

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH

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Original Application No. 446/2022

Balwinder Kumar

.... Applicant

Versus

State of Haryana

...Respondent

Date of Hearing: 23.03.2023

REPLY ON BEHALF OF RESPONDENT NO. 2, PRINCIPAL CHIEF  
CONSERVATOR OF FOREST, HARYANA

MOST RESPECTFULLY SHOWETH:

1. That In the captioned matter, this Hon'ble Tribunal vide order dated 02.01.2023 has directed the respondents including the answering respondent to file a comprehensive reply. The present reply is being filed by Rajesh Kumar, HFS, Divisional Forest Officer who has been authorized and competent to file the same on behalf of the PCCF, Haryana vide letter no. FCA/3399 dated 27.02.2023.
2. That by way of the present OA, the applicant has alleged the illegal mining in the Panchayat / Shamlat Land of villages Kohliwala and Mandewla, which falls under Bhudkala Panchayat and illegal cutting of Khair trees and operation Screening Plants in violation of the environmental norms.
3. That vide order dated 26.07.2022, Hon'ble Tribunal constituted a Joint Committee comprising of Director, Mines and Geology, Government of Haryana, State PCB, DFO and Deputy Commissioner, Yamuna Nagar and

*Rajesh*

directed the same to submit factual and action taken report on the above said violations. DFO, Yamuna Nagar had submitted his report dated 10.10.2022 (Which is already in court file) to the Joint Committee, indicating that the lands, adjoining Kohliwala village is adjoining to the Mandewala Protected Forests and there is no legal / illegal mining done in the Protected Forests (PF) of Mandewala village.

A compiled report was submitted before this Hon'ble Tribunal and this Hon'ble Tribunal directed vide its order dated 02.01.2023 that, the Joint Committee to look into the allegations related to running of the screening plants in violation of the environmental norms and verify the facts particularly with regard to consent status and compliance with environmental norms by the screening plants in question and submit its report. The Hon'ble Tribunal also directed that the reply shall mention the action already taken and further action to be taken for preventing illegal mining and illegal cutting of trees, assessment and realization of environmental compensation from the violators and disciplinary action taken / to be taken against the concerned defaulting Government / Panchayat Officers / Officials.

*Reply*

4. That the action taken report in compliance of the directions of Hon'ble Tribunal is as under:

**a. Illegal Mining in Kohliwala and Mandewala Villages**

In this regard, it is submitted that the Protected Forest (PF) of Kalesar Range is located just adjacent to the Gram Panchayat land of Bhudkala, where boundary pillars have been installed. There is no illegal mining ever observed / reported in the said protected Forest areas.

**b. Illegal felling in Kohliwala and Mandewala Villages**

It is submitted that, no illegal felling of khair tree has been reported / found in the said areas of Kohliwala and Mandewala Villages in the last three years and in the current year (2019-20, 2020-21, 2021-22 and till date during 2022-23).

**c. Illegal felling of Khair Trees in District Yamuna Nagar since year 2019 - February 2023**

Details of all illegal felling of Khair during the last three years, in the whole of Yamuna Nagar District, with the details of number of trees felled, Forest Offence Report filed, FIR registered with Police Department against the offenders, compensation recovered in the form of compounding of the offence as per the provisions of the Act and the number of cases filed in this regard are as follows:-

Year	No of offences detected	No of Trees felled	No of FOR generated	No of FIR registered	No of cases compounded	Amt realised through compounding (Rs)	No of Court Cases filed
2019-20	54	174	54	28	10	51,734	9
2020-21	53	130	53	22	4	43,676	24
2021-22	52	225	52	30	5	2,69,738	22
2022-23	42	177	42	14	1	2,646	7

**d. Action taken against the erring staff for not initiating the proper action**

Since September 2021, disciplinary action has been initiated against four officials (One foresters and Three Forest Guards) for their lapses and are pending for final decision of the enquiry. Action will be taken against them following the due process,

however the lapses on the part of the said officials do not pertain to Village Kohliwala and Mandewala, District Yamuna Nagar.

S No.	Name and Designation of Employee	Allegation	Date of Issuance of Chargesheet
1	Sh. Ravinder Singh, Forest Guard	Reg illegal mining and illegal Cutting of Khair Tree	28.09.2021
2	Sh. Surmukh Forest Guard	Reg illegal felling of khair tree	16.01.2023
3	Sh Naresh Kumar, Forester	Reg illegal mining	Proposal sent to CCF N letter no 2581 dt. 02.02.2023
4	Sh. Tek Chand Forest Guard	Reg illegal mining	02.02.2023


**e. Activities proposed by Forest Department for preventing illegal felling / mining**

The following activities are proposed by the Forest Department for preventing the illegal felling / mining in the vulnerable areas of YamunaNagar District.

- (i) Intensifying patrolling during the vulnerable period, including night patrolling.
- (ii) Providing the contact numbers of officers concerned, to the local public and environmentalists, to receive any complaint of illegal felling of trees or mining activities.
- (iii) Proceeding against the violators in the Court.
- (iv) Creating awareness among the villagers on the environmental degradation due to such illegal mining and felling thereby seeking their cooperation for protection of the environment.

The delay in submitting the reply is regretted. It is humbly requested to condone the delay in submitting the reply.

Place:- Yamunanagar  
Dated:- 20-03-2023

  
Divisional Forest Officer,  
Yamunanagar for and on  
behalf of the Respondents  
No.2