

Item No.05

Court No. 1

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

Original Application No. 486/2025

Capt. (Retd.) Devender Singh Bamel

Applicant

Versus

State of Haryana & Anr.

Respondent(s)

Date of hearing: 22.09.2025

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

Applicant: Mr. Gaurav Arya & Mr. Naveen Bamel, Advs. for Applicant

**ORDER**

1. In this Original Application (OA), applicant has questioned the notification dated 18.08.2025 issued by State of Haryana defining the expression "Forest as per dictionary meaning" for State of Haryana. The said notification reads as under:-

“

*HARYANA GOVERNMENT  
ENVIRONMENT, FOREST AND WILDLIFE DEPARTMENT  
Notification  
The 18th August, 2025*

*No. 6723(CFMS) Ft.-1-2025/4185. The Governor of Haryana is pleased to define the expression "Forest as per Dictionary Meaning" for the State of Haryana as follows:*

*A patch of land shall be deemed to be "Forest as per Dictionary Meaning" if it fulfils the following conditions:*

- (i) It has a minimum area of 5 (Five) hectares, if it is in isolation; and a minimum area of 2 (Two) hectares, if it is in contiguity with Government notified forests.*
- (ii) It has a Canopy Density of 0.4 or more.*

*Provided that, all linear/compact/agro-forestry plantations and orchards situated outside the Government notified forests shall not be treated as forest under the above definition.”*

2. Learned Counsel for the applicant has referred to the order of the Hon'ble Supreme Court in the matter of T.N. Godavarman Thirumulpad v. Union of India, reported in AIR 1997 SC 1228 and has submitted that dictionary meaning which is given in the notification is not in consonance with the order of the Hon'ble Supreme Court passed in the matter of T. N. Godavarman in the year 1997.

3. Applicant has further referred to the order of Hon'ble Supreme Court dated 19.02.2024 in Writ Petition (C) 1164/2023 in the matter of Ashok Kumar Sharma, IFS (Retd) & Ors. v. Union of India and Anr. And has submitted that impugned notification is also contrary to the observations and directions of the Hon'ble Supreme Court in the matter of Ashok Kumar Sharma. In this regard, he has placed reliance upon the following paragraphs of the order of Hon'ble Supreme Court in the case of Ashok Kumar Sharma (supra):-

*"1 In TN Godavarman Thirumulpad vs Union of India', this Court while noting that the Forest Conservation Act 1980 was enacted to curb the deforestation which results in an ecological imbalance, indicated that the provisions incorporated to conserve forests and for other connected matters "must apply to all forests irrespective of the nature of ownership or classification". Apart from the above principle, the Court spelt out in paragraph 4 of the order, the meaning which must be attributed to the expression 'forest'. For convenience of reference, it would be appropriate to disaggregate the contents of paragraph 4 so as to indicate the components of the expression 'forest' as explained in the order of this Court:*

*Firstly, the decision in T N Godavarman (supra) indicates that expression 'forest' must be understood according to its dictionary meaning;*

*Secondly, the description of the expression 'forest' would cover all statutorily recognized forests whether they are designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act 1980;*

*Thirdly, besides including forests as understood in the dictionary sense, the term 'forest' in Section 2 would include "also any area recorded as forest in the government record irrespective of the ownership"; and*

*Fourthly, the provisions for the conservation of forests and ancillary matters in the Forest Conservation Act 1980 must*

*apply to all forests “so understood” irrespective of ownership or classification.*

14. *The decision in T N Godavarman (supra) needs to be understood from two perspectives. First, the expression ‘forest’ was read in a broad sense bearing in mind the object and purpose of the Forest Conservation Act 1980. While adopting the dictionary meaning of the expression ‘forest’, the Court intended to impart a purposive interpretation to the phrase so as to accord with the intent underlying the enactment of the law in 1980. Hence, the Court clarified that this would cover but not be confined only to lands recorded as forest in government records. Moreover, the expression ‘forest’ would be independent of the nature of ownership or title.*
- 17 *Rule 16 to which a reference has been made above requires the States and the Union Territory Administrations to prepare a consolidated record of such lands for the purpose of the explanation of government records under subsection (1) of Section 1A. This would include forest like areas identified by the Expert Committees for this purpose, unclassified forest lands or community forest lands to which the provisions of the amended statute would be applicable. Such an exercise is to be carried out within a period of one year. It is thus evident that the exercise which is to be carried out by the State Governments and the Union Territory Administrations is expected to be completed within that period. However, there is a need to impart clarity to the position as it should obtain pending such a determination and beyond. The position must be governed by the directions which were issued by this Court in T N Godavarman (supra), which have held the field for over twenty-five years.*
18. *Both in the submissions at the preliminary hearing on 30 November 2023, as well as in the submissions which were urged during the course of the present hearing, it is not the contention of the Union Government that the statutory amendment seeks to bring about any change in the law which was laid down in T N Godavarman (supra). That apart, both the counsel for the petitioners have adverted to the stand of the Government before the Joint Parliamentary Committee which preceded the enactment of the law and the clear elaboration of the Union of India that the proposed coverage in the legislative provision which was under consideration, would accord with the decision of this Court. That being the position, we clarify that pending the completion of the exercise by the Administrations of the State Governments and the Union Territories under Rule 16 and pending these proceedings, the principles which are elucidated in the judgment of this Court in T N Godavarman (supra) must continue to be observed.”*

4. He has further referred to the annexure A-2 which is a report published by Forest Survey of India in respect of State of Haryana and has

submitted that forest cover inside the recorded forest area is less than the forest cover outside the recorded forest area in the State of Haryana, therefore, protection of the forest cover which is outside the forest area in the State of Haryana is important. He has further submitted that Haryana has least forest cover in the country and impugned notification will encourage deforestation in the State of Haryana.

5. OA raises substantial issue relating to compliance of the environmental norms.

6. Issue notice to the respondents for filing their reply by way of affidavit atleast one week before the next date of hearing.

7. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

8. List on 01.12.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

September 22, 2025  
Original Application No. 486/2025  
JG.