

Regd

HP STATE POLLUTION CONTROL BOARD-SHIMLA
BELOW BCS, PHASE-III, NEW SHIMLA (H.P.)

No. PCB-OA No. 838/2019- 24024

Dated: 11-11-2019

From: Member Secretary

To

✓
The Registrar General
Hon'ble National Green Tribunal
Faridkot, Copernicus Marg, New Delhi-110001

Subject: OA No. 838/2019 titled as Prem Singh V. State of H.P pending before the Hon'ble NGT.

Sir,

This has reference to order dated 05.09.2019, passed by the Hon'ble National Green Tribunal Delhi in the aforementioned matter wherein following direction has been passed:-

".....Grievance in this application is against construction activities of Smt. Rani Kukreja st Up-Mohal Sadhora, Tehsil Shimla (Rural) adversely affecting the environment.

Before considering the matter further, we find it necessary to require a factual report in the matter from joint Committee comprising representatives of Director, Town and Country Planning Department, State Pollution Control Board (SPSB) and the Forest Department within one month by e-mail at judicial-ngt@gov.in. The SPCB will be the nodal agency for coordination and compliance".

In this connection, it is submitted that site was inspected on 03.09.2019 by the Joint Committee comprising of representatives of Department of Town & Country Planning, State Pollution Control Board & the Forest Department.

The planning permission for the construction of Hotel building for tourism use on Khasra No. 165,166,170,172 and 174 was initially granted by Town & Country Planning Department on 15.09.2012 which is required to be further revalidated. The Forest Department in association with Revenue Department also conducted demarcation and removed the encroachment. The detailed report of the Joint Committee is enclosed which may kindly be taken on record.

Yours faithfully,

✓
(Aditya Negi, IAS)
Member Secretary
HPSPCB, Shimla

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**H.P. STATE POLLUTION CONTROL BOARD,
"HIM PARIVESH", PHASE - III, NEW SHIMLA - 171009
Phone No. - 0177-2673274**

No.PCB/ROS/OA No. 838/2019/19- 2223-24

Dated: 06/11/2019

To

✓ The Member Secretary,
H.P. State Pollution Control Board,
Phase-III, New Shimla, H.P.

Subject:- **Regarding conducting the demarcation of Khata Khatauni No. 3/3, Kh. No. 165, 166, 170, 172, 174 and adjoining khasra numbers measuring 00-11-86 hect. Situated at Up-Mohan Sadhora, Tehsil & District Shimla. Smt. Rani Kukreja W/o Sh. Nirmal Kukreja in the matter of O.A. 838/2019-Prem Singh v/s State..**

Sir,

This is in continuation to this office letter No. PCB/ROS/OA No. 838/2019-2202 dated 01.11.2019 on the subject cited as above.

In this context, please find enclosed herewith the factual report concluded by the Joint Committee in the matter of OA No. 838/2019-Prem Singh v/s State. Submitted for perusal and further action please.

(Encl:- As Above.)

Yours faithfully


(Er. Anju Negi)
Asstt. Environmental Engineer
H.P.PCB, R.O. Shimla

Copy to:-

The Assistant Conservator of Forest, Shimla Forest Division, Shimla a/w Report (Copy Enclosed) for information please.


(Er. Anju Negi)
Asstt. Environmental Engineer
H.P.PCB, R.O. Shimla

Factual Report of the joint Committee in the matter of Original Application No. 838/2019-Prem Singh Vs State of H.P.

In compliance of the order passed by the Principal Bench of the Hon'ble National Green Tribunal, New Delhi dated 05.09.2019 in the matter of Prem Singh Vs State, the site of Smt. Rani Kukreja was jointly visited on 03.09.2019 by the Members of the Joint Committee comprising representatives of Department of Town and Country Planning, H.P. State Pollution Control, Board (SPCB) and H.P. Forest Department.

During the site inspection, it has been found that the site in question falls on the land comprised in Khata Khatauni No. 3/3, Khasra No.165, 166, 170, 172 and 174, measuring 00-11-86 hectare situated at Up-Mohan Sadhora, Tehsil and District Shimla. It is submitted that, Smt. Rani Kujreja, W/o Sh. Nirmal Kukreja has constructed a framed structure building and 9 Nos. RCC Column raised upto the slab level at site (photograph enclosed) and this construction is on her own land. However, further no construction work is being undertaken at the moment and no digging of soil was observed at the site. Since, the land upto on which construction is being carried out, is of plain terrain, as such no adverse effect on environment has been observed at site.

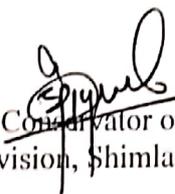
The planning permission for construction of hotel building under Tourism use on Kh. No. 165, 166, 170, 172 and 174 measuring 1186.00 sqm. at Sadhora, Tehsil and District Shimla was granted by the Empanelled private practitioner on 15.09.2012. The said sanction was valid for a period of three year and thereafter applicant shall have to obtain revalidation of sanction on year to year basis in such manner the total period should not exceed five years, as mandated under section 34 of the H.P Town and Country Planning Act, 1977 but in the instant case applicant did not obtain revalidation of sanction and thus the sanction accorded in favour of applicant stand lapsed on 14.09.2015. As the sanction stand lapsed, so this office issued notice under section 39- A-1 of the Act ibid to stop the construction work on 29.07.2019 and further also directed to take the revised sanction vide this office letter no SAD (K)/ Arch64/12-661 dated 30.10.2019. However, the consent to establish has not been taken from the H.P. State Pollution Control Board, hence the show cause notice under the

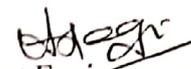
P.T.O.

provisions of Water Act, 1974 and Air Act, 1981 to stop the construction activities was issued to Smt. Rani Kukreja on 25.10.2019.

However, it has been observed at site that the retaining wall in the rear side of construction found damaged may be due to rain water flowing through into the area/siting question through road abutting the site. As such, with regard to encroachment over the forest land the committee is of the opinion that matter will be taken up with the SDM (Rural) for conducting the demarcation report of the land being proposed by Smt. Rani Kukreja along with adjoining land abutting with the forest land and land of Smt. Prabha Bhagra. Accordingly request for demarcation was made to the SDM Rural vide letter dated 03.10.2019 and the demarcation has been conducted on 21.10.2019 in the presence of the Committee and report as prepared by the Revenue Authority and report of Assistant Conservator of Forest are enclosed herewith for taking further necessary action please.


Assistant Town Planner,
Divisional Town Planning
Office, Shimla


Assistant Conservator of Forest
Forest Division, Shimla.


Assistant Environmental Engineer,
HP State Pollution Control Board,
Shimla

No. _____ /
Forest Department Himachal Pradesh

Dated Shimla, the

From :

Assistant Conservator of Forest,
Shimla Forest Division
Shimla.

To :

The Director,
Town and Country Planning Department
Himachal Pradesh, Shimla-9.

Subject :

Original Application No. 832/2019-Prem Singh Vs
State.

Sir,

The private land of Smt. Rani Kukreja w/o Shri Nirmal Kukreja situated at Sadhora under Mashobra Forest Range was got demarcated on 21-10-2019 by Range Officer Mashobra in the presence of Revenue Staff, Police Staff and the Officer of Pollution Department and Town & Country Planning. In the demarcation, it was found that adjacent to the land of Smt. Rani Kukreja there exists govt. land in Khasra no. 169 where govt. forest land was found unauthorizedly occupied by Smt. Rani Kukreja by way of erecting two iron poles with iron chain unlawfully in the govt. forest land. Both the iron pillars were immediately removed from the spot in the presence of officers / officials associated in the demarcation and the encroached land has been taken back into the possession by Forest Department. The copy of the report so submitted by Range Office Mashobra is sent herewith please. ||

It is therefore requested that the reply of the Forest Department may please be incorporated in the main reply which is to be filed by your good office.

Encls : As above

Yours Faithfully,

Om Prakash Chandel, HPFS
Assistant Conservator of Forest,
Shimla Forest Division, Shimla.

Endst. No. 6298-6299 dated 06-11-2019.

Copy is forwarded to :-

- (a) DFO Shimla for information.
- (b) Regional Officer, HPPCB, Shimla for information with enclosure.

Om Prakash Chandel, HPFS
Assistant Conservator of Forest,
Shimla Forest Division, Shimla.

संख्या 1112/MR.

हिमाचल प्रदेश वन विभाग
दिनांक मशीबरा 28/11/19

प्रेषक :-

क० प० अ०
मशीबरा

Divisional Forest Officer
Dy. No. 4496
Date 02-11-2019

प्रेषित :-

क० म० अ०
शिमला (ग्र०)

विषय :-

मौजा सघोडा में श्री मती रानी कुमारी पत्नी श्री निर्मल कुमारेता की निहित भूमि की निशान देही बौर।

जापन,

विषय उपरोक्त के सम्बन्ध में भुगतानिक वन स्वच्छाधिकारी मशीबरा की रिपोर्टनुसार मौजा सघोडा में निहित भूमि मालिक श्री मती रानी कुमारी कुमारेता पत्नी श्री निर्मल कुमारेता द्वारा अपनी निहित भूमि की निशान देही रातस्व विभाग के सौजन्य से कृपाशी गरी विभागाधिकारि विभागीय अधिकारियों एवं कर्मचारियों में जाग लिखा।

क्र० सं०	नाम व पद	विभाग
01.	श्री विनय कुमार कानुनगो मशीबरा वृत्त	रातस्व
02.	-"- चतर सिंह पटवारी थगौगी वृत्त	-"-
03.	श्री मती अन्नु मैगी सहायक पत्रिकाल अभिगन्ता	प्रदूषण नियन्त्रण बोर्ड
04.	-"- प्रेम लता चौधन सहायक नगर मालिनाकार	शिमला शहरी एवं ग्रामपंचेतना विभाग शिमला-9
05.	श्री प्रकाश राजय आरक्षक	-"-
06.	श्री पवन सिंह मुख्य आरक्षी	पुलिस चौकी मशीबरा
07.	-"- विनय कुमार	-"-
08.	-"- रौशन जाल आरक्षी	-"-
09.	-"- लसकीर	-"-
10.	कु० जीता	-"-
11.	श्री हीरा लाल शर्मा वन उपरक्षक	वन स्वच्छाधिकारी मशीबरा
12.	श्री मती जीता वन रक्षक	प्रकारी पनियाली वीट

सत्यापित मुसावी, खसरा, लघु निकाल कर वाकाफदा जीता करके पकका विन्दु कायम बिना गामा तल्पश्चात श्री मती रानी कुमारी कुमारेता की निहित भूमि के खसरा नम्बरान 165, 166, 170, 172 व 174 क्रमशः रकबा तादादी 00-00-63, 00-00-82, 00-02-79, 00-00-40 व 00-01-22 कुल रकबा 00-11-86 हेक्टेयर की वाकाफदा की जागीर पर कानुनगो द्वारा सर्वप्रथम रातस्व आगिलेख

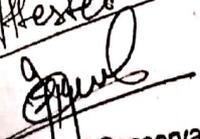
करके निशान देही दी गयी। निशान देही के दौरान भी भली शनी कुमारी कुकरेला की उक्त निधि भूमि के साथ सरकारी भूमि के खसरा नम्बरान 167 व 169 रकबा तादादी 00-01-04 व 00-00-45 कुल रकबा 00-01-49 हेक्टर के क्षेत्र की भी धीलाकशी करके निशान देही दी गयी तथा उक्त सरकारी भूमि के दोनों नम्बरान के क्षेत्र की सीमाओं का गहन अवलोकन कराकर सीमाओं को लोहे की सरिया रुपी सांडल गाड़कर सीमाओं को घेने की पंक्ति लगाकर चिन्हित किया गया जिस पर किसी प्रकार का कोई अतिक्रमण नहीं पाया गया और मुझसे मुख्य शास्ता से प्रवेश स्थान पर खसरा नं० 169 में दो लोहे के पोल-खम्भे लिन में लोहे की चैन (शांगल) लगी थी पाये गये जिन्हें मौके पर उपस्थित समस्त विभिन्न विभागीय अधिकारी एवं कर्मचारियों के समक्ष निशान देही के बाद तुरन्त निकालकर अतिक्रमण क्षेत्र को मुक्त किया गया। मौके पर दोनों सरकारी खसरा नम्बरान क्षेत्र की सीमाओं का गहन अवलोकन करने पर भली-भान्ति समझ लिया गया।

भी भान ली शनी कुमारी कुकरेला की निधि भूमि के साथ लगते सरकारी भूमि के उपरोक्त दोनों खसरा नम्बरान 167 व 169 के क्रमशः रकबा तादादी 00-01-04 व 00-00-45 कुल रकबा 00-01-49 पर अतिक्रमण होने की अत्यन्त आशंका बनी हुई है जिसे तारबाद द्वारा बन्द किया जाना सर्वथा इति आवश्यक है जिसमें वर्तमान में अनुमानित लागत लगभग रु० 5450/- आंकी गयी है। अतः अनुरोध है कि क्षेत्र को तारबाद से बन्द करने हेतु A.P.O में बजट का प्रावधान करके अतिशीघ्र धनराशी आवंटित किया जावे।

संलग्न: 1. क्षेत्रीय कार्यालय की रिपोर्ट की फोटो-1 अक्षर
2. Estimate की फोटो-1 अक्षर


ज. परिक्षेत्राधिकारी
भरौबरा वन परिक्षेत्र
लखीमपुरा, जिला-7

Attested



Inspector of Forests

Joint Inspection conducted on dated-03-10-2019 in view of OA No. 383/2019 matter titled as prem Singh Versus State of HP pending before Hon'ble National Green Tribunal



Photograph No. 1:- View of Construction site



Photograph No. 2:- View of Construction site and petitioners unit



Photograph No. 3:- View of entrance to construction site



Photograph No. 4:- View of construction site & adjoining road



Photograph No. 5:- View of Construction site



Photograph No. 6:- View of adjoining damaged retaining wall