

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

*(Under Section 18 read with sections 14 & 15 of  
The National Green Tribunal Act, 2010)*

**ORIGINAL APPLICATION No. 13 OF 2020**

**IN THE MATTER OF:**

SUNDER SINGH & ANR. .... APPLICANTS

**VERSUS**

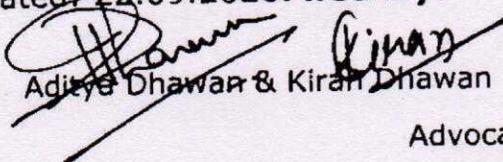
STATE OF HIMACHAL PRADESH & ORS. .... RESPONDENTS

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Place: New Delhi

Dated: 22.09.2020 Filed By:

  
Aditya Dhawan & Kiran Dhawan

Advocate (D/1-A/2011) Advocate (HIM 509/2010)

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STATE OF HIMACHAL PRADESH & ORS.

..... RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF SH. SUNDER SINGH.**

I, Sunder Singh, S/O Sh. Bhag Chand, aged about 45 years, R/O Village Takoli, PO Panarsa, Sub Tehsil Aut, District Mandi, H.P, do hereby solemnly affirm and state on oath as under: -

1. I say that the above captioned matter is *sub judice* on records of this Hon'ble Tribunal, wherein, on 21.01.2020, the PCCF (HoFF), Himachal Pradesh was directed to look into the matter and furnish a factual and action taken report within one month.
2. I further say that this additional affidavit is being filed by me to bring on record the subsequent/additional facts which are relevant to the present case.
3. That even six months after passing of the order dated 21.01.2020, by this Hon'ble Tribunal, no action was taken against the respondent No. 5 (i.e. Sh. Gian Chand); who *inter-alia*, continued with his illegal and unauthorized activities over the government "waste land" (which is a "protected forest" in view of the 1952 notification). Accordingly, I approached the

Attested  
Om Prakash Kaul  
Notary Public, Himachal Pradesh  
22/9/2020

*Sunder Singh*



DFO, Mandi through letter dated 12.06.2020, and requested action in accordance with the order dated 21.01.2020, passed by this Hon'ble Tribunal.

True copy of the letter dated 12.06.2020 along-with its English translation is annexed herewith and marked as **ANNEXURE A/1**).

4. DFO, Mandi; *vide* letter dated 01.07.2020, responded to my letter dated 12.06.2020, *supra*, and informed me that it would be appropriate for the 'Revenue-department' GoHP, to take action under the provisions of the Land Revenue Act, due to the nature of the land.

True copy of the letter dated 01.07.2020, along-with its English translation is annexed herewith and marked as **ANNEXURE A/2**).

5. Subsequently, on 06.07.2020; I again approached the DFO, Mandi and specifically brought to his notice the vital facts of the case, as also stated by me, in the Original Application, bearing No. 13/2020; before this Hon'ble Tribunal. This letter was also sent by me to Deputy Commissioner, Mandi; PCCF (HoFF), Himachal Pradesh etc.

True copy of the letter dated 06.07.2020, is annexed herewith and marked as **ANNEXURE A/3**).

6. To my letter dated 06.07.2020, Deputy Commissioner, Mandi; *vide* his letter dated 17.07.2020, requested DFO, Mandi to take 'necessary action'. True copy of the letter dated 17.07.2020, is annexed herewith and marked as **ANNEXURE A/4**).

*Sunderam*

Attested  
 Dr. Pardeep Kaushal  
 Notary, Mandi, Himachal Pradesh (H.P.)  
 22/7/2020

7. Notably, DFO, Mandi again through his office letter dated 'Nil' informed the Deputy Commissioner, Mandi; that it would be appropriate for the 'Revenue-Department' GoHP, to take action under the provisions of the Land Revenue Act, due to the 'nature of the land'. True copy of the letter by DFO Mandi, dated 'Nil', along-with its English translation is annexed herewith and marked as **ANNEXURE A/5**).

8. That since the illegal activities by the respondent no. 5, has caused obstruction/blockage of rain-water and has also exposed the public roads, public property and property of local villagers, falling below it, to imminent danger of landslides etc., I (on repeated requests by the villagers) under RTI sought information from the office of the 'revenue authority, Tehsil Aut, Mandi.

9. From the information received through RTI, it transpired that the Tehsildar, Aut, Mandi; had also informed DFO, Mandi through letter dated 05.08.2020, that the 'Forest Department', in the present case, can initiate its own proceedings under the relevant/applicable rule.

True copy of the letter by Tehsildar, Aut, Mandi, dated 05.08.2020, to DFO, Mandi; is annexed herewith and marked as **ANNEXURE A/6**).

10. However, *hitherto*, no action has been taken by the respondents i.e. the administration, against the respondent No.

*Sandeep*

NO  
In Part  
Sub To  
Recd  
Expd/1  
VI. 0

Attested  
Om Prakash Kaushal  
Notary Public Kullu (H.P.)  
22/9/2020



5, who during all this time, has further continued with his illegal activities (in full swing) without any fear and in total disregard to law, on the 'government/forest land' comprised in Khasra No. 488, measuring 04-06-12 Bighas. Photographs taken yesterday by me showing construction as well as use of heavy machinery is annexed herewith and marked as **ANNEXURE A/7.**

This has been due to total disinclination of the 'administration' especially the 'Forest department' (DFO, Mandi) to take action in accordance with law against the respondent No. 5, who has a strong social and political/administrative clout in the region.

It is submitted that the 'Forest Department' ought to have acted diligently and with reasonable despatch, rather than trying to shift burden on the shoulders of other State functionaries.

*[Handwritten signature]*

DEPONENT

**VERIFICATION: -**

I, the deponent above named, do hereby verify and confirm that the contents of the above affidavit and the annexure(s) are true to my knowledge and nothing material has been concealed there from.

Verified at Bhuntar, Kullu on this the 22<sup>nd</sup> day of September, 2020.

S.No. 1288.

Verified that the above was declare on oath before me on 22<sup>nd</sup> Sep 2020 at Bhuntar by S/o Sh. Sunder Sinit and identified by Sr. Bhag Chand Certified for initials of the deponent and after explaining the contents of the same to be true and Put his signature

*[Handwritten signature]*

DEPONENT

Aadhar No.

435837834635

Om Parkash Kaurshah  
Notary Public

*[Handwritten signature]*

सेवा में

दिनांक :- 13-06-2020

श्री वनमंडल अधिकारी,  
मंडी, जिला मंडी, हिमाचल प्रदेश।

विषय :- वन भूमी (फारेस्ट लैंड) में मकान बनाने व साथ लगते नाले को मलबा भर कर बंद करने बारे शिकायत पत्र।

(Non compliance of NGT Order dated 21-01-2020)

मोहोदय,

निवेदन यह है कि ज्ञान चन्द सपुत्र श्री भाग चन्द निवासी गाँव टकोली, डाकघर पनारसा, तहसील औट, जिला मंडी हिमाचल प्रदेश ने मोहाल कोटाधार, तहसील औट में सरकारी (वन) भूमी, खसरा नंबर 488 कुल रकबा 04-06-12 बीघा में अवैध (नाजायज) कब्जा कर रखा है और साथ लगते नाले को मलबे से भर रहा है जिसके बारे में पहले भी कई बार पत्र लिखकर टकोली व शुषण गाँव के लोगो की समस्याओं से अवगत कराया था।

यह मामला (O. A. No. 13/2020) माननीय NGT ने भी सुना और दिनांक 21-01-2020 को अपने Order (प्रतिलिपि सलगन) में फारेस्ट डिपार्टमेंट (PCCF Himachal Pradesh) से मामले की छानबीन कर "ACTION TAKEN REPORT" मांगी थी परन्तु इसके उपरांत मौके पर कोई कार्यवाही नहीं की गई।

गौरतलब है कि इस सरकारी (वन) भूमि (खसरा नंबर 488) की पहले भी निशानदेही हो चुकी है जिसे नायब तहसीलदार औट ने check और verify कर 06-03-2012 को रपट बनाई थी (प्रतिलिपि सलगन)। जिसमे पैमाइश की प्रक्रिया का वर्णन, दोनों मोहालो की सीमा का टकराव ठीक पाया जाना और मौके पर किया गया निर्माण सरकारी भूमि में अवैध पाया जाना सपष्ट है।

इसी निशानदेही की प्रक्रिया के दौरान अवैध कब्जा धारक ज्ञान चन्द के पिता श्री भाग चन्द ने अपने बयान में भी कबूल किया कि मकान सरकारी जमीन में है और मौके पर गवाहों के बयान लिए गए थे। इसी निशानदेही के दौरान अवैध मकान का मौका ततीमा भी बनाया गया जिसमे मकान सरकारी वन भूमी में दर्शाया गया है।

इन सब के बावजूद अवैध कब्जा धारक ज्ञान चन्द ने इस अवैध मकान का काम बिना किसी अनुमति के पुरे जोर शोर से चला रखा है तथा कई दिनों से मशीन लगा कर नाले में मलबा भर रहा है। जिसकी बजह से

*Sandeep Singh*

नाले में पानी का बहाव बंद हो चुका है जिस कारण वहां बांध- सा बन गया है, जिसके सारे मलबे के खिसकने का खतरा पूरे गाँववासियों के घरों और खेतों पर मंडरा रहा है।

पिछले कई दिनों से हमने कई दफा इस बात की शिकायत Forest व Revenue के अधिकारियों से की परन्तु मौके पर कोई नहीं आया और न ही इस अवैध काम को रोका गया। अतः आपसे निवेदन है कि माननीय NGT के आदेशों का पालन करके उचित कार्यवाही की जाए अन्यथा हमें माननीय NGT के सम्मुख इन तथ्यों को देने के अलावा कोई चारा नहीं रहेगा।

धन्यावाद।

भवदीय

*Sunder Singh*

सुन्दर सिंह  
उप-प्रधान, ग्रामपंचायत टकोली,  
डाकघर पनारसा, तहसील औट,  
जिला मंडी हिमाचल प्रदेश।

- प्रतिलिपि :-
1. प्रधान मुख्या अरण्यपाल, शिमला हि
  2. तहसीलदार औट, जिला मंडी, हिमा
  3. R.O. पनारसा, तहसील औट, जि
  4. S.H.O. औट जिला मंडी, हिमाचल

RE756684720IN IVR:8269756684720  
 RL BHUNTAR SO (175125)  
 Counter No:1,12/06/2020,13:20  
 To:PRINCIPAL, CHIEF, SHIMLA भारतीय डाक  
 PIN:171001, Shimla GPO  
 From:SUNDER SING,VILL.TAKOLI PO P  
 Wt:42gms  
 Amt:32.00(Cash)  
 (Track on www.indiapost.gov.in)  
 (Dial 18002666888) (Expect Delay in Delivery)

RE756684899IN IVR:8269756684899  
 RL BHUNTAR SO (175125)  
 Counter No:1,12/06/2020,13:20  
 To:TEHSILDAR, AIT  
 PIN:175121, Ait SO  
 From:SUNDER SING,VILL.TAKOLI PO P  
 Wt:42gms  
 Amt:32.00(Cash)  
 (Track on www.indiapost.gov.in)  
 (Dial 18002666888) (Expect Delay in Delivery)

RE756684634IN IVR:8269756684634  
 RL BHUNTAR SO (175125)  
 Counter No:1,12/06/2020,13:20  
 To:SHD,AIT  
 PIN:175121, Ait SO  
 From:SUNDER SING,VILL.TAKOLI PO P  
 Wt:42gms  
 Amt:32.00(Cash)  
 (Track on www.indiapost.gov.in)  
 (Dial 18002666888) (Expect Delay in Delivery)

RE756684733IN IVR:8269756684733  
 RL BHUNTAR SO (175125)  
 Counter No:1,12/06/2020,13:20  
 To:DIVISIONAL FOREST, MANDI भारतीय डाक  
 PIN:175001, Mandi HO  
 From:SUNDER SING,VILL.TAKOLI PO P  
 Wt:42gms  
 Amt:32.00(Cash)  
 (Track on www.indiapost.gov.in)

24  
TRUE COPY

Dated: 12.06.2020

To

The Divisional Forest Officer,  
Mandi, District Mandi,  
Himachal Pradesh

Subject: Complaint for construction of house on the forest land and covering up the Nallah adjacent to it by dumping up debris

(Non-compliance of NGT Order dated 21.01.2020)

Sir,

It is submitted that Gian Chand, son of Shri Bhag Chand, resident of village Takoli, Post Office Panarsa, Tehsil Oat, District Mandi, Himachal Pradesh has illegally encroached the government (forest) land having Khasra No. 488 admeasuring 04-06-12 bigha and is blocking the Nallah adjacent to it by dumping debris into it, in regard to which information has also been given several times to apprise of the problems of the people of villages Takoli and Shushan by writing a letter several times earlier.

This matter has also been heard by the Hon'ble NGT (O.A. No. 13/ 2020) and on 21.02.2020, sought the "Action Taken Report" by conducting inquiry into the matter of Forest Department (PCCF Himachal Pradesh) in its order (photocopy enclosed), but thereafter, no action was taken at the spot.

It may be noted that demarcation of this government (Forest) land (Khasra No. 488) has also been done earlier and Naib Tehsildar, Oat after

having checked and verified, report was prepared on 06.03.2012 (photocopy enclosed), which finds mention about the procedure of demarcation, alignment of boundaries of both the sides and it is clear that the construction carried out on the spot is in the governmentland has been found out clear.

During the course of the process of this demarcation, Shri Bhag Chand, father of the encroacher Gian Chand has also admitted in his statement that house is situated on the Government land and statement of the witnesses was also recorded at the spot. During the course of this demarcation proceedings, spot map of the illegal house was also prepared, in which house has been shown situated on the government forest land.

Despite of all this, encroacher Gian Chand has continued to carry out the construction of his illegal house without any permission in full swing and he is dumping malaba (debris) in the Nallah by using machine for the last several days and water flow of Nallah has been blocked, due to which, kind of dam has been built, because of which danger of debris coming over the houses and fields of all the villagers is hovering.

For the last several days, we made the Complaint of it to the officials of the Forest and Revenue Department, but nobody came at the site nor did they stop this illegal work. Thus, it is requested to you that by following the orders of the Hon'ble NGT, kindly take appropriate action, otherwise we will not have any other choice but to

bring all these facts to the notice of the Hon'ble  
NGT.

Thanking you,

Sincerely

Sd/- illegible

Sunder Singh

Deputy-Pradhan, Gram Panchayat Takoli,  
Post Office Panarsa, Tehsil Oat,  
District Mandi, Himachal Pradesh

Copy to:-

1. Pradhan MukhyaAranyapal, Shimla, Himachal Pradesh
2. Tehsildar Oat, District Mandi, Himachal Pradesh
3. R.O. Panarsa, Tehsil Oat, District Mandi, Himachal Pradesh
4. SHO Oat, District Mandi, Himachal Pradesh

  
//True Translation//



क्रमांक/ 1825  
वन विभाग हिमाचल प्रदेश।

दिनांक, मण्डी/ 1-7-2020

प्रेषक:-

वन मण्डलाधिकारी,  
मण्डी वन मण्डल, मण्डी।

प्रेषित:-

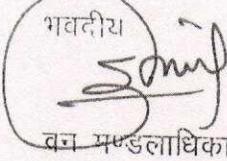
✓ श्री सुन्दर सिंह उप प्रधान,  
ग्राम पंचायत टकोली, डाकघर पनारसा,  
तहसील औट, जिला मण्डी हि0प्र0।

विषय:-

वन भूमि में मकान बनाने व साथ लगते नाले को मलवा  
भरकर बन्द करने बारे शिकायत पत्र।

महोदय,

उपरोक्त विषय के सम्बन्ध में आपके आवेदन पत्र संख्या शून्य दिनांक 13.06.2020 के संदर्भ में सूचित किया जाता है कि तहसीलदार औट के कार्यालय से इस कार्यालय को सूचित किया गया है कि खसरा न0 488 की निशानदेही पहले ही दिनांक 06.03.2012 को तत्कालीन नायब तहसीलदार औट द्वारा की जा चुकी है। भूमि की किरम तरागाह बिला दरख्तान होने के कारण इस पर राजस्व विभाग द्वारा ही कार्यवाही करना उचित है। तहसीलदार औट द्वारा यह भी सूचित किया गया है कि कार्यालय अभिलेख से ज्ञात हुआ है कि उक्त निशानदेही के अनुसार श्री भाग चन्द पुत्र हुक्में राम के विरुद्ध सरकारों भूमि खसरा न0 488 रकबा तादादी 0-5-0 वीघा भूमि पर कब्जा नाजायज की निशान देकर मरतब की गई है जो वर्तमान में हिमाचल प्रदेश भू-राजस्व अधिनियम की धारा 163 के अन्तर्गत इस कार्यालय में शीर्षक सरकार बनाम भागचन्द विचाराधीन है। अतः रिपोर्ट सूचनार्थ प्रेषित है।

भवदीय  
  
वन मण्डलाधिकारी,  
मण्डी वन मण्डल, मण्डी।

24  
TRUE COPY

।। सुरक्षित शिक्षित मेरी लाडली, समाज को आगे ले चली ।।

No. 1825

Forest Department, Himachal Pradesh

Date, Mandi, 01.07.2020

From:-

Divisional Forest Officer,  
Mandi, Forest Division, Mandi

To

Shri Sunder Singh, Deputy Pradhan  
Gram Panchayat Takoli, Post Office Panarsa  
Tehsil Oat, District Mandi, H. P.

Subject:- Complaint for constructing house on the forest land and blocking up the Nallah adjacent to it by dumping debris into it

Sir,

With regard to above subject, it is informed in regard to your application No. Nil dated 13.06.2020 that this office has been informed from the office of Tehsildar Aut that demarcation of Khasra No. 488 has already been conducted on 06.03.2012 by the then Naib Tehsildar Aut. Since the type of land is 'charagahbiladrakhtan' ('grazing land without trees'), it is appropriate that the action be taken on it by the Revenue Department only. It has also been informed by Tehsildar Aut, as it transpired from the official record that according to the above demarcation, file has been prepared against Shri Bhag Chand, son of Hukme Ram for illegally encroachment of the land having Khasra No. 488 measuring 0-5-0 bigha, which is pending under

consideration under Section 163 of Himachal Pradesh Land Revenue Act at present titled Government Vs. Bhag Chand. Thus, report is furnished for information.

Sincerely  
Sd/- illegible  
Divisional Forest Officer  
Mandi, Forest Division, Mandi



//True Translation//

TO

06.07.2020

✓ THE DISTRICT FOREST OFFICER  
MANDI, HIMACHAL PRADESH

**SUBJECT: (O.A No. 13/2020; "Sunder Singh &Anr. V/s State of H.P &Ors.)**

Illegal and unauthorized construction activities on the government/forest land ('Protected Forests' by virtue of the 1952 notification under section 29 of the Indian Forest Act, 1927) comprised in Khasra No. 488.

Sir,

This is in continuation to myearlier letter dated 12.06.2020, on the subject cited above, and non-compliance of the order dated 21.01.2020, passed by the Hon'ble National Green Tribunal, in O.A No. 13 of 2020 (titled as "Sunder Singh &Anr. V/s State of H.P &Ors.).

I take this opportunity to again bring the following 'vital facts' to your kind notice:

- i. The nature of the land comprised in Khasra No. 488, is a government "waste-land" ('charagahbiladrakhtan' i.e. 'grazing land without trees') which is a "protected-forest" in view of the 1952 notification and section 29 of the Indian Forest Act, 1927;

The notification of 1952 is still in existence in the State of H.P, as is also evident from the subsequent notifications issued by the Himachal Pradesh Forest Department dated 24.08.1998 and 09.09.2003. Furthermore, these notifications form part of the Forest Manual released by the Government of Himachal Pradesh, which incorporates all the Acts, Rules, Notifications, Government Orders etc. (Issued by Govt. of H.P. and Govt. of India) that are applicable to the Forest Department of Himachal Pradesh.

*Sandhu*

- ii. In a similar case involving 'Gian Chand' and pertaining to village Takoli, itself, the Hon'ble National Green Tribunal, in O.A No. 344 of 2018, titled as "Rajesh Kumar v/s State of H.P &Ors.; vide its order dated 24.04.2019, had directed:  
*"the Regional Office of the Ministry of Environment, Forest and Climate Change, Dehradun to depute an officer, not below the rank of Conservator of Forest, to visit the site at Village Takoli, Post Office Panarsa, Tehsil Aut, Distt. Mandi, HP and submit a report about the present status of the land and whether there is any violation of Forest Conservation Act, 1980";*
- iii. Pursuant to this order the Competent Authority in Regional Office (North Central Zone), Ministry of Environment, Forest and Climate Change, Dehradun; appointed Dr. S.C. Katiyar, Additional Director (Scientist- E), Regional Office (NCZ) MoEF, who visited the site on 16.05.2019, and subsequently filed a detailed report before the Hon'ble National Green Tribunal, new Delhi;(Copy of the report is annexed herewith as **Annexure A**)
- iv. Dr. S.C. Katiyar, in his report, *supra*, took note of the various government notifications, issued by department of forest (on 25.02.1952, 24.08.1998 & 09.09.2003) and concluded that these notifications apply to government waste-land and the said construction was in violation of Forest (Conservation) Act, 1980;

*Sanjay Singh*

v. Notably, the Hon'ble National Green Tribunal, accepted this report and *vide* its order dated 11.10.2019, directed your-good self to undertake the work of restoration of the government land/forest land, involved as it was in violation of Forest (Conservation) Act, 1980;(Copy of the order dated 11.10.2019 is annexed herewith as **Annexure B**)

vi. The land comprised in Khasra No. 488 (in the instant case) and the land comprised in Khasra No. 494 (i.e. in case of Rajesh Kumar, *supra*) are both government "waste-land" i.e. "protected-forest" in view of the 1952 notification and section 29 of the Indian Forest Act, 1927 and thus, are required to be dealt similarly;

**Note:** {In the case of Khasra No. 494, the forest department, undertook and completed the work of restoration, however, in the instant case no action has been taken, till date, in-spite of a specific order (dated 21.01.2020) by the Hon'ble National Green tribunal.}

Sir, all these above-noted facts, are part of my application/complaint, (i.e. O.A No. 13/2020) filed before the Hon'ble National Green Tribunal and the same was duly served upon the Forest Department in compliance of the directions of the Hon'ble Tribunal. However, it seems, that the Forest Department has completely & deliberately overlooked, the law and the indisputable facts and circumstances of the instant case, as no action has been taken, *hitherto* and 'Gian Chand' (the wrongdoer) is still continuing with his illegal acts of construction and has been illegally/unauthorizedly, dumping/throwing 'malbha' in the 'Nallah' on the same piece of government/forest land.

Such inaction on part of the Forest department, is surprising and has left all common people of our village/panchayat helpless, bewildered and shocked. Sir, I know and

*Sandeep Singh*

understand that 'Gian Chand' is a very influential person, having a strong social and political/administrative clout in the region, which seems to be the only and obvious reason, for such delay/inaction, on your part.

However, I still hope (as a common man) and beseech, that proper action, in accordance with law would be taken, forthwith; in compliance with the orders passed by then Hon'ble National Green Tribunal and applicable law/rules/notifications.

This is for your information and necessary action at your end.

Thanking you,

*Sunder Singh*

Sunder Singh

Up-Pradhan Gram Panchayat Takoli

P.O Panarsa, Tehsil Aut, District mandi (H.P)

**Copy to:**

1. The Chairperson, National Green Tribunal, Principal Bench, New Delhi;
2. PCCF, Department of Forest, Go. H.P.
3. Deputy Commissioner, Mandi, Distt. Mandi (HP).
4. SDM, Sadar Mandi, distt. Mandi (HP).
5. Tehsildar, Tehsil Aut, Distt. Mandi (HP).
6. R.O, Panarasa, Tehsil Aut, distt. Mandi (HP).

*24*  
TRUE COPY

I/19181/2020

File No.DCOM-DEV0DA-2/18/2020-O/o DC-DC Office Mandi

64

No. MND/Dev./DA-II./2020-

From

The Deputy Commissioner,  
Mandi District Mandi H.P.

To

The Divisional Forest Officer  
Mandi Division Mandi H.P.

Dated Mandi, the July, 2020.

Subject:-

(O.A. No. 13/2020, Sunder Singh & Anr. v/s state of H.P. & Ors.)  
illegal and unauthorized construction activities on the Government/ Forest land  
(Protected Forest by virtue of the 1952 notification under section 29 of the Indian  
Forest Act, 1927) comprised in khasra No. 488.

Sir,

Find enclosed herewith a copy of application dated 06-07-2020 received from Sh. Sunder Singh Up-Pradhan, Gram Panchayat Takoli, P.O. Panarsa, Tehsil Aut, District Mandi H.P. addressed to your office and copy endorsed to this office and others on the subject cited above.

In this context, you are requested to look into the matter and take further necessary action within stipulated period under intimation to quarter concerned as well as to this office.

Encls. As above

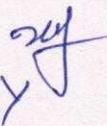
Yours faithfully


(Shrawan Manta, HAS)  
Additional Deputy Commissioner,  
Mandi District Mandi H.P.

Endest N. As above: 19770-71 Dated the Mandi.

17-7-2020

✓ Copy forwarded to Sh. Sunder Singh Up-Pradhan, Gram Panchayat Takoli, P.O. Panarsa, Tehsil Aut, District Mandi H.P. for information.


Additional Deputy Commissioner,  
Mandi District Mandi H.P.TRUE COPY 

क्रमांक /  
वन विभाग हिमाचल प्रदेश।

दिनांक, मण्डी /

प्रेषक:-

वन मण्डलाधिकारी,  
मण्डी वन मण्डल, मण्डी।

प्रेषित:-

उपायुक्त,  
मण्डी, जिला मण्डी हि0प्र0।

विषय:-

(O.A. No. 13/2020, Sunder Singh & Anr. v/s State of H.P. & Ors) illegal and unauthorized construction activities on the government/Forest land (Protected Forest By virtue of the 1952 notification under section 29 of the Indian Forest Act, 1927) Comprised in Khasra No. 488.

महोदय,

उपरोक्त विषय में आपके कार्यालय पत्र संख्या MND/Dev./DA-II/2020 19770-71 दिनांक 17 जुलाई, 2020 के संदर्भ में।

उपरोक्त सम्बन्ध में तहसीलदार औट के कार्यालय से इस कार्यालय को सूचित किया गया है कि खसरा न0 488 की निशानदेही पहले ही दिनांक 06.03.2012 को तत्कालीन नायब तहसीलदार औट द्वारा की जा चुकी है (प्रतिलिपी साथ संलग्न है)। भूमि की किस्म चरागाह बिला द्रख्तान होने के कारण इस पर राजस्व विभाग द्वारा ही कार्यवाही करना उचित है। तहसीलदार औट द्वारा यह भी सूचित किया गया है कि कार्यालय अभिलेख से यह भी ज्ञात हुआ कि उक्त निशानदेही के अनुसार श्री भाग चन्द पुत्र श्री हुकमें राम के विरुद्ध सरकारी भूमि खसरा न0 488 रकबा तादादी 0-5-0 बीघा भूमि पर कब्जा नाजायज की मिसल मरतब की गई है जो वर्तमान में हिमाचल प्रदेश सरकार भू-राजस्व अधिनियम की धारा 163 के अन्तर्गत इस कार्यालय में शीर्षक सरकार बनाम भागचन्द विचाराधीन है। अतः रिपोर्ट सेवा में सूचनार्थ एवं आवश्यक आगामी कार्यवाही हेतु प्रेषित है।

संलग्न:- उपरोक्त।

भवदीय

एस0एस0कश्यप, हि0प्र0व0से0  
वन मण्डलाधिकारी,  
मण्डी वन मण्डल, मण्डी।  
दूरभाष : 01905-235360।

TRUE COPY

No.

Forest Department, Himachal Pradesh

Date, Mandi/

From:-

Divisional Forest Officer,  
Mandi, Forest Division, Mandi

To

The Deputy Commissioner  
Mandi, District Mandi, H.P.

Subject:- (O.A. No. 13/ 2020, Sunder Singh &Anr. V/s State of H.P. &Ors.) Illegal and unauthorised construction activities on the government/ Forest land (Protected Forest by virtue of the 1952 notification under Section 29 of the Indian Forest Act, 1927) comprised in Khasra No. 488.

Sir,

With regard to above subject, kindly refer to your office letter No. MND/ Dev./DA-II/2020 19770-71 dated 17<sup>th</sup> July, 2020.

With regard to above, it has been informed from the office of Tehsildar Aut that demarcation of Khasra No. 488 has already been conducted on 06.03.2012 by the then Naib Tehsildar Aut. Since the type of land is 'charagahbiladrakhtan' ('grazing land without trees'), it is appropriate that the action be taken on it by the Revenue Department only. It has also been informed by Tehsildar Aut, as it transpired from the official record that according to

the above demarcation, file has been prepared against Shri Bhag Chand, son of Hukme Ram for illegally grabbing the land having Khasra No. 488 measuring 0-5-0 bigha, which is pending under consideration under Section 163 of Himachal Pradesh Land Revenue Act at present titled Government Vs. Bhag Chand. Thus, report is furnished for information and taking necessary further action.

Enclosure: as per above

Sincerely  
Sd/- illegible  
S. S. Kashyap, H.P.F.S.  
Divisional Forest Officer  
Mandi, Forest Division, Mandi  
Telephone: 01905-235360



//True Translation//

No. TDR/MC/2020- 1062

From

The Tehsildar,  
Tehsil Aut, Distt. Mandi, HP

To

The Divisional Forest Officer,  
Mandi Forest Division Mandi, H.P.

Dated:- 05-08-2020

Subject: - Regarding demarcation of Khasra No. 488 in Muhal Takoli.

Sir,

Kindly refer to your office letter No. 1616 dated 27-06-2020 which was addressed to Tehsildar, Sadar, District Mandi and further forwarded to this office vide letter endst. No. 430 dated: 10-07-2020.

In this regard, it is submitted that the demarcation of Khasra No. 488 classified as "charagah bila drakhtan" situated in Muhal Kotadhar has already been carried out and its information alongwith demarcation report has ben already been sent to Range Forest Officer, Panarsa, vide letter No. 923 dated: 24-06-2020. Further, it is submitted that basis of demarcation report proceeding u/s 163 of H.P. Land Revenue Act 1954 has been initiated against Sh. Bhag Chand S/o Hukame Ram, and is presently pending with this office.

Although, the encroacher is proceeded against u/s 163 of H.P. Land Revenue Act 1954, but Forest Department can initiate its own proceedings under relevant rule which may be applicable in the present case.

Yours faithfully,

Tehsildar,  
Aut, Distt. Mandi, H.P.  
P.I.O.-Cum-Supdt. Gr-II  
Teh. Aut Distt. Mandi (H.P.)TRUE COPY <sup>24</sup>

**ANNEXURE A/7**



**//TRUE COPY//**