

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.108/2023/EZ

Arsad Nasar

Applicant(s)

Versus

The Dept. Of Environment,
Forest & Climate Change & Ors.

Respondent(s)

Date of hearing: 24.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Adv.

For Respondent(s) : Mr. Surendra Kumar, Adv. for R-1 to 3 & 8 (in Virtual Mode)

ORDER

1. A preliminary objection has been raised by Mr. Surendra Kumar, learned Counsel appearing (in Virtual Mode) for the State Respondent, Government of Bihar that earlier Mr. Dipanjan Ghosh alongwith Ms. Paushali Banerjee, learned Counsel were appearing in the case but now only Ms. Paushali Banerjee has been appearing and here Vakalatnama is not on record. The Applicant Mr. Arsad Nasar is present in Court and states that Ms. Paushali Banerjee will be representing him as the Counsel for the Applicant in the present case.
2. Ms. Paushali Banerjee, learned Counsel is present on behalf of the Applicant.
3. Affidavit dated 20.07.2024 has been filed on behalf of the Respondent No.2, District Magistrate, Sheikpura, Bihar; the same is taken on record.
4. The second affidavit of the District Magistrate dated 20.07.2024 only mentions that the land in question is 'Bhith Raiyati'. It was

stated by the Respondent No.8, Divisional Forest Officer, Jamui that the land does not belong to the Forest Department and it is 'Aam Gair Mazarua'. Whatever be the nature of land, if the land is situated in the Gram Panchayat, permission from the Gram Panchayat or the Tahasildar or whoever may be designated as 'Tree officer', might be necessary. Question is whether the trees which are alleged to have been cut belong to species requiring permission and whether permission has been granted by the Tree Officer or not, these facts should have been disclosed in the affidavit of the District Magistrate, Sheikpura, Bihar, but the affidavit is peculiarly silent on this aspect.

5. We, therefore, direct the District Magistrate, Sheikpura, Bihar to file fresh affidavit disclosing all these facts as to how many trees were cut, what was the nature of the trees and how many trees require permission before being cut and whether permission for cutting was granted by the competent authority, whether the Gram Panchayat concerned or the Tahasildar or any other authority was designated as Tree Officer.
6. Let the affidavit be filed within four weeks.
7. **List on 18.09.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 24, 2024,
Original Application No.108/2023/EZ
SKB