

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

Original Application No. 112/2024
(IA No 430/2025, IA No 45/2024)

Chaudhary Yashwant Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 02.07.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ashutosh Singh, Adv. for Applicant (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Adv. for the State of UP
Ms. Asha Gopalan Nair, Adv. for R - 1 (Through VC)
Mr. Saurabh Balwani, Adv. for CPCB (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Abhishek Dwivedi, Adv. for R - 5 (Through VC)
Mr. Anil K. Airi, Senior Advocate with Mr. Ravi Krishan Chandna & Mr. Vishal Tyagi, Adv. for R - 8

ORDER

1. In this original application, the complaint of the Applicant is that the Respondent No. 8, Project Proponent in collusion with the Uttar Pradesh State Highway Authority and other concerned officers had illegally constructed/operating toll plaza (toll fee collection booth)/ hot mix plant at Village Belkhara, Pargana-Ahraura, Tehsil Chunar, District Mirzapur on Arai No. 291 Mi in area of 15 Bigha which is a Forest Land.

2. Learned Counsel appearing for the State of UP has pointed out that the Respondent No. 8 is in possession of 7.79 hectares of forest land, out of which the litigation before the Civil Court is pending in respect of 3.79 hectares of land and, therefore, the Tribunal can proceed to examine the matter in respect of remaining 4 hectares of land. He has pointed out that a four-member joint Committee was constituted by the Forest Department which had submitted the report to the Chief Conservator of Forest,

Mirzapur range (page 273) recording a finding that the Respondent No. 8 had illegally encroached upon 7.79 hectares of reserved forest land and further disclosing that the notice in this regard was issued to the violator.

3. In respect of 4 hectares of land, the District Magistrate, Mirzapur has filed the report dated 01.07.2025 disclosing that the eviction order was passed under Section 61-B of the Indian Forest Act, 1927 against which an appeal preferred before the Chief Conservator of Forest was also dismissed by the order dated 16.05.2025 and in compliance thereof the encroachment from 4 hectares of forest land has been removed. The report of the District Magistrate, Mirzapur dated 01.07.2025 discloses as under:

*“xxxxxx.....xxx
13. Accordingly, in compliance with the eviction order passed under Section 61-B of the Indian Forest Act and the Hon'ble Tribunal's order dated 30.05.2025, the Forest Department, in the presence of the Revenue and Police team, evicted encroachments and took possession of the remaining 4.0 hectares of land. That it is most respectfully submitted that peace and law & order were fully maintained during the proceedings.*

*Copy of the action taken report has been annexed herewith as **ANNEXURE A-5.***

*Copies of the site photographs and the nazri naksha have been annexed herewith as **ANNEXURE A-6.***”

4. Alongwith the report, Annexure A-5 has been enclosed disclosing that the possession of 4 hectares of land has been taken by the Forest Department after removing the encroachment. In the map, Annexure A-6 (page 1157), the location of 4 hectares of land from which the encroachment has been removed has been shown. The District Magistrate, Mirzapur has also enclosed the photographs from page 1158 onwards showing the nature of encroachment and its removal. The said photographs reveal that some damage has been caused to the trees. Hence, the Respondent No. 6, Chief Conservator of Forest, Mirzapur is directed to ascertain the extent of damage suffered by the forest on account of the

unauthorized encroachment and to quantify the value of damage in monetary terms.

5. In respect of remaining 3.79 hectares of land, learned Counsel for the State has submitted that the matter is pending before the Civil Court in which the application dated 06.05.2024 has been filed pointing out the provisions contained in Section 29(2) of the National Green Tribunal Act, 2010 and the bar of jurisdiction of the Civil Court in such matters. He has submitted that the application is coming up before the Civil Court on 15.07.2025. In this background, he has prayed for short adjournment to place the further development on record.

6. Since the issue relating to encroachment on the forest land is involved, therefore, we enquired from the Advocate appearing virtually for Ministry of Environment, Forest and Climate Change (MoEF&CC) if any action has been taken by the MoEF&CC. Her first submission was that it is the State which is required to take action, then she submitted that if the State furnishes the information, the action will be taken by the MoEF&CC. She has also submitted that no material in respect of encroachment has been received till now. Undisputedly the reports of the State Authorities are on record and are available with the Counsel for the MoEF&CC. Hence, such a plea cannot be accepted. Thus, we grant four weeks' time to Counsel for MoEF&CC to look into the matter and ensure appropriate action.

7. List on 09.10.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

July 02, 2025
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