

**Jammu and Kashmir
Pollution Control Committee**

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**The Consultant (Judicial)
Hon'ble National Green Tribunal (P.B)
New Delhi.**

No:- JKPC/NGT/OA706/ 4522-23

Date:- 03-02-2025

Subject:- Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 09-12-2024 passed in. O.A No. 706/2022 titled: "Asgar Ahmad Najar Vs Ministry of Environment Forest and Climate Change & Ors

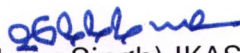
Sir,

In compliance to **Hon'ble National Green Tribunal, order dated 09-12-2024 passed in. O.A No. 706/2022 titled: "Asgar Ahmad Najar Vs Ministry of Environment Forest and Climate Change & Ors."**, the Report of Jammu and Kashmir Pollution Control Committee is enclosed herewith.

It is requested that the compliance Report may kindly be taken on record and place before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As above.


(Ghansham Singh) JKAS
Member Secretary 4.2.25
J&K PCC

Copy to the:-

1. Sh. G M Kawoosa, Additional Standing Counsel, Supreme Court of India/Hon'ble NGT New Delhi for information and necessary action. This is in reference to Govt. of J&K Order No. 15387-JK(LD) of 2024 dated 03-09-2024.

Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No.706 of 2022

IN THE MATTER OF

“Asgar Ahmad Najar Vs Ministry of
Environment Forest and Climate
Change & Ors.”.

Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 09-12-2024 passed in. O.A No. 706/2022 titled: “Asgar Ahmad Najar Vs Ministry of Environment Forest and Climate Change & Ors”.

Background:

The Hon'ble National Green Tribunal vide its order dated 09-12-2024 has directed as under: -

- i) *Compensation payable to the applicant and other land owners for damage caused to their agricultural crops and houses as identifiable;*
- ii) *Remedial measures already taken by the progress proponent; and*
- iii) *Remedial measures to be taken by utilization for the Environmental Compensation to be realized, if any.*

Status Report:

In compliance to the aforesaid directions of the Hon'ble National Green Tribunal dated 09-12-2024, the inspection of the site at village Bankoot located about 4 kms from Banihal town and 154 kms from Jammu, Tehsil Banihal, District Ramban was conducted on 15-01-2025 (1:30 PM to 4:30 pm) by:-

1. Sh. Baseer ul Haq Choudhary, District Magistrate, Ramban.
2. Sh. Ghansham Singh, Member Secretary, J&K Pollution Control Committee.

Besides, District Magistrate Ramban and Member Secretary, J&K PCC, the following officers accompanied during the site inspection:

- i) Additional Deputy Commissioner, Ramban.
- ii) Sub Divisional Magistrate, Banihal.
- iii) Chief Agriculture Officer, Ramban.
- iv) Tehsildar Banihal.
- v) SDPO Banihal.
- vi) SHO Banihal.
- vii) Revenue Attorney with the Divisional Commissioner.
- viii) Representative of IRCON (Railways),
- ix) Representative of executive agencies M/s ABC infra private ltd.

The applicant Mr. Asgar Ahmad Najar and the counsel of the applicant were also present during the site inspection and were heard at length on spot. The entire area was checked and thereafter, it was decided to constitute a committee of Revenue experts for conducting demarcation of the land to ascertain the claim of the petitioners in line with the directions of the Hon'ble National Green Tribunal.

Accordingly, the Deputy Commissioner, Ramban immediately ordered constitution of expert committee of the following officers and officials vide order No. DCR/ARA/Order/118-27 dated 15-01-2025, with the direction to get the site demarcated and furnish a report and recommendations after examination of relevant revenue records:

- | | |
|---|----------|
| 1. Assistant Commissioner Revenue | Chairman |
| 2. Tehsildar Batote | Member |
| 3. Naib Tehsildar Chanderkote | Member |
| 4. Naib Tehsildar Khari | Member |
| 5. GQ Lal Singh in the officer of Deputy
Commissioner Ramban | Member |
| 6. Patwari Halqa Gandhri | Member |
| 7. Patwari Halqa Sawani | Member |

The Committee of revenue expert conducted demarcation of the subject land on 16-01-2025 and also examined and verified relevant revenue records i.e. Jamabandi, Khasra Girdwari and Akas Latha of village Bankoot in presence of the applicant and submitted demarcation report to the Deputy Commissioner Ramban on 01-02-2025 (**Copy enclosed as Annexure 1**).

The Report of the committee is reproduced as under:

S. No.	Observations raised	Reply
1.	Compensation payable to the applicant and other land owners for damage caused to their agricultural crop and houses as identifiable;	After perusal of records and spot, it has been found that Khasra Nos. 210, 211 and 212 of village Bankoot, Tehsil Banihal are in the possession of petitioners along-with other co-owners/co-sharers and the land in question underlying Khasra No.582 is State land . Further, it was found that no crop/structure damages have been occurred in the Khasra No. 210. 211 and 212, which is the proprietary land of the petitioners and co-sharers.
2.	Remedial Measures already taken by the Project Proponent; and	ABCI Infra Pvt. Ltd. (Project proponent) constructed Retaining/Concrete wall outside the abandoned Tunnel T-77 to hold back the muck at the site. The company has also constructed RCC drain and concrete ramps over the pathways/crossing points over drains which shall safeguard the residential houses and agricultural land of the petitioners and other co-sharers from torrential rains/downpours.
3.	Remedial measures to be taken by utilization of the Environmental Compensation to be realized, if any.	Following remedial measures can be taken by utilizing Environmental compensation to be realized; 1) Soil stabilization and Green cover. 2) Erosion control measures by way of construction of gabions walls, check dams etc. 3) Restoration of aquatic habitats by creating fish ponds or water harvesting tanks. 4) Plantations of tree species that enhance bio diversity and improve soil health.

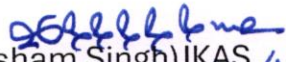
- During the site inspection, no damage is reported to have taken place on the proprietary lands of the applicant comprising khasra No. 210,211 and 212 of village Bankoot, Tehsil Banihal, District Ramban.
- As per the demarcation committee report khasra No. 582 is a state land recorded in the revenue records (Sarkar -Maqbooza Sarkar).
- Khasra No. 214 of village Bankoot, measuring 6 kanals and 7 marlas is also recorded as Sarkar (State), under Section 4 of the Jammu and Kashmir Agrarian Reforms Act 1976.

Therefore, the recommendations of the committee are endorsed. The District Development Commissioner, Ramban could be authorized to get a developmental plan prepared on the lines recommended by the demarcation committee and local needs of the peoples of the area for utilization of the amount deposited by the project proponent.

In view of the findings of the demarcation committee report, the claim of the applicant in the OA does not sustain as no damage is reported to have occurred in their private land comprising Khasra No. 210, 211 and 212 of village Bankoot. Whileas, khasra no. 582 and khasra no. 214 of village Bankoot are state land.

Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.


(Ghansham Singh)JKAS 4.2.25
Member Secretary
J&K PCC



GOVERNMENT OF JAMMU & KASHMIR U.T

OFFICE OF THE DEPUTY COMMISSIONER RAMBANE-mail:- dcramban-jk@nic.in

Fax/Ph. 01998-266906/266789

**Deputy Commissioner,
Ramban****No: DCR/SQ/2024-25/3508****Dated: 01.02.2025****Subject:** Report of committee in case titled Asgar Ahmed Najar v/s Ministry of Environment, Forest Climate Change and others O.A No. 706/2022 filed before Hon'ble National Green Tribunal, New Delhi.

Sir,

In compliance to the order referred above. In this connection, the report of committee duly signed by all the committee members is hereby submitted for your kind perusal please.

Yours faithfully,

Harpal Singh, JKAS
Assistant Commissioner (Rev.)
Ramban

Committee Report

Sub: Report of Committee for Demarcation of land in case titled Asgar Ahmed Najar V/s Ministry of Environment, Forest, Climate Change and Others in OA No. 706/2022 filed before Hon'ble National Green Tribunal, New Delhi- Regarding.

Reference: Order vide No. DCR/ARA/Order/118-27 dated 15.01.2025.

A committee of the below mentioned officers/official(s) was constituted by the Deputy Commissioner Ramban vide Order No. DCR/ARA/Order/118-27 dated 15.01.2025 to verify the claims of the Petitioners in court case titled **Asgar Ahmed Najar V/s Ministry of Environment, Forest, Climate Change and Others in OA No. 706/2022 filed before Hon'ble National Green Tribunal, New Delhi:**

1. Assistant Commissioner Revenue: Chairman
2. Tehsildar Batote: Member
3. Naib Tehsildar Chanderkote: Member
4. Naib Tehsildar Khari: Member
5. GQ Lal Singh in the officer of Deputy Commissioner Ramban: Member
6. Patwari Halqa Gandhri: Member
7. Patwari Halqa Sawani: Member

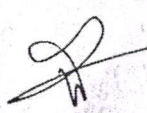
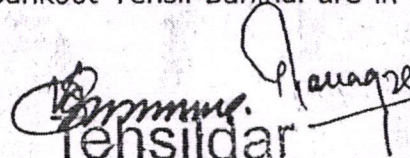
The committee was asked to ascertain the claims of the petitioners after demarcating the land in question to comply the below mentioned directions passed by the Hon'ble NGT, New Delhi:

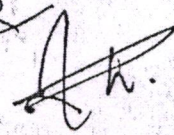
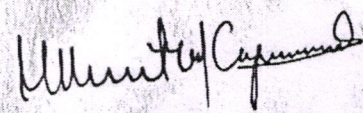
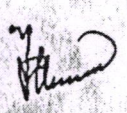
- i. Compensation payable to the applicant and other land owners for damage caused to their agricultural crop and houses as identifiable;
- ii. Remedial measures already taken by the project proponent and
- iii. Remedial measures to be taken by utilization of the Environmental Compensation to be realized, if any.

The committee members visited the spot on 16.01.2025. SDM Banihal, Tehsildar Banihal, Naib Tehsildar Banihal, Patwari Halqa concerned, Lambardar Deh, Chowkidar Deh, petitioners and other co-sharers were also present on the spot.

The Committee members verified the revenue record i.e. Jamabandi, Khasra Girdawari and Akas Latha of village Bankoot Tehsil Banihal available with the Patwari Halqa and conducted demarcation of the land in question in presence of the petitioners.

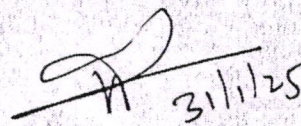
After demarcation of land, it has been found that Khasra Nos. 210, 211 and 212 of village Bankoot Tehsil Banihal are in the possession of petitioners along-with other



 Tehsildar
 Batote

		other co-sharers from torrential rains/downpours.
3.	Remedial measures to be taken by utilization of the Environmental Compensation to be realized, if any.	<p>Following remedial measures can be taken by utilizing Environmental compensation to be realized;</p> <ol style="list-style-type: none"> 1) Soil stabilization and Green cover. 2) Erosion control measures by way of construction of gabions walls, check dams etc. 3) Restoration of aquatic habitats by creating fish ponds or water harvesting tanks. 4) Plantations of tree species that enhance bio diversity and improve soil health.

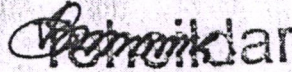
Hence, the report is submitted for your kind perusal, please.


 31/1/25
Assistant Commissioner, (Rev.),
Ramban.

(Chairman of the Committee)

Committee Members:

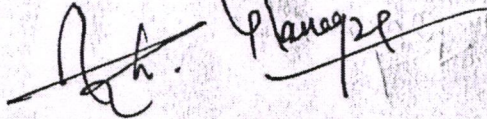
1. Tehsildar Batote.


Tehsildar

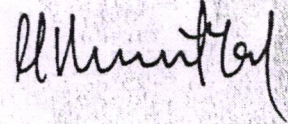
2. Naib Tehsildar Chanderkote.

Batote

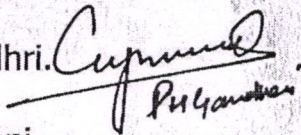
3. Naib Tehsildar Khari.



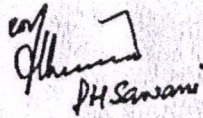
4. GQ Lal Singh in the office of Deputy Commissioner Ramban.



5. Patwari Halqa Gandhri.


Patwari

6. Patwari Halqa Sawani.


Patwari