

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 570/2022

Inderjit Singh

Applicant

Versus

Balwinder Singh

Respondent

Date of hearing: 21.09.2022

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

Applicant: Applicant in person.

Respondent: Mr. Mukesh Verma, Advocate for State PCB.

Application is registered based on a Letter Petition received by Email.

ORDER

1. Mr. Inderjit, an NRI, has filed the present application complaining about cutting of big green trees on the berms of the public road illegally by Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa.
2. The applicant has submitted that he planted 50 Drek trees on the berms of Village Umarpuri- Uppal Bhuppa public road with the help of his gardener the improvement of the environment in the area and strengthening the berms of the road maintained by the Punjab Mandi Board (PMB). The above said road is used by nearby village folks for morning and evening walks and also by school going children for going to the educational institutions. Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa has illegally cut 11 big green shady trees from the berms of the Umarpuri-

Uppal Bhuppa road on 30.05.2022 and sold the same for amount of Rs. 28000/-. He submitted complaints to Village Panchayat, BD & PO, DFO, SHO and other concerned Authorities but no action has been taken on the same. In support of his application, the applicant has also attached photographs of the trees cut from the berm of the road.

3. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 *suo moto* as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

4. Vide order dated 10.08.2022, this Tribunal took cognizance and constituted a Joint Committee comprising of the State PCB, Punjab Mandi Board, DFO and Deputy Commissioner, Jalandhar and directed the same to submit Factual and Action Taken Report within one month. Issuance of notice to respondent- Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa was also ordered. The relevant part of the order reads as under:-

"3. Prima facie, the allegations made in the application raise question relating to the 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 of State PCB, Punjab Mandi Board, DFO and Deputy Commissioner, Jalandhar and direct the same to meet within two 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 in accordance with law after notice to the concerned persons and by following due process of law. State PCB will be the nodal agency for coordination and compliance.

4. *Factual and Action Taken Report may be furnished within one month 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.*

5. *Notice along with copies of the application and documents attached therewith be also issued to Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa requiring him to file his response/reply to the allegations made in the application within one month 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. ”*

5. As per the office report notice was duly served on respondent-Mr. Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa but none has appeared on his behalf.

6. In compliance of order dated 10.08.2022, the Joint Committee has submitted Factual and Action Taken Report vide email dated 19.09.2022.

“Report of the Joint Committee in compliance of the orders of Hon'ble NGT dated 10.08.2022, in the matter of O.A. No. 570 of 2022; Inderjit Singh Versus Balwinder Singh.

1. Background:

The matter is related to alleged illegal cutting of 11 trees from the berms of the Umarpuri-Uppal Bhuppa road by Sh. Balwinder Singh S/o Sadhu Ram resident of Uppal Bhuppa. In this regard the Hon'ble National Green Tribunal has directed to constitute a joint committee of state pollution control board, Punjab Mandi Board, District Forest Officer, Jalandhar and Deputy Commissioner, Jalandhar to undertake the visit to the site, look into grievance of the applicant, verify the factual position and take remedial action as mandated by the statutory provisions. Further the state pollution control board has been directed as nodal agency for coordination and compliance. The operative part of the Hon'ble NGT orders dated 10.08.2022 is reproduced as below: -

"Prima Fade, the allegations made in the application raise question relating to the 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 of State PCB, Punjab

Mandi Board, DFO and Deputy Commissioner, Jalandhar and direct the same to meet within two 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 in accordance with law after notice to the concerned persons and by following due process of law. State PCB will be the nodal agency for coordination and compliance."

2. Compliance Report:

2.1. Constitution of the Joint Committee and Site Visit:

In compliance of the orders of Hon'ble NGT, a joint committee comprising of the following members was constituted vide Deputy Commissioner, Jalandhar letter no, 244-247/MC-8/MA-2 dated 25.08.2022:

- 1, The Sub Divisional Magistrate, Phillaur.*
- 2. The Divisional Forest Officer, Jalandhar.*
- 3. The District Mandi Officer, Jalandhar.*
- 4, The Environmental Engineer, Regional Office-2, Jalandhar.*

The joint Committee was directed by Hon'ble NGT to visit the site and give a report on factual aspects. Accordingly, in compliance of the directions, the Joint Committee along with the Deputy Commissioner, Jalandhar visited the site Village Umarpuri, Tehsil Phillaur, District Jalandhar on dated 02.09.2022, to verify the facts and the status report is as below:

2.2 Report of the Naib Tehsildar, Nurmahal:

The site of the complaint lies in the revenue estate of Village Umarpuri, Tehsil Phillaur, District Jalandhar. The field staff tried to locate the survey stone but it could not be found. Moreover, paddy was cultivated in adjoining fields, therefore, proper demarcation could not be done. Further, revenue record and village map were checked. As per revenue record, jamabandi of year 2019-20, the ownership of Khewat no. 299, Khasra No. 1343/1(7-3) is of Tarsem Kaur w/o Balwinder Singh and ownership of Khewat No. 376, Khasra No. 1344(8-7) is of panchayat and land type is shown as Gair Mumkin road. Further, as per village Latha the width of road in the above mentioned khasra is 2 karam i.e. 11 feet. On spot inspection, it was found that metalled road is approximately of 10.5 feet width and some berm is left alongside the road. But the trees that were cut are approximately 1-1.5 feet away from the metalled road. Therefore, prima facie it seems that the trees were planted not on land used for road but in private property belonging to Tarsem Kaur W/o Balwinder Singh.

2.3. Report of the District Mandi Office, Jalandhar:

The District Mandi Officer vide its letter no. PMB/22/092/22316/3/192296 dated 05.09.2022 informed that the Punjab Mandi Board is the executing agency for development of village roads. The Umarpuri to Uppal Bhuppa road has been developed by the Mandi Board through its engineering wing. The trees mentioned in the complaint were adjacent to the Umarpuri to Uppal Bhuppa road. As per the report of village sarpanch through report of revenue office and report of Executive Engineer (c), Punjab Mandi Board, Jalandhar the width of the road is "two karams" and the site of the trees which were cut lies on the private property of the respondent Sh. Balwinder Singh S/o Sadhu Ram. The cutting of trees does not comes under the purview of the Mandi Board.

2.4. Report of the Divisional Forest Officer, Jalandhar

The Divisional Forest Officer, Jalandhar vide its letter no. 6002-04 dated 07.09.2022 informed that as per the report of Range Officer Phillaur the provisions of the Forest Conservation Act (FCA), 1980 is not applicable on the site where the trees have been cut. Further the land under consideration should be demarcated to ascertain the ownership of land.

2.5. Report of the Environmental Engineer, Punjab Pollution Control Board:

The site of the complaint at village Umarpuri-Uppal Bhuppa road was visited by the Assistant Environmental Engineer along with the above mentioned joint committee members on 02.09.2022 and it was observed that there were 11 trees found cut but no hazardous substance/toxic substance/Air pollutant or Water pollutant was found at site. As such, the complaint does not comes under the purview of the Board.

2.6. Ministry of Agriculture, Cooperation and Farmers Welfare notification regarding felling of trees.

As per the, Ministry of Agriculture, Cooperation and Farmers Welfare, Department of Agriculture, Cooperation and Farmers Welfare notification no. F.No.10-2/2020NRM-SMAF drek variety of trees species in the state of Punjab is free from felling and transit regulations growing on non-forest area/private land.

Summary & Conclusion:

From the reports above, the Joint Committee observed that there were 11 drek variety of trees were found cut near the Umarpuri-Uppal Bhuppa village road and as per the revenue records ,prima facie it seems that trees were planted not on land used for the road but in the private land of the Tarsem Kaur W/o Balwinder Singh

which is a non-forest land. Also as per the Ministry of Agriculture, Cooperation and Farmers Welfare, Department of Agriculture, Cooperation and Farmers Welfare notification no. F.No.10-2/2020NRM-SMAF the said variety of trees are free from felling and transit regulations growing on non-forest area/private land. As such, the joint committee observed that no action is required in the matter as per the present statutory provisions, please.”

7. In view of duly verified factual position highlighted and observations made in the report of the Joint Committee, we are of the considered view that no further order is required to be passed by this Tribunal on the present application which is disposed of accordingly.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 21, 2022
AG