

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.603/2022

Mamta Tripathi

...Applicant

Versus

Kamlesh Kumar & ors.

...Respondents

Date of hearing: 23.08.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application under provisions of the National Green Tribunal Act, 2010.

ORDER

1. Ms. Mamta Tripathi resident of 28B/11B, Ramanand Nagar, Allahpur, Police Station George Town, Prayagraj has sent the present application under the provisions of the National Green Tribunal Act, 2010 praying for taking of appropriate action against the land mafia who have illegally cut green fruit bearing trees for the purpose of grabbing of the land.

2. The applicant has submitted that the applicant in the application had purchased land measuring 253.86 square meters comprised in Khasra no. 846 situated in the revenue estate of village Andawa, District Prayagraj vide sale deed dated 21.06.2011. After purchase of abovesaid plot the applicant had constructed boundary walls and planted Mangoes, Mahua and Gular trees during 2011. Land mafia comprising of Mr. Kamlesh Bhartiye son of Mr. Lal Bahadur, Muna resident of Badhawa Tahirpur, Police Station Jhusi, Mr. Rajesh Yadav son of Mr. Mansingh resident of Kanihar and 5 other persons demolished the boundary wall and illegally cut the trees and abused and criminally intimidated the applicant. The applicant made complaint to

the Police with the photographs taken on the spot but no action was taken by the Police.

3. Even though the applicant has mentioned in the application that photographs taken on the spot are attached with the application but as per the report of the Registry no photographs were filed along with the application. The applicant be asked to send the photographs within three weeks by E-mail.

4. Prima facie, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee of the concerned statutory authorities be asked to verify the factual position and take remedial action on the basis thereof. We accordingly constitute Joint Committee comprising DFO and District Magistrate, Prayagraj and direct the same to meet within three weeks, undertake visits to the site, look into the grievances of the applicant, verify the factual position and take remedial action as mandated by the statutory provisions empowering them, by following due process of law. The District Magistrate, Prayagraj will be the nodal agency for coordination and compliance.

5. Factual and Action Taken Report may be furnished within one months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. The Registry is directed to send VC link to the applicant for the next date of hearing so that she can participate in the hearing.

7. List for further consideration on 13.10.2022.

8. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the DFO and District Magistrate, Prayagraj by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 23, 2022
AG