

Item No. 03

Court No. 1

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

Original Application No. 501/2023
(I.A. No. 663/2023)

Aarti Joshi

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 18.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. The grievance of the applicant is cutting of trees in violation of Forest Rules. As per attachment, letter dated 21.03.2017, the Divisional Forest Officer, Mussoorie Forest Division, Mussoorie has submitted a report that the proposed land for the subject work is of category-5 (3) b-jungle bush. The land under question is recorded as jungle bush in the land revenue records and thus, the provisions of Forest (Conservation) Act, 1980 are applicable on the land recorded as Jungle Bush.

2. The contention of the applicant is that without any authority from the Forest Department, the respondents are cutting the trees in violation of Forest Act.

3. A substantial issue of environment has been raised.

4. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within Six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

5. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
6. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. One representative from Collector, Dehradun.
 - ii. One representative from District Forest Officer (DFO), Dehradun.
 - iii. One representative from Uttarakhand State Pollution Control Board.
7. The Committee is directed to visit the place and submit the factual and action taken report within four weeks. The State PCB will be the nodal agency for coordination and compliance.
8. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
9. The report in the matter be filed by the Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
10. List for further consideration on 20.11.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 18, 2023
Original Application No. 501/2023
(I.A. No. 663/2023)
SN