that R-8 & 9 will create pressure upon R-10 to relinquish his all properties for the applicants.
7. That the applicant No.3 has also filed cases against and under enmity with R-8 & 10 since 2009 (Kindly see Page No. 139 to 172). Not a single tree is cut in the field of the R-10 and there is no reason except to enmity to implead R-10 as party in the present case. The applicants filed false affidavit violating the Affidavit Act for which all the applicants are liable to be prosecuted and punished U/S 340 CrPC (U/S 379 BNSS 2023).
8. That it is very clear from the reports of Patwari and forest officers that the trees in the field of Khasra No.(s) relating to R-8 were more than 70 years old, sick, infected and very little amount of fruits were coming upon them. The Bagh/garden was so dense due to which sun rays were not arriving upto ground due to which the photosynthesis action was too difficult and release of oxygen in absence of sunlight was hard, difficult and nearly up to end. The research states that younger trees give more oxygen than the older trees. Thus, possibility of air pollution as well as water pollution was not held at any instance. Despite this the applicants targeted the R-8 as R-8 is real brother of R-10 to provide pain and botheration to R-10.
9. That the applicants targeted R-9 as he is cousin brother of R-10 to give pain, problem and to harass mentally and physically to R-10. "The R-10 provided his full support and cooperated applicants Deepank Kumar Sharma and Dravit Kumar Sharma to make ready to them for future giving him education, qualification and arranged money for applicant No.1 to stand his business of Bakary in Bijnore but Applicant No.1 ruined the business of Bakery and now A-1 forgotten all love and respect to his father i.e. R-10. Dravit Kumar is in good job & settled at Bangalore.

10. That as per Section -68 of Indian Forest Act 1927 empowers to Forest Department to compound offences & impose penalty and in this light the Forest Department imposed penalties upon R-8 which is deposited by R-8 despite this the applicants impleaded R-10 as party without any legal reason. After deposition of penalties nothing remains for the Department for neither Air Pollution Act or Water Pollution Act.
11. That no proof or evidences or witness of pouring acid into the trees has been provided or brought by the applicants despite this, they formulated the present case misusing the process of law and liberty of this Hon'ble Tribunal.
12. That section 5(3) of UP Tree Protection Act permits the R-8 as he already filed application to cut the tree despite this the present case is filed misleading the Hon'ble Tribunal to harass the R-10.
13. That many trees were dried and in position to create danger to the lives of near by passers due to which as his private land the R-8 requested for permission to felling the trees but the authorities did not take action for more than 35 days due to which as per section 5(3) of UP Trees Protection Act R-8 had been permitted to felling trees despite this applicants brought the present OA against R-8 to make upset the R-10.
14. That the R-8 has already planted 1500 trees in two instances on first time more than 700 trees and on second time more than 800 plants after providing the land by the Forest Department and there is no reason to run the present OA after plantation of 1500 tree favorable to the environment and depositing Rs. 3,95,000.00 with R-7 i.e. Forest Department as penalty to compound the matter of felling trees, It has become clear for R-8 & R-9 that the present OA has been brought due to ill motive of the applicants.

PRAYER:

It is therefore, more respectfully prayed than this Hon'ble Tribunal may kindly be pleased to dismiss the present OA imposing high cost upon the applicants, in the interest of Justice.

DELHI

DATED: 18-8-25 THROUGH

RESPONDENT NO. 10

ADV. AKHILESH SINGH

MOB NO. 7248517989