

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

No. PCB-OA No. 266/2022-

4345

Dated: 21 ⁶/₂₂

To

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

Subject: Compliance/Joint Inspection Report in compliance to Hon'ble NGT's order dated 26.04.2022, passed in O.A. No. 266/2022 titled as Narayan Dass & Ors. Vs. State of Himachal Pradesh & Ors., before the Hon'ble NGT, Delhi.

Sir,

Kindly refer to the order dated 26.04.2022, passed by Hon'ble NGT in the afore-cited matter related to alleged change of land use/cutting of 450-500 trees on the Govt. land at Khasra No. 308/1 near Banuti, District Shimla H.P. wherein, following directions have been passed qua the State Board:-

".....2. In view of the serious allegations made in the present letter Petition, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of State PCB, Divisional Forest Officer and Deputy Commissioner, Shimla. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law....."

The matter is listed for consideration on 20.07.2022.

In compliance to afore-cited Hon'ble NGT's order dated 26.04.2022, the Joint Committee has submitted a Joint Inspection Report dated 17.06.2022. As per the report, the site in question i.e. Khasra No. 308/1 situated in Mauja Up Mohal Banuti, P.O. Rodi, Tehsil Shimla (Rural), District Shimla H.P. was inspected on 19.05.2022. Reportedly, the complainant, Sh. Narayan Dass was also present at site. Copy of the Joint Inspection Report is annexed as **Annexure R-1**.

As per the said report, the said site i.e. Khasra No. 308/1 is situated in Mauja Up-Mohal, Banuti, P.O. Rodi, Tehsil Shimla (Rural) District Shimla H.P. and status of land is *Charagah*. As per the revenue record, the land is in ownership of Government of Himachal Pradesh and the possession of the land is recorded as '*Kabja Swayavam Tabe Hakuk Bartan Bartarndaran Mutabik Naksha Bartan*' measuring 33.56 biswa.

It is also reported that no such indicators e.g. stumps of the felled tree logs/timber were found on spot so it cannot be said that illegal felling took place for the development of ground. However, the levelling of the land has been done by using JCB Machine and it can be presumed that certain bushes have been removed from the site. Khasra No. 308/1 at Mauja Up-Mohal Banuti, P.O. Rodi, Tehsil Shimla (Rural) District Shimla H.P. which is adjacent to the ground, is in the occupation of Himachal Pradesh State Electricity Board Limited (HPSEBL). The HPSEBL during the year-2017-18 had applied for the felling of trees for the installation of 33 KV Sub-Station and the then Chief Conservator of Forest (CCF), Shimla Forest Circle vide letter dated 02.01.2018 conveyed the approval for the felling of 26 trees of various species/classes besides 6 no. sapling for the installation of the said sub-station of HPSEBL. No Government Forest land exists in and around the said Khasra number.

It is also submitted that reportedly, when complainant, Sh. Narayan Dass was asked about his grouse/grievances, he stated that he has made no such complaint to any authority regarding cutting of trees and it is totally baseless.

The copy of Joint Inspection report annexed at **Annexure R-1** may kindly be placed on record please.

(Encl: as above)

Yours

faithfully,

Signed by Apoorv Devgan

Date: 21-06-2022 12:59:57

Apoorv Devgan

Member Secretary

HPSPCB, Shimla



HP STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, "HIM PARIVESH"
PHASE - III, NEW SHIMLA - 171009

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Phone No. - 0177-2673274



No. PCB/ROS/ Court Case (OA No. 266/22)/2022 ⁵⁴³⁻⁴⁵

Dated-17/06/2022

To,

✓ The Member Secretary,
 HP State Pollution Control Board,
 Him Parivesh, Phase-III,
 New Shimla, Distt. Shimla (HP)

Subject:- Regarding - OA No. 266/2022 titled Narayan Dass & Anr v/s State of HP & Ors. - regarding.

SLO
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ALO
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18/6/22
Sir,

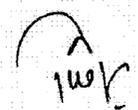
This is in reference to your office letter No. HPSPCB (DL-318)/ OA No. 266/2022/-1711-13, dated 04.05.2022 on the subject cited above. In this context, the joint inspection by the committee was carried out on 19.05.2022.

The Joint Inspection Report is annexed herewith alongwith copy of statement of Petitioner for your ready reference.

Submitted for kind information, please

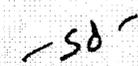
Yours Faithfully,

Enclosed: - Annexure-A
 (In Original)


 (Er. Lalit Kumar)
Environmental Engineer
HP SPCB, Shimla

Copy forwarded for information alongwith copy of report, please: -

- 1) The Deputy Commissioner, Shimla.
- 2) The Divisional Forest Officer, HP Forest Department, Division Shimla (Rural), Distt. Shimla (HP).


 (Er. Lalit Kumar)
Environmental Engineer
HP SPCB, Shimla

Inspection Report of The Joint Committee Carried Out On 19.05.2022 in Compliance to Order Dated 26.04.2022 Passed By Hon'ble National Green Tribunal In OA No. 266 Of 2022 Titled as "Narayan Das & Anr. V/S State Of Himachal Pradesh & Others".

Background Note:- Hon'ble National Green Tribunal on 26.04.2022 in the matter of OA No. 266 of 2022 titled as Narayan Das & Anr. V/s State of Himachal Pradesh & Ors. related to alleged change of land use of Govt. Land at Khasra No. 308/1 by cutting about 450-500 trees near Banuti, District Shimla passed the following orders.

".....2. In view of the serious allegations made in the present letter petition, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of State PCB, Divisional Forest Officer and Deputy Commissioner, Shimla. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law....."

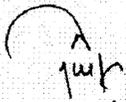
In compliance to the orders passed by Hon'ble National Green Tribunal on 26.04.2022, site inspection was carried out by the joint committee comprising of Deputy Commissioner, Shimla, Divisional Forest Officer, Shimla and Regional Officer, HPSPCB Shimla on 19.05.2022. Sh. Narayan Dass, the complainant was also present at site. The point wise factual report is as under:-

- The site in question i.e. Khasra No. 308/1 falls in Mauja Up-Mohal Banuti, PO Rodi, Tehsil Shimla (Rural), Distt. Shimla (HP) and the status of land is Charagah. As per revenue record, the owner of the land is Government of Himachal Pradesh and the possession of land is recorded as 'Kabja Swayavam Tabe Hakuk Bartan Bartandaran Mutabik Naksha Bartan' measuring 33.56 biswa.
- In the alleged play ground, no such indicators e.g. stumps of the felled tree logs/timber were found on spot which proves that illicit felling of trees have taken place for the development of ground. However, the levelling of the land has been done using JCB and it is presumed that certain bushes have been removed from the site.
- The HPSEBL is in occupation of the Khasra No. 308 Mauja Up-Mohal Banuti, Tehsil and District Shimla adjacent to ground. The HPSEBL during the year 2017-18 had applied for felling of trees for the installation of 33 KV sub station and the then CCF Shimla Forest Circle vide letter no. C-28-B-1265 Shimla -11027 dated 02.01.2018 conveyed the approval for the felling of 26 trees of various

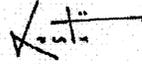
species/classes besides 6 no. saplings for the installation of the said sub station of the HPSEBL.

- The said land forms part of the allotable pool of revenue department as certain land has been found allotted vide which residential houses have been found constructed.
- No Government Forest land exists in and around the said Khasra No.

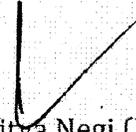
It is pertinent to mention here that when Sh. Narayan Dass, the complainant was asked about his grievance, he apprised that he has not made any complaint to any authority regarding cutting of trees and it is totally baseless. The statement of Sh. Narayan Dass was recorded and is attached as **Annexure-I**.



Lalit Kumar
Environmental Engineer,
HPSPCB, Shimla



Krishan Kumar
Divisional Forest Officer,
Shimla (Rural)



Aditya Negi (IAS)
Deputy Commissioner,
Shimla

मैं नारायण दास, निवासी ग्राम बचूली, डा०धर रोड़ी, तहसील व जिला शिमला। यह वेपत्रान देता हूँ कि मैंने बचूली में खासरा नं० ३४/१ में ५००-५०० पेंड के कलम से संबंधित कोई भी शिकायत किसी भी विभाग को नहीं की है। यह शिकायत पूरी तरह से निराधार है।

दिनांक :- १९ मई, २०२२

नारायण दास

नारायण दास

गाँव - बचूली

डा०धर - रोड़ी

तहसील जिला - शिमला

हि० प्र० १७१०॥