

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

[Under Sections 18(1) read with Sections 14 & 15 of the National
Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO. OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & Ors.

... Applicant

Versus.

Union of India & Ors.

... Respondents

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NEW DELHI

DATED: 1-9-25

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[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Petitioner
UB-33, Indra Prakash Building,
Barakhamba Road, New Delhi
09871704611
verma.vishwendra@yahoo.co.in

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WRITTEN SUBMISSIONS ON BEHALF OF THE PETITIONERS

MOST RESPECTFULLY SHOWETH:

The present Application raises substantial issue related to environment arising from the indiscriminate, illegal cutting of trees, green belts, playgrounds, open areas and city forests in UP Bijnor, undermining the very purpose for which they were reserved and developed.

There are two Mango baghs having **180 trees**/Garden/Park, at Bijnor, Mandawar Road, having area of about **1.587 hectare** in Bijnor, in KhasraNo.**2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128** and Rakba are 0.0890, 1.1520, 0.1140, 0.2910, 0.2210, 0.1260, 0.1170, 0.2020, 0.1010, 0.1140 hectare, respectively U.P. and second bagh/Garden/Park at Mandawar Chandak Road, Bijnor, having area of about **2.3420 hectare** in Bijnor, in khasra No.**1083, 1084, 1089, 1090, 1093, 1094** and Rakba are 0.7970, 0.1260, 0.3410, 0.2280, 0.6860, 0.1640 hectare, respectively U.P. both the Mango baghs/Garden/Park are having approximately 180 trees of Mango. The respondent No.8 to 10 had already cut down approximately 30 trees and trying to cutting other trees also after using some **Acid**. This fact admitted by the **Respondent No. 7** in his Affidavit dated 07.08.2024 in **Para 6**.

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, etc. on Individual cultivated and un-

cultivated holding. The said are Prohibited Tree Species shall not be felled till dated 31.12.2025 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. In the year 2020, in compliance with the instructions dated 01-01-2020 issued by the Ministry of Environment, Forest and Climate Change, Government of India and Section 21 and 23 of the Uttar Pradesh Tree Protection Act 1976, Mango, Neem, Sal, Mahua, Visasal, Peepal..... tree species has been banned. The State of Uttar Pradesh issues a Government Order, in pursuance of the directions passed by this Hon'ble Tribunal in O.A. No. 165/2013 and E.A. No. 34/2017, *Akash Vashishtha Vs. Union of India & Ors.*, expressly prohibiting construction of any kind of structure, including boundary wall, footpath, fountains, public conveniences, etc. in excess of 5% of the total area of a park.

The offences had already been committed by the Respondent Nos.8 to 10 and the same cannot be condoned in accordance with law. The penalty imposed by the Official Respondent UPPCB, wherein they only calculated penalty qua 79 trees while the Respondents cut 180 trees in actuality (Photographs attached with the Applications filed by the Applicant). Therefore, the calculation should go as per para 7 of the Additional Affidavit filed by Respondent No. 11 dated 30.04.2025. As per the formula per tree the environmental compensation was Rs.4,57,483.90/- and the total trees were 180 **(Kindly see page 482 of Affidavit of 30.04.2025 of Respondent No. 11, UPPCB)**. Thus, the total penalty comes 180 X Rs.4,57,483.90/- and the totaling of environmental compensation is Rs.8,23,47,102/- to be recovered from the Respondent Nos. 8 to 10 jointly and severally. The present matter has nothing to do how much trees have been planted by the Respondent No. 8. It is the duty of every citizen that they should plant maximum trees in the country but law does not permit to cut any tree in any manner. The same is an offence and invites sentence as well as environmental compensation for the said person. Thus, an example should be set for this purpose that no one can take law in their own hands and do illegal acts in any manner. The said amount to be recovered from Respondent Nos. 8 to 10. The trees are freely available with the

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government and anyone may request with the forest department for planting trees and the forest department shall permit the same. It is worthwhile to state herein that our Worthy Prime Minister gave a slogan that "EK PED MAA KE NAAM" in such condition the Respondent Nos. 8 to 10 are cutting trees by using ACID to dry the trees.

The Formula **PER TREE** the ENVIRONMENTAL COMPENSATION was **Rs.4,57,483.90/-** and the total trees were **180**. Thus, the total penalty comes **180 x Rs.4,57,483.90/-** and the totaling of environmental compensation is **Rs.8,23,47,102/-** to be recovered from the Respondent Nos. 8 to 10 jointly and severally.

The Respondent Nos. 8 to 10 are using the said land for commercial purpose and the site map attached which clearly shows that the said land situated at the Highway and there are **327 SHOPS** approved site plan. FRONT shops cost is **Rs.35,00,000/-** each shop and the Back shops are about **Rs.15,00,000/- to Rs.25,00,000/-**. **TotalCost of the shops** are approximately **Rs.80,50,00,000/-**. Thus, the compensation is nothing, it should be increased. The Respondents destroyed the entire bags only to use the said land for commercial purpose. Hence, the cost of land cannot be assessed for the purpose of environmental compensation. The commercial use and earning should be examined while imposing environmental compensation. **THERE ARE NO TREES IN THE ABOVE MENTIONED KHASRAS (SUBJECT MATTER OF THE PRESENT CASE)(PHOTOGRAPHS ATTACHED)**

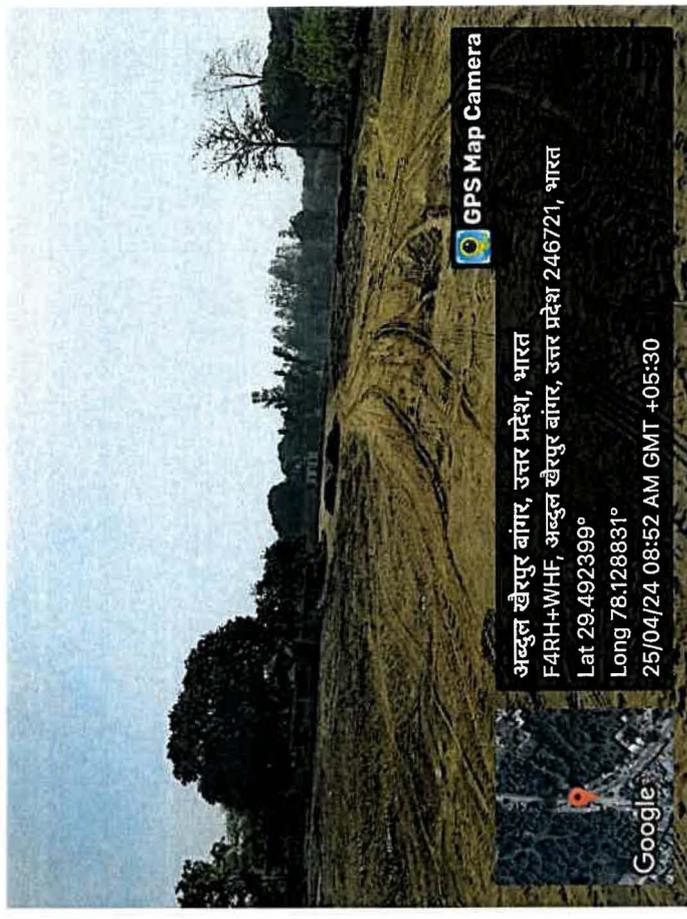
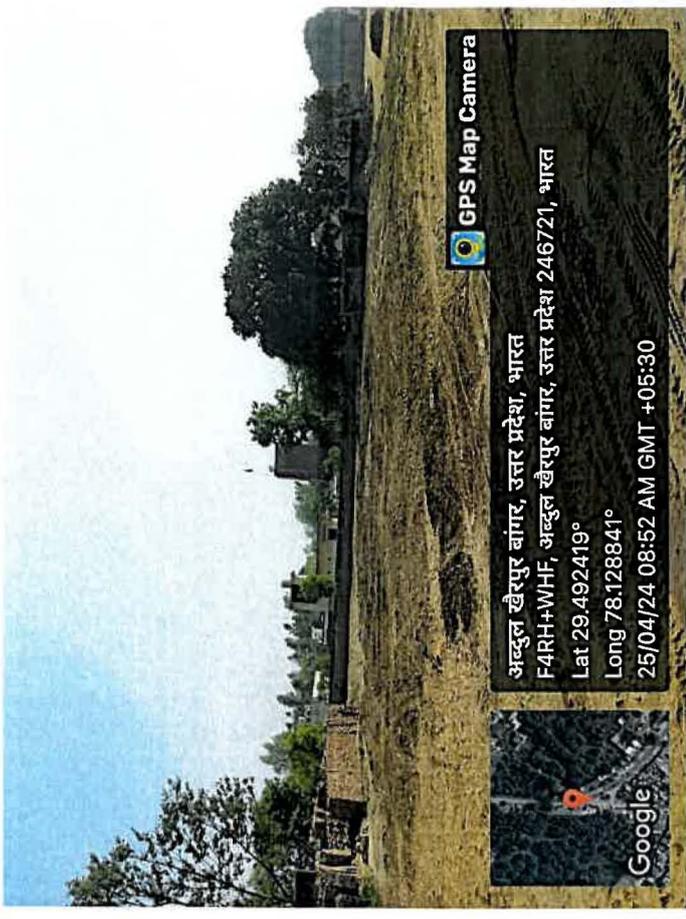
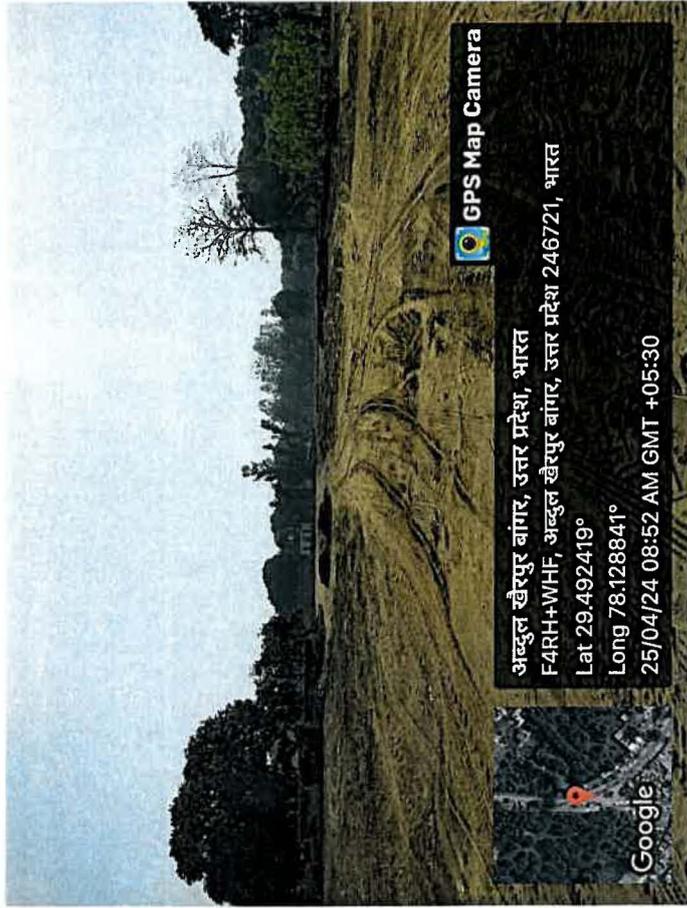
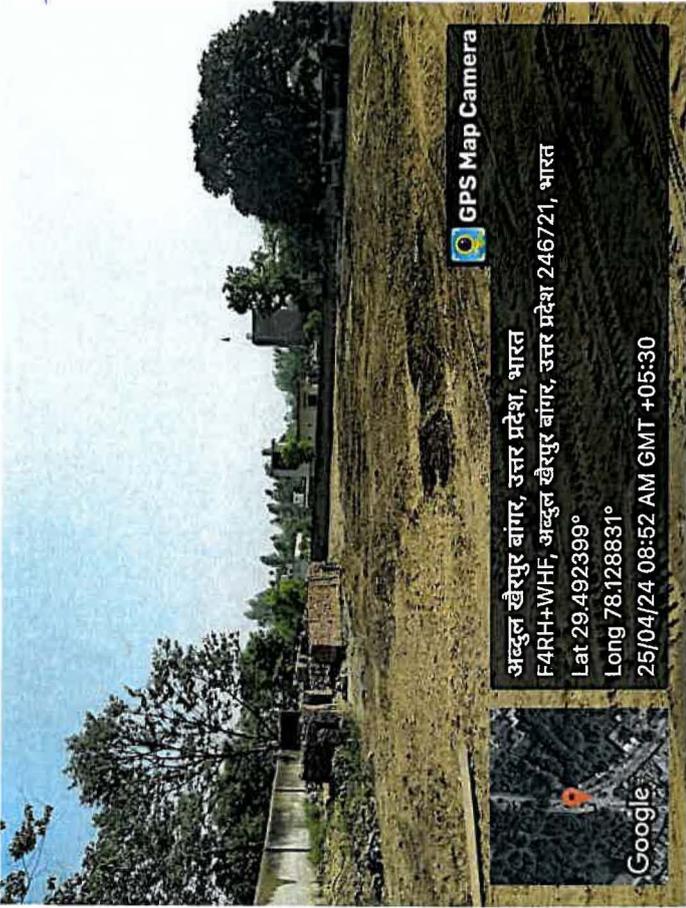
The inter se disputes of the Petitioners and Respondent Nos. 8 to 10 have no concern with the present matter. It is a simple loss to the environment.

NEW DELHI

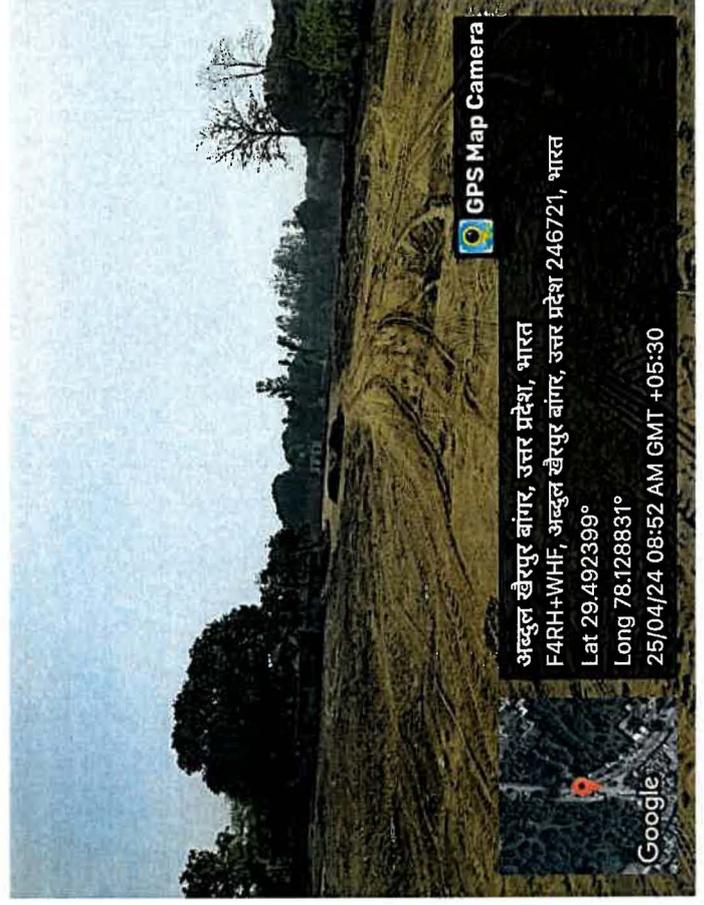
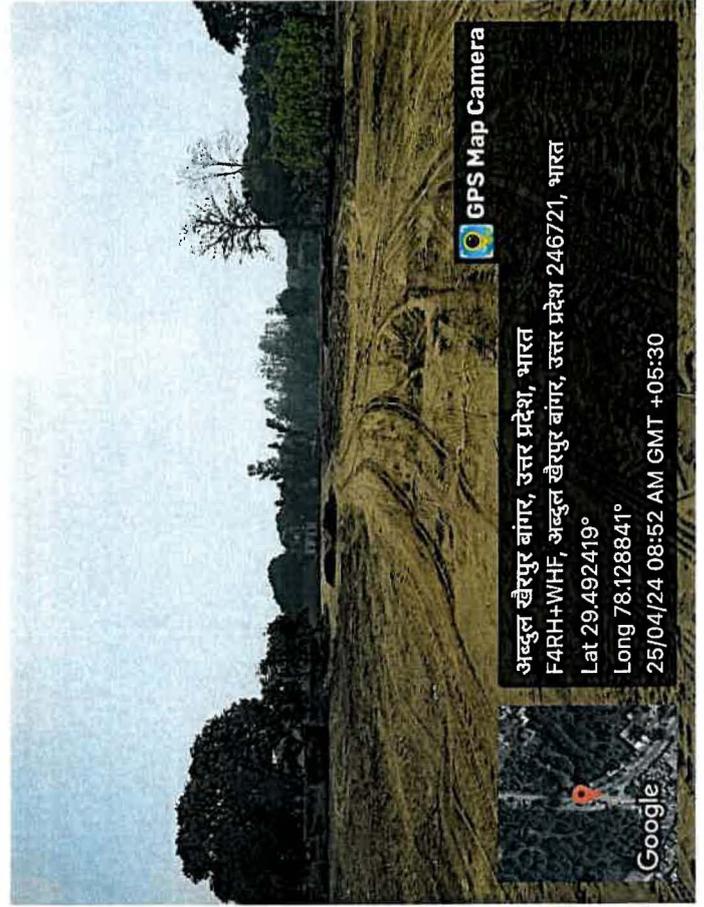
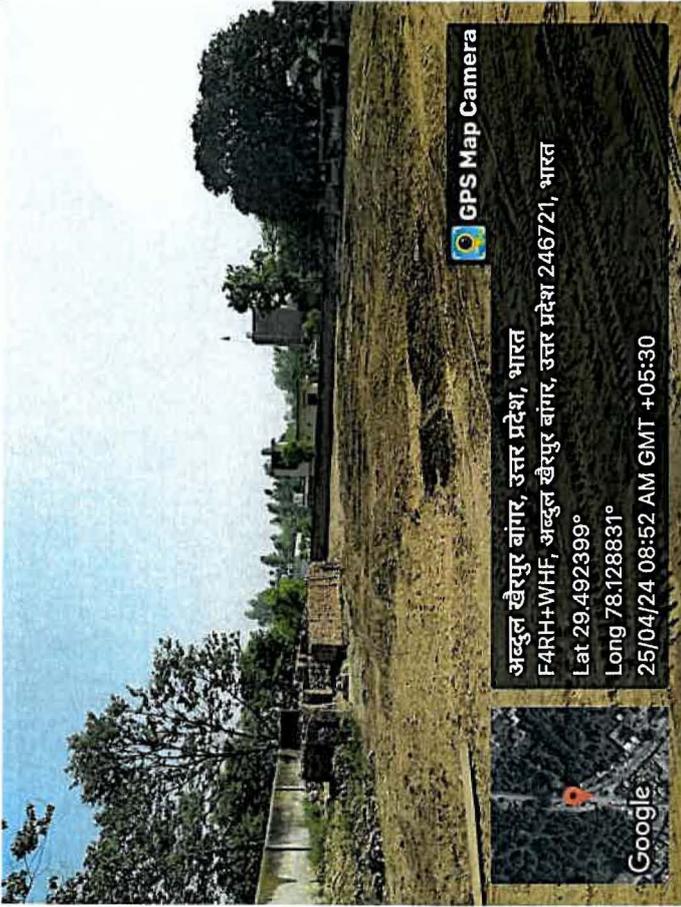
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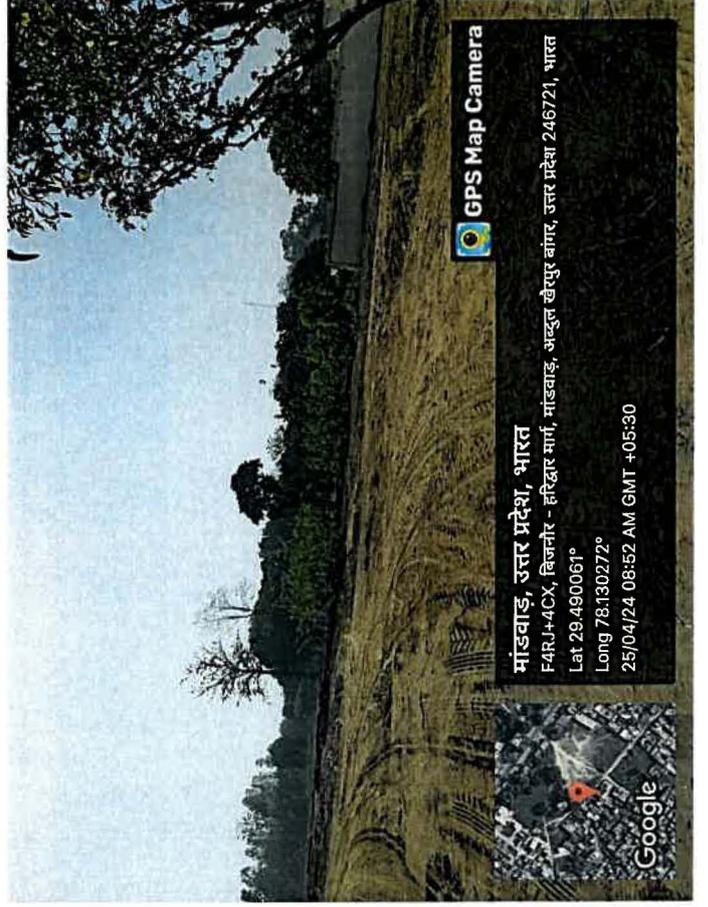
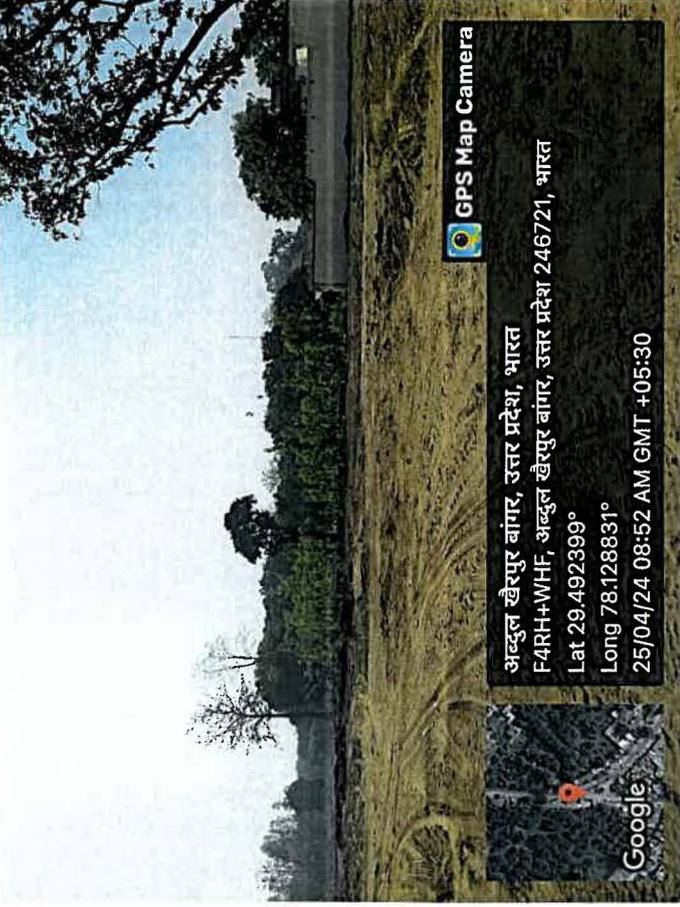
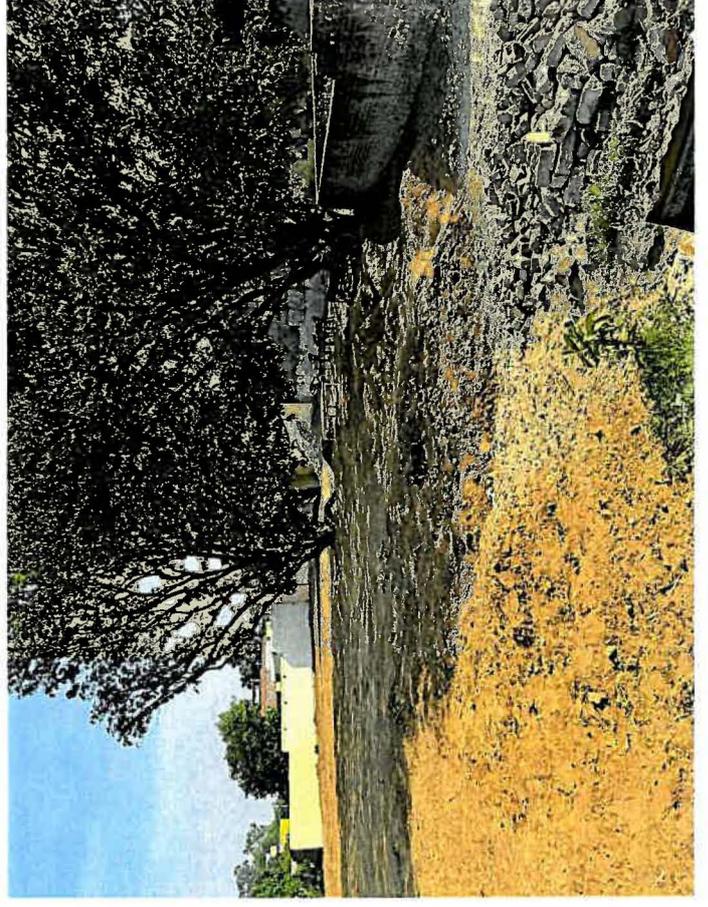
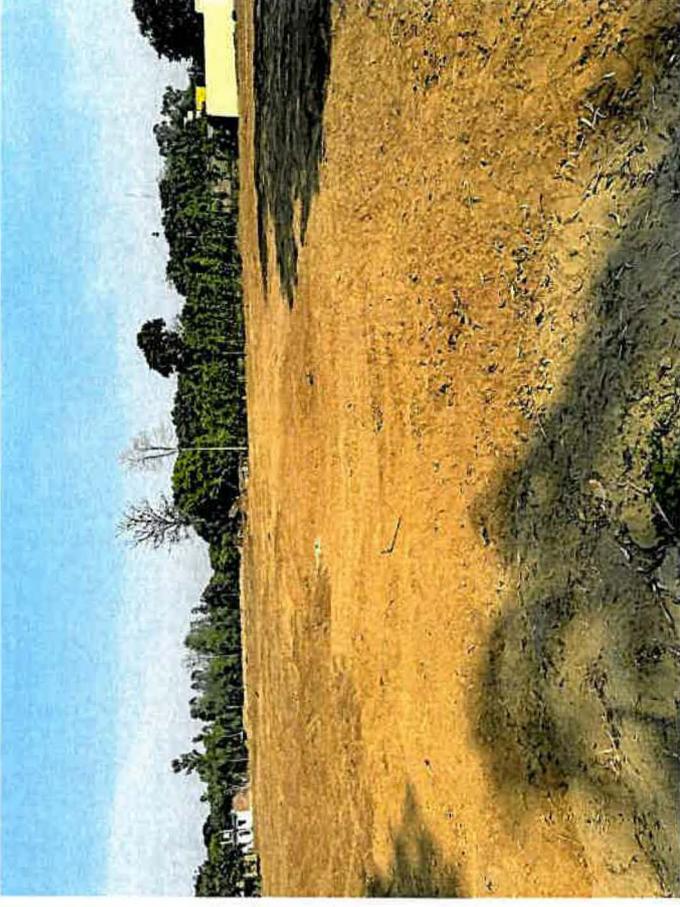

[VISHWENDRA VERMA]&[SHIVALI]
 Advocates for the Petitioner
 UB-33, Indra Prakash Building,
 Barakhamba Road, New Delhi
 # 09871704611
 verma.vishwendra@yahoo.co.in

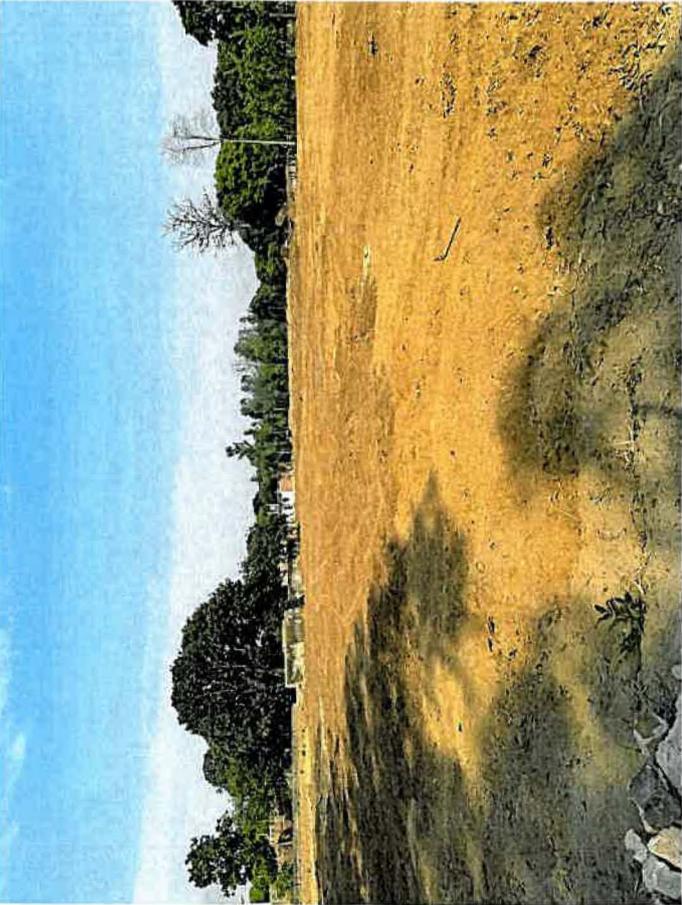
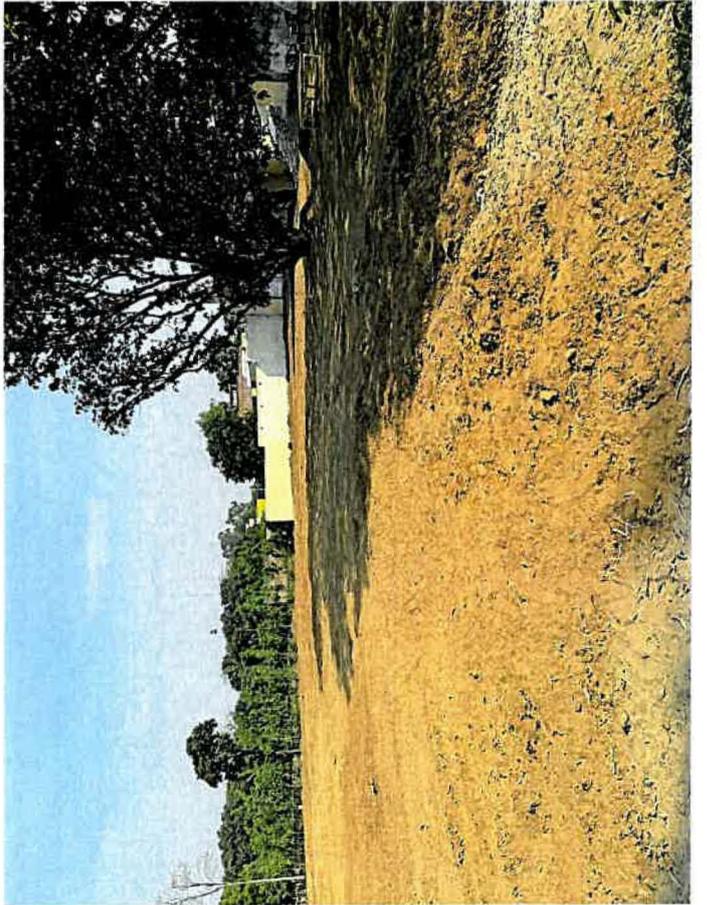
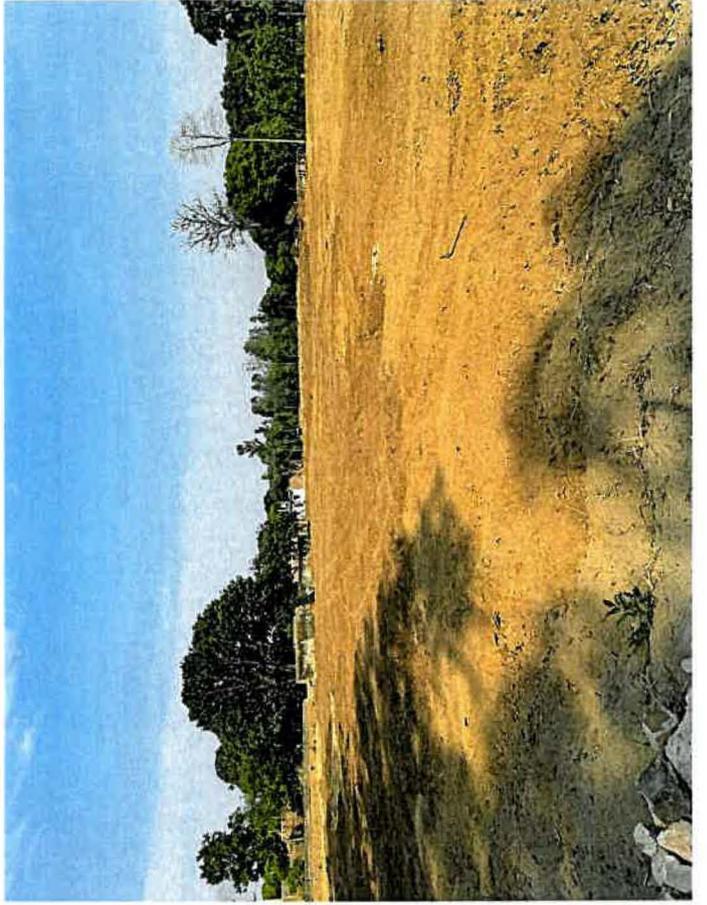
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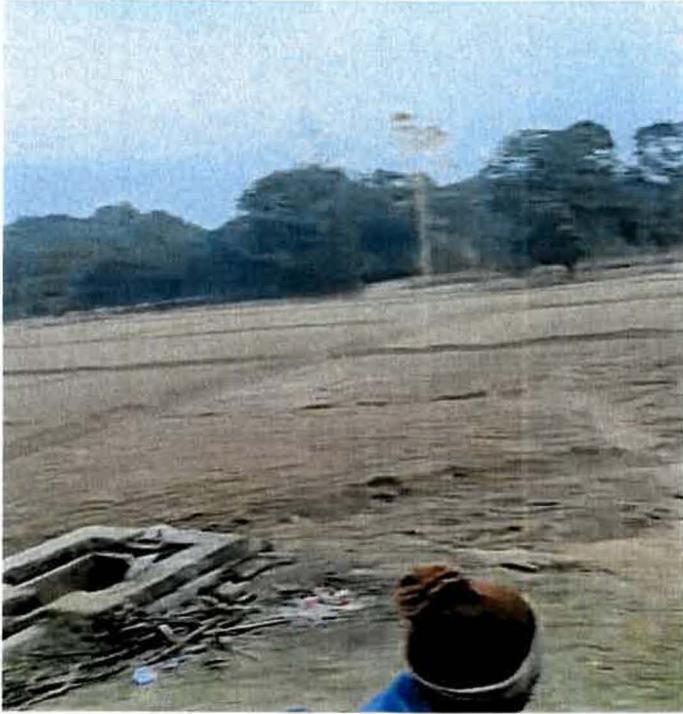
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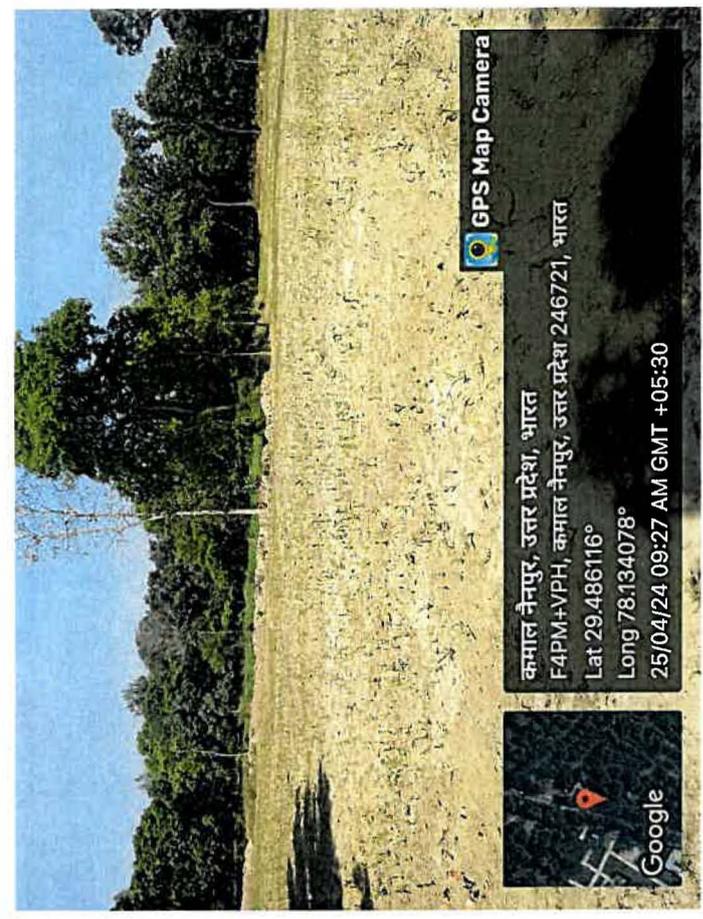
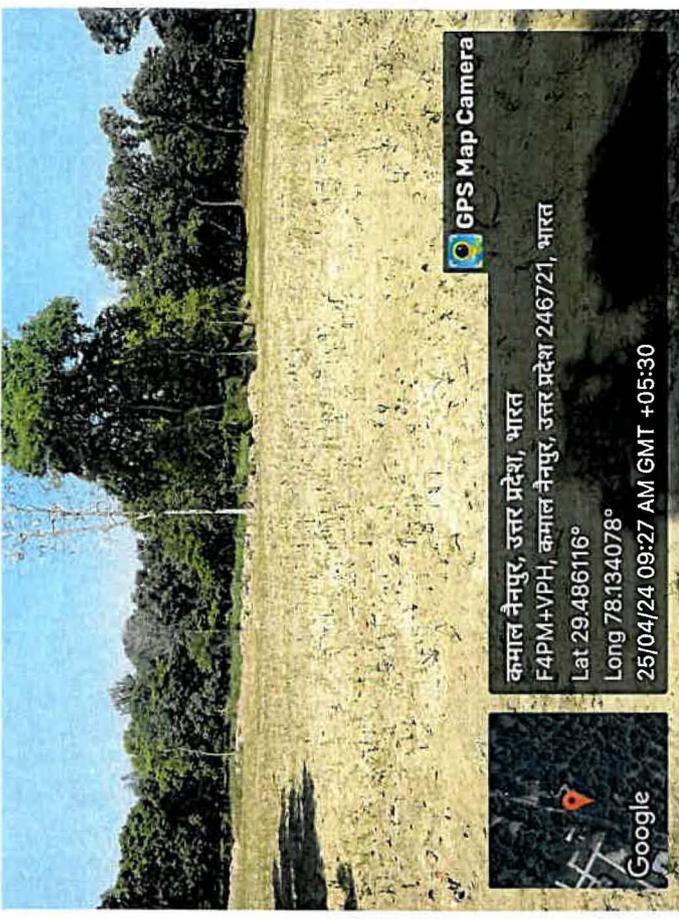
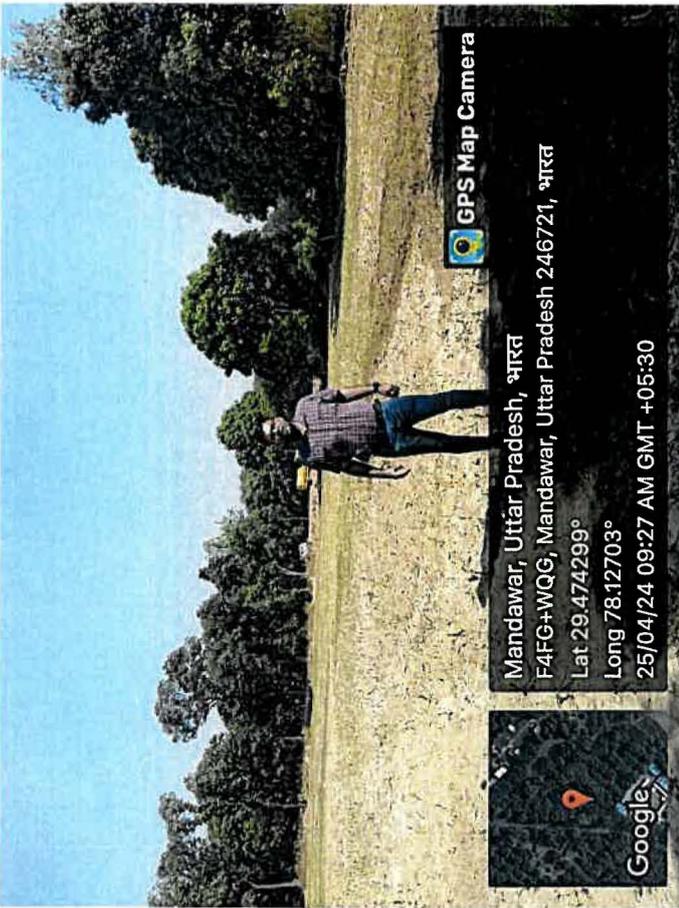


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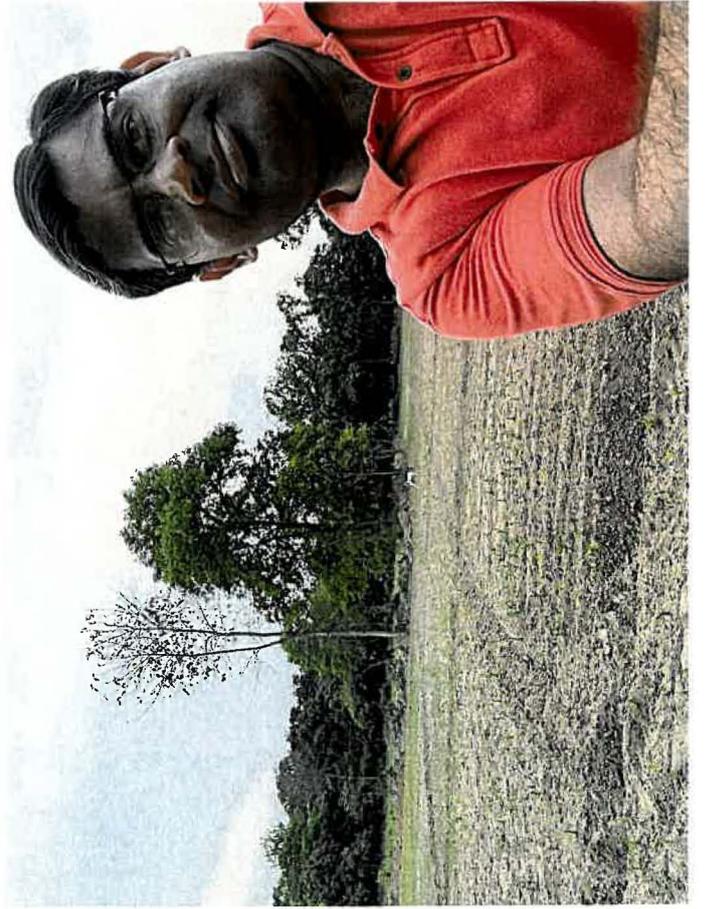


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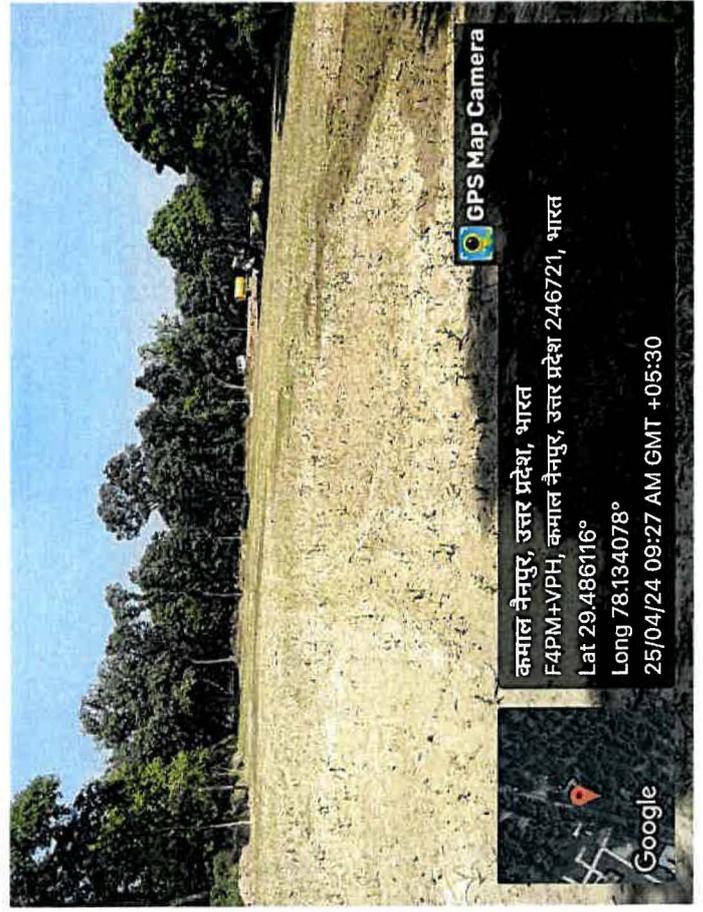
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