

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

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

Chaudhary Yashwant Singh Applicant

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 15.04.2026

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

Applicant: Mr. Abhishek Kumar Chaubey, Adv. for Applicant (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Ms. Gargi Chaturvedi & Ms. Anjali
Sharma, Advs. for the State of UP
Ms. Asha Gopalan Nair, Adv. for R - 1 (Through VC)
Mr. Saurabh Balwani, Adv. for CPCB
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Abhishek Dwivedi, Adv. for R - 5 (Through VC)
Mr. Ravi Krishan Chandna & Mr. Udbhav K. Garg, Advs. for R - 8

ORDER

1. The Respondent No. 6 has filed the report in compliance of the order dated 09.10.2025 and has disclosed the action which has been taken for the illegal encroachment and felling of trees as under:-

**“I. COMPLIANCE TO DIRECTION REGARDING ASSESSMENT
OF DAMAGE TO FOREST LAND**

(i) Constitution of Committee and Submission of Report

4. That an assessment has been conducted by a 3-Member Committee constituted in compliance with directions issued vide Letter No. 240/Mirzapur/10 (Writ) dated 16.07.2025 by the Chief Conservator of Forests, Mirzapur Region.

A Copy of the letter dt. 16.07.2025 has been annexed herewith as ANNEXURE R-1.

(ii) Assessment Methodology Adopted

5. That the assessment of damage/loss of trees in the affected forest area measuring 0.41 hectares has been carried out using the

Sample Plot Method, which is a scientifically accepted forestry technique for estimation of vegetation density and composition.

(iii) Details of Assessment Conducted

6. *That under the said method, 04 sample plots of 0.0125 hectares were established within the affected area, and the species-wise composition along with their percentage occurrence was determined. Based on the derived percentages and considering the standard density of 1600 plants per hectare, the estimated number of trees was calculated as follows:*

0.41 hectares × 1600 trees per hectare = 656 trees (estimated)

7. *That the term "loss of trees" used in the earlier affidavit refers to ecological loss or deprivation of potential tree cover, and not to cutting or illegal felling of 656 trees.*

8. *That the findings of the said Committee were duly forwarded by the office of the Divisional Forest Officer, Bhadohi (Gyanpur) vide Letter No. 862/33-1/Gyanpur dated 03.10.2025.*

A Copy of the letter dt. 03.10.2025 has been annexed herewith as ANNEXURE R-2.

II. COMPLIANCE TO DIRECTION REGARDING FOREST OFFENCE AND LEGAL ACTION

i. Proceedings under Indian Forest Act, 1927

9. *That accordingly, an H2 case dt. 01.04.2024 against the Sanjeet Singh, S/o Late Gangadhar Singh, Assistant Manager, ACP Tollways Plaza Private Limited has been registered under Section 26(1)(j) and Section 63(c) of the Indian Forest Act, 1927. That the said case has been registered for the Encroachment on forest land and the unauthorized construction.*

The relevant Sections 26(1)(j) and Section 63(c) has been reproduced as under for ready reference:

“26. Acts prohibited in such forests.

(1) Any person who

.....

(j) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;”

.....

“63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.

Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code (45 of 1860)....

c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

In this matter, a charge sheet has been prepared and submitted before the Hon'ble Court of the Additional Civil Judge, C.D., Court No. 1, Mirzapur, where it is registered as Case No. 143/2025 and is currently under trial.

A Copy of the H2 Case dt. 01.04.2024 has been annexed herewith as ANNEXURE R-3.

A Copy of the Case No. 143 of 2025 has been annexed herewith as ANNEXURE R-4.

ii. *Proceedings under Forest (Conservation) Act, 1980*

10. That it is further submitted that a separate case under the Forest (Conservation) Act, 1980 has also been registered as H2 Case No. 19/Chunar/2025-26 dt. 04.01.2026 under Section 2(ii)Section 3(ii) of the Forest (Conservation) Act, 1980 for using forest land for construction without permission which is currently under investigation.

The relevant Section 2(ii) and Section 3(ii) has been reproduced herein for ready reference:

“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;”

“3. Constitution of Advisory Committee.

The Central Government may constitute a Committee consisting of such number of persons as h may deem fit to advise that Government with regard to-

(ii) any other matter connected with the conservation of forests which may be referred to h by the Central Government.”

A Copy of the h2 Case dt. 04.01.2026 has been annexed herewith as ANNEXURE R-5.

11. That further the considering the commendation of the 3-Member Committee, the ecological loss caused due to illegal encroachment and damage to trees in the Reserved Forest Area, the penalty equivalent to ten times the estimated loss, i.e., Rs.4,49,997x 10 Rs. 44,99,970 would be recovered from the Project Proponent in accordance of law.

I. COMPLIANCE REGARDING RESTORATION OF DAMAGED FOREST AREA

i. Proposed Restoration Plan

12. That in further compliance, it is most respectfully submitted that the geo-tagged photographs of the site (Latifpur, Mirzapur), evidence

the present ground condition of the area in question. A perusal of the said photographs clearly shows that the land has been subjected to excavation activities, resulting in disturbance of the natural forest land and displacement of topsoil. That the images depict uneven terrain with excavated pits and loose soil heaps, which are indicative of unauthorized land use and physical alteration of forest land.

Copies of the photographs have been annexed herewith as ANNEXURE R-6

13. That the Forest Department has taken steps towards environmental restoration. A plantation programme has been planned for the year 2026-27 over an area of 15 hectares in the Belkhara-Latifpur compartment, which includes the entire 4 hectares of previously encroached land. That preparatory work such as advance soil operations has already been completed, and plantation is proposed to be undertaken during the upcoming monsoon season. This indicates an effort on the part of the department to restore ecological balance rather than merely pursue punitive action.

14. That plantation activities shall be undertaken during the ensuing monsoon season of 2026-27, ensuring restoration of ecological balance and regeneration of forest cover.”

2. Learned counsel appearing for the Applicant seeks four weeks' time to file the response to this report.

3. In terms of the order of the Tribunal dated 09.10.2025, the UP PCB was also required to calculate the environmental compensation on account of the damage caused to the environment due to illegal felling of trees.

4. Learned counsel appearing for the UP PCB seeks four weeks' time to look into this issue in the light of the disclosure made by the Respondent No. 6 in his latest report dated 13.04.2026.

5. List on 31.07.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 15, 2026
Original Application No. 112/2024
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