

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

Original Application No. 112/2024  
(I.A. No.45/2024)

Chaudhary Yashwant Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.04.2024

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

Applicant: Mr. Abhishek Kumar Chaubey, Adv. for Applicant (Through VC)  
Respondent: Mr. Bhanwar Pal Singh Jadon, Harsh Vardhan Singh Rajawat, Mr.  
Chetan Jadon & Ms. Shivangi Rajawat, Advs. for R - 6  
Ms. Asha Gopalan Nair & Ms. Nivedita Nair, Advs. for R - 1 (Through VC)  
Mr. Saurabh Balwani, Adv. for CPCB (Through VC)  
Mr. R.K. Chandna, Adv. for R - 8 (Through VC)

**ORDER**

1. In this Original Application, the grievance of the applicant is that the Project Proponent, respondent no. 1 in collusion with the Uttar Pradesh State Highway Authority and other concerned officers of the State have illegally constructed/operating toll tax plaza (toll free collection booth/hot-mix plant) at Village Belkhara, Pargana-Ahraura, Teshil Chunar, District Mirzapur on Arajhi No. 291 Mi in area of 15 Bigha which has been declared as Forest Land.
2. The report on behalf of the Divisional Forest Officer (DFO), Mirzapur (Page 273) has been filed clearly stating that the illegal construction on 7.79 hectares of reserved forest land has been found and the notice dated 01.04.2024 has been issued. Learned Counsel appearing for the State has submitted that in the Misc. Application No. 11 of 2020

in Civil Suit No. 147/2017 in the matter of ACP Tollways Vs. Regional Forest Officer, Chunar, Civil Judge, Senior Division has passed an order dated 27.02.2020 which is subject matter of challenge before the District Court and the District Judge by order dated 11.11.2020 has passed the interim order directing the parties to maintain the status quo which is still continuing.

3. In this regard, Section 29 (2) of the NGT Act, 2010 has been brought to the notice which excludes the jurisdiction of the Civil Court in such matters.

4. Learned Counsel appearing for the State seeks time to obtain instructions if the jurisdictional issue has been raised and pointed out to Civil Court. Learned Counsel for respondent no. 8 also seeks four week's time to file response.

5. List on 19.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 10, 2024  
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