

BEFORE THE HON'BLE PRINCIPAL BENCH NATIONAL GREEN
TRIBUNAL, NEW DELHI

MA No.34/2024

IN

Original Application No. 58/2015

Ramesh Chand & Ors.

.....Applicants.

Versus

Union of India & others.

.....Respondents

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Date: 04.8.25

Place: Nahan

Deponent

Through

Divyanshu

Deputy Commissioner
District Sirmaur (H.P.)

Divyanshu Kumar Srivastava
Advocate-D/1383/2015
AoR, Supreme Court of India
D-8, Jangpura Extension, New Delhi 110014
9711872319

Dksrivastava0511@gmail.com

Attested
SUSHANT
(Advocate)
Oath Commissioner
Nahan (H.P.)
4.8.25

BEFORE THE HON'BLE PRINCIPAL BENCH NATIONAL GREEN
TRIBUNAL, NEW DELHI

MA No. 34/2024

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Original Application No. 58 of 2015

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Affidavit in compliance to order, dated 23-04-2025, passed by the Hon'ble Principal Bench National Green Tribunal, New Delhi MA No. 34/2024 in Original Application No. 58/2015, titled as Ramesh Chand & others Vs Union of India & Ors. on behalf of respondent No.4, the Deputy Commissioner, District Sirmour at Nahan, Himachal Pradesh.

I, Priyanka Verma, presently posted as Deputy Commissioner, District Sirmour at Nahan, Himachal Pradesh, solemnly affirm and declare as under:-

1. That the instant matter was listed on 23-04-2025 on which date this Hon'ble Tribunal was pleased to direct to ascertain as to whether the demarcation of the flood plain zone of the river Salani has been done or


Deputy Commissioner
District Sirmour (H.P.)

Attested
SUSHANT
(Advocate)
Joint Commissioner
Nahan (H.P.)
4.8.25

2. That in compliance to order, dated 23-04-2025, the report was sought from the Tehsildar Nahan, District Sirmaur as to whether the demarcation of the flood plain of the concerned river has been done or not.
3. As per report submitted by the Tehsildar Nahan, vide his office letter No. Reader/TN/2025-1642 dated 30-04-2025 (**Annexure R-1**), the demarcation of the entire land comprising of Khasra Numbers 720/5, 721/5, 1271/6, 6/1, 1273/723/9, 1,8, 718/4, 3, 1266/419/4, 552/2 and 614/46/3, Kita 12 measuring 65-17 bigha situated in village Ambwala-Sainwala applied by the interested party (s), was carried on 05-04-2015 by the concerned field kanungo, Nahan. District Sirmaur.
4. The land under demarcation, situated in village Ambwala, Sainwala, the classification of land comprising of Khasra No. 6/1, measuring 7-4 Bigha, was "**Gair Mumkin Nadi**" and that of Khasra number 8, measuring 0-4 Bigha was "**Gair Mumkin Burd**" at the time of demarcation.
5. That as per the report of Tehsildar, Nahan, no application for demarcation of Flood Plain Area/ Land situated in village Ambwala Sainwala was ever filed for demarcation in their office by any interested party so far neither any such demarcation was conducted in respect of flood plain area till date.
6. That a report was also called from the Superintending Engineer Jal Shakti Vibhag, Sirmaur, HP. As per the report of the Superintending Engineer, JSV, Sirmaur the detailed project report for "**Flood Plain Zone of Markanda river alongwith its tributaries in Sirmaur, District of Himachal Pradesh**" amounting to Rs. 143.63 Lakh has been submitted to the Project Director, (PMU) SDMA, Himachal Pradesh Secretariat, Shimla by the Executive Engineer, Jal Shakti Division, Nahan, vide letter No. PW-JSV-DB-Nahan/2025-701


Deputy Commissioner
District Sirmaur (H.P.)

Attested
SUSHANT
(Advocate)
Oath Commissioner
Nahan (H.P.)
4-8-25

dated 28-04-2025 (Annexure R-2) for necessary approval from the State Disaster Management Authority (SDMA). The river Salani is a tributary of river Markanda, is proposed for flood plain zoning, which will be marked after obtaining the necessary approval/ arranging of the funds from the competent authority.

- 7. That the compliance of the direction of Hon'ble Tribunal has been ensured in true letter and spirit.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of Para Nos. 1 to 7 of my above affidavit are believed to be true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therein.

Verified at Nahan on **04** -08-2025.

Through Counsel

[Signature]
 Deponent.
 Respondent No-04
 Deputy Commissioner,
 Sirmaur

Deputy Commissioner
District Sirmaur. (H.P.)

*Identified the Deponent
By Sh. Raghuber
Clerk at DC office, Nahan*

[Signature]

Attested
SUSHANT
 (Advocate)
 Oath Commissioner
 Nahan (H.P.)
4-8-25

Certified that the above was declared on oath before me at... 4 ... on this day... 8 ... of 2025 ...
 by Sh./Smt. Deponent deponent who is
 person I know me identified by Sh. Raghuber
 and the contents of the same were read over & explain to the
 deponent who finally understand the same
 Oath Commissioner
 Date 4-8-25

4

No. Reader/TN/2025- 1642
OFFICE OF THE TEHSILDAR NAHAN DISTRICT SIRMAUR H.P.
Nahan Dated 30/04/2025

To

The Deputy Commissioner,
Sirmaur District at Nahan.

Sub. Explanatory note regarding demarcation of land related to Original
Application No. 58 of 2015-Ramesh Chand & Ors. v/s Union of India and
others.

Sir,

In compliance of your good-self's verbal orders on the subject cited above the explanatory note is as under and true English version of relevant demarcation report dated 5-4-2015 are enclosed herewith for kind information and further necessary action please:-

While preparing the English version entire relevant revenue record was perused closely. It is revealed that out of the land under demarcation, situated in village Ambwala-Sainwala, the classification of land comprising of Khasra number 6/1, measuring 7-4 Bigha, was "Gair Mumkin Nadi" and that of Khasra number 8, measuring 0-4 Bigha, was "Gair Mumkim Burd" at the time the demarcation was conducted in the year 2015. It is pertinent to mention here that demarcation of the entire land comprising of Khasra numbers numbers _720/5, 721/5, 1271/6, 6/1, 1273/723/9, 1, 8, 718/4, 3, 1266/419/4, 552/2 and 614/46/3, Kita 12 measuring 65-17 Bigha, situated in village Ambwala-Sainwala, applied by the interested party(s), was carried on 5-4-2015 by the then Field Kanungo, Nahan. It is also pertinent to mention here that as per this office record no application for demarcation of Flood Plain Area/Land situated in village Ambwala-Sainwala was ever filed for demarcation in this office by any interested party so far neither any such demarcation was conducted in r/o flood plain area till date.

Encl. As above

Yours faithfully,


Tehsildar, Nahan,
Distt. Sirmaur.

TRUE ENGLISH VERSION OF DEMARCATION REPORT DATED 5-4-2015 ORDER NO 1288 READER/T.N.
DATED 4-4-2015 OF KHASRA NUMBER 720/5, 721/5, 1271/6, 6/1, 1273/723/9, 1, 8, 718/4, 3
1266/419/4, 552/2 AND 614/46/3 IN RESPECT OF VILLAGE AMBWALA-SAINWALA, TEHSIL
NAHAN, DISTT. SIRMAUR, H.P.

REPORT

Sir,

In compliance of order of Tehsildar, Nahan, No. 1288 dated 4-4-2015, today on 5-4-2015 reached on the spot, along-with Patwari, P.C. Amb wala-Sainwla with revenue record and measurement equipment's, Patwari, P.C. Mohalia-Katola with revenue record, Sh. Yashwant Singh, Forest Block Officer, Nahan, and Sh. Raj Kumar, Kanungo, Forest Department, in order to demarcation of the land comprising of Khasra numbers 720/5, 721/5, 1271/6, 6/1, 1273/723/9, 1, 8, 718/4, 3, 1266/419/4, 552/2 and 614/46/3, Kita 12 measuring 65-17 Bigha, situated in village Ambwala-Sainwala, demarcation was carried out details of which is as under:-

First of all three permanent 'Bandobasti' points were identified. first point was fixed on North corner of Khasra number 60 which is depicted as A, in Khasra number 8 another point was fixed which is depicted as B was which depicted as point B similarly in Khasra number 51 another point was fixed which is depicted as C. Measurement between all the above three points were measured on the spot with the help of "Jarib" and compared with the "Mussavi" measurement on the spot and Mussavis were found the same. All the present persons have accepted the three points to be true as Bandobasti points. Adjacent to the land under demarcation a path was existed in Khasra number 47 and an old Bandobasti house (Abadi) was also existed on the spot in Khasra number 55. According to the Mussavi boundaries of Khasra number 55 (Abadi) was fixed and with help of the boundaries of Khasra number 55 (Abadi) the boundaries of the existing path were fixed. Thereafter entire boundary of Khasra number 614/46/3 was fixed and boundaries so fixed were checked from point No. 51 which were found correct as per revenue record. Thereafter, with the help of point No. B fixed on Khasra number 8, boundaries of land under demarcation comprising of Khasra numbers 1273/723/9-6/1-1271/6-1-552/2-3-718/4-720/5-721/5-1266/719/4 were fixed and so fixed was cross checked by measurement from the boundary pillars of adjacent village Mohalia-Khatola and were found correct as per revenue record. After Demarcation it is revealed that on the land comprising of Khasra number 718/4, 1266/719/4, 720/5 and 721/5 Salani Resort has been constructed and on Khasra number 614/46/3 a double story, water tank and mango trees are existed and rest of the land is lying vacant in shape of "Jangal jhari". On Khasra number 3 residential houses of the employees of the Hotel and store etc. have been constructed and on some part of Khasra number number 6/1 Parking for the vehicles road is existed. On the spot entire land is found in possession of Sh. Vinoj Sharma s/o Sh. Roop Lal, Smt. Laxmi Devi w/o Sh. Vinoj Sharma and S/Sh. Sachin and Nitin ss/o Sh. Vinoj Sharma. On the spot no encroachment on Government land by Sh. Vinoj Sharma was found.

Hence, report is submitted for further necessary action.

Sd/-

Field Kanungo, Nahan.

5-4-15

HIMACHAL PRADESH.
JAL SHAKTI DEPARTEMENT.

No. PW-JSV-DB-Nahan /2025-

70/

DI. 2.8-04-2025

To

✓ Sh. Nishant Thakur (IAS)
Project Director (PMU) - SDMA
Himachal Pradesh Secretariat
Shimla - 171002

Subject: Submission of DPR for Flood Plain Zoning Studies in Markanda River along with its Main Tributaries in Sirmaur District of Himachal Pradesh — Regarding Necessary Approval.

Sir,

With due respect, I am pleased to submit herewith the Detailed Project Report (DPR) of Rs. 143.36 lakhs for titled "*Flood Plain Zoning Studies in Markanda River along with its Main Tributaries in Sirmaur District of Himachal Pradesh*" for your kind perusal and necessary approval from the State Disaster Management Authority (SDMA).

The report has been prepared in accordance with the prescribed guidelines, incorporating comprehensive hydrological analysis, GIS-based floodplain mapping, and strategic zoning recommendations to mitigate flood risks in the concerned region. All necessary technical, financial, and administrative details have been duly covered in the DPR.

It is also added that, the Hon'ble National Green Tribunal (NGT) has issued directions vide its order dated 12.02.2025, specifically pertaining to the "Determination of flood plain zone of River Markanda." The Hon'ble Tribunal has directed Respondent No.2 i.e. the state of Himachal Pradesh, to file a comprehensive response specifically addressing the aforementioned issue before 21.05.2025.

You are kindly requested to consider the submission and accord the necessary approval so that the next stages of project implementation may be initiated in a timely manner.

Thanking you in anticipation.

Yours sincerely,


Executive Engineer
Jal Shakti Division, Nahan.

Himachal Pradesh
Jal Shakti Vibhag
No. JSV-CN-WS-(R)-NCT OA 58/15/25- 699-700

HON'BLE NGT MATTER

Dated:- 30/4/25

The Deputy Commissioner,
District Sirmour at Nahan (HP).

Subject: -

Regarding Hon'ble National Green Tribunal case Ramesh
Chand and others versus Union of India and others.

Reference:-

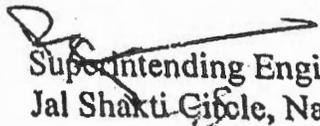
Your office letter No. Pash-121 dated 25.04.2025.

On the subject cited above, kindly refer to your letter referred above vide which the information on the point "Whether the flood plain zone in respect of river Salani has been defined and demarcated at the ground level" has been asked from this office.

In this connection, it is submitted that the detailed project report for "Flood plain zoning of Markanda river alongwith its tributaries in Sirmour District of Himachal Pradesh" amounting to Rs. 143.36 lakh has been submitted to the Project Director (PMU) SDMA, Himachal Pradesh Secretariat, Shimla by the Executive Engineer, Jal Shakti Division, Nahan vide letter No. PW-JSV-DB Nahan/2025-701 dated 28.04.2025 (copy enclosed) for necessary approval from the State Disaster Management Authority (SDMA). The river Salani is a tributary of river Markanda, is proposed for flood plain zoning, which will be marked after obtaining the necessary approval/arranging of the funds from the competent authority.

This is for favour of information and taking further necessary action please.

D.A. as above.


Superintending Engineer,
Jal Shakti Circle, Nahan.

Copy to the Executive Engineer, Jal Shakti Division, Nahan w.r.t. his office letter No. 551 dated 26.04.2025 and even No. 716 dated 28.04.2025 for information and necessary action.


Superintending Engineer,
Jal Shakti Circle, Nahan.