

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 161 of 2016
(M.A. Nos. 718/2016, 1093/2016, 17/2017, 81/2017, 376/2017, 1028/2017,
1193/2017, 1446/2017, 1447/2017, 1448/2017, 1449/2017, 1481/2017,
1482/2017, 1549/2017, 1550/2017, 1560/2017 & 1561/2017)**

And

**Original Application No. 162 of 2016
(M.A. Nos. 640/2016 & 994/2016)**

IN THE MATTER OF :

Dr. Amandeep Aggarwal Vs. State of Punjab &Ors.

And

Peacock Environment & Wild Life Protection Society Vs. State of Punjab

**CORAM :HON'BLE MR. JUSTICE U.D.SALVI, ACTING CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Applicant:
Respondents**

**Mr. Alok Gupta Mr. D. K. Singh Advs.
Mr. ShubhamBhalla, Ms. Roopam Rai, Adv
Mr. Avneesh Arputham, Ms. Simranjeet Ms.
Anuradha Arputham Adv.
Mr. Rahul Choudhary Mr. Utkarsh Jain and Ms.
Meera Gopal, Advs.
Mr. Grover, AAG & Mr. Rahul Khurana and Mr.
Mishal Vij Adv. for State of Haryana & HSPCB
Ms. Sunieta Ojha Adv.
Mr. Saurabh Mishra Adv.
Mr. Manish Kumar and Mr.Satya Prakash, Advs.
Mr. S. K. Bhattacharya and Mr. Niraj Bobby
Paonam Adv
Mr. BalenduShekhar,Mr. Ravi Gopal,
Mr. Sriansh Prakash and Mr. Rajkumar, Advs.
For Ministry of Environment, Forest and
Climate Change
Mr. Kamal Jeet Singh, AAG for Punjab Govt.
Mr. Ankit Verma, Adv.
Mr. ShubhamBhalla, Adv
Mr. Kamaljeet Singh AAG
Mr. Bhupender, LA for CPCB
Mr. Om Prakash, Adv. for Northern Railways
Mr. NaginderBenipal, Adv. for State of Punjab
Mr. PinakiMisra, Sr. Adv. and Mr. Simranjeet
Singh, Adv.
Mr. Attin Shankar Rastogi, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. I.K. Kapila, Adv.
Mr. Edward Belho and Mr. Luikang and Ms.
Hoineithiam, Advs.
Mr. Abhishek Atrey, Adv.
Mr. AvneeshArputham, Adv. Ms. SimranJeet,
Adv. Ms. AnuradhaArputham, Adv.
Mr. D.K. Thakur and Ms. Seema Sharma, Adv.
Mr. B.V. Niren, CGSC with Vinayak Gupta, for
CGWA**

Respondent No. 2:

Date and Remarks	Orders of the Tribunal
Item No. 13 & 14 January 11, 2018 ss	The Learned Senior Counsel appearing on behalf of National Highways Authority of India submits that the Status regarding the compensatory afforestation in the stretches – 1. Ludhiana-Talwandi, 2. Kharar- Ludhiana, 3. Chandigarh-Kharar and 4. Kharar-Kurali reveals that there has been

**Item No.
13 & 14**

**January
11, 2018**

ss

compensatory afforestation done in substantial measure with high survival rate of plantation. He submits that in view of such plantations raised it is necessary that the permission to cut the required number of trees from the said stretches of the road for the purposes of undertaking construction work of the road be granted.

Let the entire records be placed before us for verifying the contention of the National Highways Authority of India.

List these matters on 24th January, 2018.

M.A. No. 17 of 2017

We had directed the State of Punjab to place on record an affidavit vouching the fact that the dead, dry and fallen trees as specified in annexure R-1 are shown in the Working Plans of the Forest Department of the State of Punjab.

Accordingly, the State of Punjab has now filed an affidavit dated 08th January, 2018 of Mr. Anoop Upadhyay, IFS, Additional Principle Chief Conservator of Forest, Govt. of Punjab. This affidavit after referring to our order dated 21st December, 2017 reveals the following facts:-

“2. That the numbers of trees specified in Annexure R-1 of this Misc. Application as “dead/dry/fallen trees” are in accordance of the marking rules of Working Plan of each division which are duly approved by Ministry of Environment, Forest and Climate Change, Government of India under Forest Conservation Act, 1980. The Working Plans of all the Forest Divisions are in operation presently except for Ludhiana Forest Division which is in process of revision. The marking rules as enshrined in all the Working Plans which are under operation with due approval of Competent Authority in Government of India clearly provide for marking of all dead, dry & fallen trees for felling as:

“All dead, dry and fallen trees will be marked”.

The dead, dry & fallen trees which have not been removed now for a long time are at many places posing grave danger to life and property.”

Considering the fact that the dead, dry and fallen trees have not been removed and are counter-productive to life and property, we allow this application, and we permit the

**Item No.
13 & 14**

**January
11, 2018**

ss

State Forest Department, Government of Punjab to cut and or fell the dead, dry and fallen trees as mentioned in annexure R-1 to the application as per the approved Working Plans and prescribed procedure and rules in connection therewith.

With the above direction M.A. No. 17 of 2017 stands disposed of.

M.A. No. 1028 of 2017

This application has been moved by Central Works Division, Hoshiarpur, State of Punjab for seeking direction to the State of Punjab to grant approval and permission to cut the remaining 11,941 trees in the project of development of four lane with paved shoulders of Jalandhar-Hoshiarpur section of NH-70 (New NH-03) from existing Kms. 11/400 to Km. 49/200.

The Learned Counsel appearing on behalf of the applicant invites our attention to the affidavit dated 04th January, 2018 of the Divisional Forest Officer, Jalandhar Forest Division filed in compliance of our directions/order dated 21st December, 2017 to disclose the particulars of the forest land which will be used for compensatory afforestation, source of the plants to be planted and such other facts. The affidavit dated 04th January, 2018 discloses the particulars required by us in the tabular form at para 4 :-

Sr. No.	Name of Division	Name of the Strips	Plants to be planted in (Ha).
1.	Jalandhar Forest Division	Sutlej Dhussia Bandh RD 75-100 B/s	10
2.		Old East Bein, Bandh RD 0-16 B/s	10
3.		Darewal Bandh RD 0-15	8.848
4.		Lassara Minor RD 0-18 B/s	5.0
5.		Talwan Minor RD 0-18	5.0
6.		Jalandhar-Ferozpur railway Line KM 18-23 B/s	5.0
7.		Jalandhar-Ferozpur railway Line KM 33-36 B/s	5.0
		Total	48.848

**Item No.
13 & 14**

**January
11, 2018**

ss

and further discloses the sources of the plants as Kadupur, R.F., Central, Tut Kalan and Shahkot Dhilwan nurseries in Jalandhar Forest Division maintained by the Punjab Forest Department. It further elaborates that these nurseries have variety of plants and saplings to the tune of more than one lakh saplings.

The Learned Counsel further invited our attention to the affidavit dated 08th January, 2018 of Mr. Surjit Singh Sahota, PFS, Divisional Forest Officer, Hoshiarpur (page No. 1778 Volume No. III-H) giving further details of the land to be used for compensatory afforestation as tabulated at para 2 of the affidavit dated 08th January, 2018:-

Sl. No.	Name of Range	Name of Beat	Forest/ Site Name	H.B. No.	Proposed area for CA (in Ha.)	GPS Coordinate Points	
						Latitude	Longitude
1.	Hoshiarpur	Chak Sadhu	Chak Sadhu, PF	503	20	31°29'19.8 06" N	76°02' 58. 340" E
		Chak Sadhu	Chak Sadhu, PF	503	10	31°29'40.1 66" N 31°29'55.4 55" N 31°29'54.9 31" N 31°29'39.8 53" E 28" N	76°3'29.1 74" E 76°3'37.0 31" E 76°3'41.0 53" E 76°3'40.7 51" E
2.	Mehngrowal	Patiari	Patiari, PF	483	10	31°40'48.4 46" N	75°55'03.8 06" E
3.	Dholbaha	Dehraian	Dehrian, PF	471	13	31°47'44.5 20" N	75°55'31.1 35" E
4.	Mahilpur	Parasota	Parasota, PF	40	10	31°23'01.7 24" N	75°58'23.5 60" E
5.	Haryana	Janauri	Janauri, pf	478	10	31°42'25.4 09" N	75°54'11.0 76" E

It further discloses that the plants to be planted in the same area are to be taken from Satial and Johan Khalon nurseries maintained by the Punjab Forest Department and these nurseries have variety of plants sapling to the tune of more than one lakh saplings.

In view of these disclosures we allow this application with permission to cut the remaining number of 11941 trees subject to the compensatory afforestation done in the coming monsoon at the said lands and filing compliance report

	<p>Item No. 13 & 14</p> <p>January 11, 2018</p> <p>ss</p>	<p>thereof before us.</p> <p>The M.A. No. 1028 of 2017 stands disposed of accordingly.</p> <p><u>M.A. No. 1481 of 2017 and M.A. No. 1482 of 2017</u></p> <p>These applications have been moved by the Gram Panchayat Ablore and Rampur respectively for grant of permission to cut trees standing in their private lands in accordance with the permissions granted to them by the State Forest Department for cutting the trees under Punjab Land Preservation Act, 1900 and approved Management Plans therefor.</p> <p>The applicants submit that they have deposited the necessary security deposits with the State Forest Department and have been permitted to cut the trees on certain conditions - to plant 5 trees in lieu of one tree cut/felled and for that purpose to do the seeding before seeking release of the security deposit under 5 years felling plan. The applicants further undertake that they shall not be cutting/felling trees other than 'Khair' trees which have been permitted to be felled as per the 5 years felling plan. Undertaking is accepted.</p> <p>The Learned Counsel appearing on behalf of State on instructions from Mr. Vishal Chauhan, DFO, Nawan Shahar submits that the applicant have all necessary permissions under Punjab Land Preservation Act, 1900 to cut/fell the trees.</p> <p>Permission is granted to cut/fell only Khair trees which have been specifically permitted as per the 5 years felling plan and approved Management Plan subject to the conditions prescribed therefor.</p>
--	--	--

**Item No.
13 & 14**

**January
11, 2018**

ss

We direct the Forest Department to ensure that no trees other than Khair trees are cut and in case of violation of the undertaking given prosecution shall be lodged under Punjab Land Preservation Act, 1900 as well as Indian Forest Act, 1927 against the parties who have sought permission to cut the trees and other concerned parties as well.

The M.A. No. 1481 of 2017 and M.A. No. 1482 of 2017 stand disposed of accordingly.

M.A. No. 1447 of 2017 and M.A. No. 1449 of 2017

These applications have been moved by the applicants wherein a common grievance is made that the applications for cutting and felling of the trees as per the provision of Punjab Land Preservation Act, 1900 are not been considered by the concerned Forest Officials in view of the ban imposed by us vide order dated 19th May, 2016.

We clarify that the liberty is granted to the Forest Department to consider every such application on its own merit in accordance with law. However, the parties, who get the permission to cut/fell tree will have to approach the Tribunal for seeking specific approval for cutting/felling of the trees.

The M.A. No. 1447 of 2017 and M.A. No. 1449 of 2017 stand disposed of accordingly.

.....,ACP
(U.D. Salvi)

.....,EM
(Dr. Nagin Nanda)