

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCHAT NEW DELHI

Original Application No. 628/2025

IN THE MATTER OF:

Onkar Singh

...Applicant

Versus

State of Himachal Pradesh

...Respondent

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FILED  
District Forest Officer  
Nurpur Forest Division  
Nurpur, H.P.  
COUNSEL FOR THE RESPONDENT

*(Signature)*

ANIL JARYAL  
Chamber No.109, Block-03  
Delhi High Court.  
Email: [aniljaryal07@gmail.com](mailto:aniljaryal07@gmail.com)

Dated: 11/05/2026

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CONSOLIDATED REPLY ON BEHALF OF RESPONDENT NOS.1 TO  
11 AGAINST THE ORIGINAL APPLICATION FILED BY THE  
APPLICANT.

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS & OBJECTIONS:-

1. That the applicant has filed the present Original Application before this Hon'ble Tribunal alleging that a kacha forest road measuring approximately 2.5 to 3 kilometres has been illegally constructed from Parla Nala Doba to Choukhyal within Forest Block/Range Jawali, without obtaining any permission or proper clearance from the competent authorities. It has further been alleged that more than 200 valuable forest trees were illegally felled during the alleged construction activity.
2. That at the outset and without prejudice to the submissions made herein, it is humbly submitted that the present Original Application/Petition is ex facie not maintainable and deserves to be dismissed, as the substantive reliefs sought by the applicant travel far beyond the statutory jurisdiction

  
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vested in this Hon'ble Tribunal/Court. The applicant has invoked the jurisdiction of this Hon'ble Tribunal/Court for seeking directions and reliefs which this Hon'ble Tribunal/Court is not empowered to grant under the applicable provisions of law. The present proceedings are therefore legally untenable. In absence of any statutory provisions under the law, this Hon'ble Tribunal/Court cannot entertain or grant the reliefs sought by the applicant, thus, the present application/petition deserves to be dismissed in limine as not maintainable. Further, it is humbly submitted that the jurisdiction of this Hon'ble Tribunal under the provisions of the National Green Tribunal Act is limited to adjudication of substantial questions relating to environment. The applicant cannot, by clever drafting confer jurisdiction upon this Hon'ble Court/Tribunal which does not exist in law."


3. That, it is most respectfully submitted that the allegations levelled by the applicant are wholly false, frivolous, misconceived and devoid of merits. The present Original Application is bereft of material particulars, does not disclose any cause of action and the same is founded upon vague, bald and uncorroborated evidence. Moreover, the present OA filed by the applicant is beyond the period of limitation as no cause of action has arisen within the period of six months from filing the application.
4. It is further submitted that the present case has been instituted with ulterior motives and is manifestly vindictive in nature, solely with a view to harass and intimidate the authorities/public officials. The applicant has approached this Hon'ble Tribunal with unclean hands and has suppressed the material information and is attempting to misuse the process of law to settle personal scores arising out of Case No. 10/2025 under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, presently pending before the Court of Collector-cum-Divisional Forest Officer, Nurpur, against the applicant. Moreover, the applicant has levelled reckless personal allegations against various officers/officials

  
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without any basis. The present OA is therefore, nothing but an abuse of the process of law and is liable to be dismissed with exemplary costs.

5. It is most respectfully submitted that even prior to filing of the present Original Application, the applicant, namely Sh. Onkar Singh, had preferred a similar complaint before the Forest Department in the year 2024. It was alleged 'that an illegal kacha road measuring approximately 2.5 to 3 kilometres had been constructed from Parla Nala Doba to Choukhyal, extending up to the residence of Sh. Dullu Deen, S/o Hussain Ali, resident of Village Chukhial, P.O. Nana, Tehsil Jawali, District Kangra, Himachal Pradesh'. The applicant also levelled sweeping allegations against various Forest Department officials, including the Forest Guard, Deputy Ranger, Range Officer and Divisional Forest Officer, alleging their connivance and complicity in the purported illegal activities. *The applicant had further alleged that the said Sh. Dullu Deen had illegally encroached upon approximately 50-60 kanals of forest land. Serious and sweeping allegations were also levelled by the applicant against various Forest Department officials, including the Forest Guard, Deputy Ranger, Range Officer and Divisional Forest Officer, alleging their connivance and complicity in the purported illegal activities".*
6. That, in order to verify the allegations, a committee under the chairmanship of Sh. Nishant Prashar, HPFS, Assistant Conservator of Forests, Nurpur, was constituted. The said Committee visited the same spot/area between 20.12.2024 to 10.02.2025 and conducted a detailed inquiry and submitted its report. The copy of inquiry report along with enclosures is annexed herewith as **Annexure R-1**. The conclusions and recommendations of the Committee, in brief, are reproduced herein as under:
- 1) *The allegation that an illegal road from Parla Nana Doba to Choukhyal upto the house of Sh Dullu Deen has been constructed in forest land during July -Nov 2022 was found to be false.*

  
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- 2) The allegation that more than 200 trees were felled during construction of above Mentioned road was also found to be false.
- 3) An old case of Illegal encroachment on forest land by Sh Dullu Deen S/o Hussian Ali R/o Vill Chukhial PO Nana, Tehsil Jawali, Distt, Kangra, HP was found, regarding which necessary action has been taken by concerned range staff.
- 4) No evidence was found regarding use of HPPWD JCBs in construction of road.
- 5) Evidence was found regarding laying of cemented culverts by HPPWD Jawali. Necessary action has been taken in this matter by RFO Jawali by issuing Damage Report against PWD and by seizing and removing the cemented pipes. Strict instructions have also been issued to BDO Nagrota Surian, Executive Engineer HPPWD Jawali and Pradhan Gram Panchayat Nana in this matter.
- 6) During the course of inquiry, it was found that some encroachment matters were pertaining to the ambit of revenue department. Those cases have been transferred to concerned office for taking cognizance and action in the matter.
- 7) It has come up that during monsoons when the road is closed due to debris, the debris is removed by locals as per their rights in wajib-ul-arj. The above action of clearing path was found to be in accordance with the rights so enlisted in wajib-ul-arj.
- 8) Since it has come up during the course of inquiry that the complainant may have made this complaint with malafide intentions, therefore legal action as per law may be initiated against him and to set an exemplary precedent to avoid unnecessary harassment of officers/officials at the hands of such malafide complainants in future.
- 9) Action may also be initiated against Advocate Sh. RK Mankotia as well as media person from RV7 Sh. Pandey alongwith his female accomplice to assist the complainant in making this baseless and fake complaint in


  
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*order to harass officers/officials for reasons best known to them. It is further submitted that genuine complaints as well as complainants must be welcomed but at the same time fake complainants must also be discouraged in order to prevent officers from harassment from fake allegations.*

*10) Seeing the nature of complainant and his team, it is anticipated that they may put further fake allegations, either by themselves or under anonymous or under fictitious names against forest officers, officials or even against Inquiry team for bringing out their bluff in open. It is recommended that in such case necessary protection be provided to all concerned and further necessary action as per law be initiated against the complainant and his team.*

7. It is respectfully submitted that more than 100 households belonging to the Gaddi Scheduled Tribe communities and Gujjar residents of Village Parla Nana have been using the said kacha path as a customary and traditional right of way for several decades. The said path is the only accessible route/road available to the villagers for connectivity with the main PWD road, there being no other alternative road, passage or means of access for the aforesaid tribal inhabitants. Total length of road is around 3 km out of which around 1 km stretch is private and rest of the road is a kachcha road and is in forest land. Recent photograph of the spot/kacha road is annexed herewith as **Annexures R-2**.
8. It is further submitted that the villagers have been continuously and uninterruptedly using the said kacha path for several decades not only for their personal ingress and egress, but also for movement of their livestock, including cows and other cattle. Owing to regular and continuous usage by the villagers and their cattle, coupled with the effects of monsoon rains and natural wear and tear, the kacha path frequently sustains damage. In such circumstances, the local villagers themselves, through manual labour and community efforts, undertake necessary repairs, clearance and

  
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restoration of the said path to keep it functional/useable for daily access and movement.

9. That is respectfully submitted that there previously existed a Forest Department nursery adjacent to the water nala situated along the said path. During the course of inspection/visit conducted by the designated committee, several local villagers disclosed that they had worked as labourers in the said nursery and had also undertaken plantation activities in the adjoining forest area. The villagers further categorically stated that the bridle/kacha path had intentionally been retained and maintained for the movement and access of the local inhabitants. Thus, the existence of the aforesaid Forest Department nursery itself establishes the long-standing and pre-existing nature of the said kacha/bridle path. Photographs showing forest department previous nursery is annexed herewith as ANNEXURE R-3.

10. Moreover, it is relevant to point out the complainant/applicant has contradicted his own statements whereby he admitted before the committee that approximately 10 years ago, while serving as a member of the local Panchayat, he had undertaken renovation of an old "babri" (traditional water source) and certain drinking water streams situated along the very same path. Such admission on the part of the complainant conclusively establishes that the path in question has existed for several years and is not a newly constructed road, as falsely alleged in the present Original Application. Thus, the present OA filed by the applicant is nothing but a bundle of lies, misconceived and a complete abuse of the process of law.

11. It is respectfully submitted that the statement of Smt. Kamlesh Kumari, Pradhan, Gram Panchayat Nana, appended with the inquiry report (Annexure R-I) as Annexure-III, lends complete corroboration to the stand of the answering respondents. In her deposition, the Pradhan has clearly stated that the alleged road/path in question is an old and existing

  
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thoroughfare, which has been in continuous use by the local inhabitants for their regular ingress and egress since long. In her statement, she has denied the allegations and categorically stated that no trees were cut, felled, uprooted or damaged in any manner whatsoever during the relevant period. The Pradhan further affirmed that neither any new road was constructed nor was any existing path widened or altered in the manner alleged by the applicant. Thus, the statement of the Pradhan, completely demolishes the baseless allegations pertaining to unauthorized construction activity and alleged environmental degradation.

12. That, in compliance of the order dated 18.12.2025 of this Hon'ble Tribunal, the members of the committee, i.e. SDM Jawali, DFO Wildlife Hamirpur, DFO Nurpur and their respective staff members visited the area/spot in question on 24.02.2026. During the course of inspection, the complainant was present along with media personnel. The Committee heard the grievances of the complainant in detail who also accompanied the team throughout the inspection. The entire stretch of the Kacha path was visited along with the team members and the complainant. During the course of inspection, the complainant was asked to point out the alleged illegal felling of trees, damage to wildlife and other accusations made by him, however, he was unable to provide any proof or evidence of tree felling/uprooting or wildlife damage. The report of the committee has been submitted separately for kind perusal of this Hon'ble National Green Tribunal.

13. It is respectfully submitted that during the course of inspection/spot visit, the designated committee did not find any evidence whatsoever of uprooted trees, deforestation, ecological degradation or damage to wildlife in the area in question. The allegations levelled by the complainant/applicant were found to be wholly baseless, unfounded and unsupported by any credible evidence.


  
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14. It is pertinent to mention herein that the local residents informed the committee that leopards are frequently sighted in the said area. The regular presence of such predators itself indicates the existence of a healthy population of wild animals which reflects the ecological environment in the area is healthy and intact, thereby completely negating the allegations of environmental destruction as alleged by the applicant.
15. In view of the aforesaid facts and circumstances, the present Original Application is wholly misconceived, malicious and devoid of merit. The same has been filed on the basis of false, exaggerated and unsubstantiated allegations with an ulterior motive to harass public authorities and officials. The present OA, therefore, deserves to be dismissed with exemplary costs in the interest of justice.

#### REPLY ON MERITS


16. That the contents of para no. 4.a) being a matter of record does not need any reply.
17. That the contents of para no. 4. b) are false and incorrect and hence denied. It is respectfully submitted that, as clearly recorded in the Committee Report dated 28.04.2025 (Annexure R-I), the allegation regarding felling of 200 trees during the construction of the alleged road has been found to be false. It is further submitted that the allegation pertaining to the illegal construction of a road from Parla Nana Doba to Choukhyal, upto the house of Sh. Dullu Deen, has also been found to be false, as per the findings of the said Committee. It is further respectfully submitted that the report of the new Committee constituted in view of the directions passed by this Hon'ble National Green Tribunal has categorically recorded that no evidence of uprooted trees/felling of trees or any form of damage to wildlife was found at the site in question. The said Committee has, upon due inquiry, concluded that all allegations pertaining to wildlife damage

  
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are baseless and devoid of any substance. Therefore, the claim of the petitioner is wholly baseless and without merit.

18. That the contents of para no. 4. c) are admitted only to the extent that consequent upon the transfer of respondent No. 6, Sh. Kuldeep Singh Jamwal, HPFS, to Wildlife Division, Chamba, respondent No. 7, Sh. Amit Sharma, HPFS, took over as DFO, Nurpur. Rest of the contents in the para are denied. It is specifically denied that the Forest Department carried out any maintenance or repair work of the road or path in question or that any evidence was removed during the year 2023, as alleged.
19. That the contents first part of para no. 4. d), are incorrect and hence denied. As already stated in the preceding paragraphs, the Forest Department has neither carried out any maintenance or repair work of the road or path in question nor destroyed any evidence, as alleged or at all. It is further submitted that the Committee constituted by this Hon'ble National Green Tribunal, as well as the departmental committee, has not found any evidence substantiating the allegations regarding construction or maintenance of the road in question by the Forest Department during the course of inspection/visit to the spot. Insofar as the allegation regarding cemented pipes is concerned, it is submitted that certain pipes had been placed by the villagers on the road in question for drainage of water; however, the same were subsequently removed by the local field staff of the Forest Department. At present, there are no cement pipes or culverts existing on the road or in the area in question. It is further submitted that a detailed inquiry has been conducted by the Forest Department, the findings whereof are evident from Annexure R-I, which is being relied upon.
20. That in reply of para no. 4. e), of the application, it is submitted that a portion of forest land had been encroached upon by Sh. Husain Ali, S/o Gulabu Ali Deen. However, the said encroachment has since been duly removed by the Forest Department in accordance with law, and possession

  
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of the encroached land has been restored to the Department. The said area has thereafter been secured by way of fencing and appropriate plantation activities have also been undertaken therein by the Forest Department and the said area as well as kacha path in question being monitored regularly by the local field staff of Forest Department i.e. Forest Guard, Deputy Ranger. It is emphatically stated that no road, including any alleged kacha forest road from Doba to Choukhyal, has ever been constructed by the Forest Department or by any other department, as falsely alleged. The recent photographs of fenced area and kacha path in question are already enclosed.

21. That the contents of paragraph no. 4. f). of the application are false and incorrect and hence denied. It is specifically submitted that no road within the jurisdiction of the Nurpur Forest Division has been constructed without obtaining prior approval from the competent authority, nor has any tree been felled or removed without due permission, as required under law. It is further submitted that no instance of encroachment by way of illegal construction over forest land has taken place in recent years, as alleged. It is also submitted that, wherever cases of old encroachments over forest land have been detected by the field staff, appropriate proceedings have been initiated and such matters are presently under consideration/trial before the Divisional Forest Officer, Nurpur, who is exercising the powers of Collector under H.P. Public Premises and Land (Eviction and Rent Recovery) Act, 1971. At present 60 cases are under trial in the Court of Collector-cum-DFO Nurpur, in terms of the provisions contained in the H.P. Public Premises and Land (Eviction and Rent Recovery) Act, 1971. Further, it is respectfully submitted that the Forest Department has already undertaken various conservation and preventive measures to check and prevent further encroachment upon forest land. Regular review meetings in this regard are being convened from time to time and the concerned officers/officials are being issued

  
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necessary directions and guidance for strict monitoring of forest areas. Continuous field inspections and patrolling are being carried out by the local field staff of Forest Department to detect and prevent any fresh encroachment at the initial stage itself. Further, the state government has also appointed Van-Mitra in forest areas to help and assist the local villagers in their daily lives and also to check illegal encroachments or any environmental related issues.

It is also further submitted that from time to time, restoration activities are also being implemented in the affected forest areas, which include removal of unauthorized occupation/structures, regeneration and plantation activities, soil and water conservation measures and protection of degraded forest land through regular supervision by the departmental staff. Necessary coordination with local administration and revenue authorities is also being maintained for effective protection and restoration of forest land. Thus, the averments made by the applicant in this regard are wholly baseless, misconceived and devoid of any factual foundation and are therefore liable to be rejected outright.

**REPLY TO GROUNDS:**

22. That the contents of para no. 5. a) are incorrect, false and hence denied. It is specifically denied that respondent Nos. 6 to 11 have committed any offence or violated any provision of law, as alleged or at all. It is further submitted that, as already stated in the preliminary submissions and the preceding paragraphs, the matter has been duly inquired into by the Committee constituted by this Hon'ble National Green Tribunal, as well as by the departmental committee, and the allegations levelled by the

  
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applicant have been found to be false and devoid of merit. In view of the above, the question of initiating or taking any action against respondent Nos. 6 to 11 does not arise. Thus, the allegations to the contrary are wholly misconceived, baseless and untenable. In this regard, it is submitted that the original application is more accusatory in nature making personal remarks against the senior officials of the department and have been instituted with ulterior motives and are manifestly vindictive in nature, solely with a view to harass and intimidate the authorities/public officials. It is further submitted that there is an attempt to misuse the process of law to settle personal scores arising out Case No. 10/2025 under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, presently pending before the Court of Collector-cum-Divisional Forest Officer, Nurpur, against the applicant

23. That the contents of para no. 5. b) does not call for any specific reply as the same has already been answered in the preceding paras.
24. That the contents para no. 5. c) are incorrect and false and hence vehemently denied. In this regard, it is submitted that the applicant has not enclosed any supporting documents in support of the averments made in this para. In the absence of any material or documentary evidence, the allegations remain bald, unsubstantiated and are liable to be rejected.
25. That the contents para no. 5. c) are incorrect and false and hence vehemently denied. The applicant must be put to strict proof.
26. That the contents of para no. 6 is a matter of record. However, in this regard, it is respectfully submitted that the present OA filed by the applicant is beyond the period of limitation as no cause of action has arisen within the period of six months from filing the application. Moreover, the applicant has already exhausted all his remedies by filing representations before the concerned authorities way back in 2023-24 and his representations were duly attended by the officials. Further, an enquiry

  
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report has already been submitted pursuant to his complaints. Furthermore, the inquiry report conclusively recorded that the allegations of the applicant were found to be false, baseless and devoid on merits.

27. That the contents of para no. 7 is general in nature hence, needs no reply.
28. That with respect to the prayer clause, it is submitted that the reliefs sought by the applicant are beyond the scope or the powers of this Hon'ble tribunal, thus, this Hon'ble Tribunal cannot entertain or grant the reliefs sought by the applicantt , and as such, the present OA deserves to be dismissed being not maintainable with exemplary cost or pass any other directions/order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

  
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COUNSEL FOR THE RESPONDENT NO. 1



**ANIL JARYAL**

Chamber No.109, Block-03

Delhi High Court.

Email: [aniljaryal07@gmail.com](mailto:aniljaryal07@gmail.com)

Dated: 11<sup>th</sup> May 2026



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

NEW DELHI

Original Application No. 628/2025



Onkar Singh

...Applicant

Versus

State of Himachal Pradesh & ORS.

...Respondent

AFFIDAVIT

I, Sandeep Kohli, HPFS S/o Lt. Sh. Manohar Lal Kohli, aged 48 years, presently posted as Divisional Forest Officer, Nurpur Forest Division, District Kangara, Himachal Pradesh, do hereby solemnly affirm and declare on oath as under: -

1. That the accompanying reply to the Original Application NO. 628/2025 has been prepared under my instructions and at my instance.
2. That the contents of paras 1 to 15 of the preliminary submissions and para 16 to 28 of the reply on merits to the Original Application are true and correct to the best of my knowledge as derived from the official record. No part of it is false and nothing material has been concealed there from.

2026 Date 11/5/26 Time 3:20 pm  
Deponent is identified by Sh. Vakeel Singh  
(Forest Guard, Jhansi)

Signature of

Oath Commissioner

Signature  
Divisional Forest Officer  
Nurpur Forest Division  
Nurpur, H.P.

VERIFICATION

That the deponent further declares that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing has been concealed there from.

Verified at NURPUR... on this...11... day of .DS. , 2026

certified that the affidavit was read over and explained in vernacular English to Shri Sandeep Kohli who seemed to have understood the same at the time of making thereof.

certified that the above was declared or solemn affirmation at Nurpur this day of 11/5/26 by Shri Smt Sandeep Kohli who is personally known to me or is identified by Sh. Vakeel Singh who is personally known to me.

Oath Commissioner  
Mirial Advocate  
Nurpur Dist Kangra H.P.

Signature  
Divisional Forest Officer  
Nurpur Forest Division  
Nurpur, H.P.  
Oath Commissioner  
Mirial Advocate  
Dist Kangra H.P.

No. 1148

H.P. Forest Department, Nurpur

Dated 12/8 APR 2025

**From:-** Inquiry officer cum  
Assistant Conservator of Forest Nurpur  
Nurpur Forest Division

**To:-** DFO Nurpur

**Subject:- Final Report-** Inquiry regarding a complaint in matter of Sh Onkar Singh Vs DFO (W/L) & Others.

**Memo:-**

Kindly find this in continuation of Interim report Endst No 8367 dated 13/01/2025 with reference to DFO Nurpur Office Order No. 159NFD/2024 dated 20/12/2024, Endst No. 8471-72 dated 17/01/2025, Endst No. 8863 dated 23/01/2025 & Endst No./Misc/10171-71 dated 13/02/2025.

Report as per instructions contained in office Memo No. Ft. 67-36/84 (Mgt) Rampur Vol-VII, Dt. 04/04/2021 and Ft. 772-34/80 (Mgt) Misc/Vol-IV, Dt. 14/03/2022:-

1. **Brief allegations as per complaint:-** Complaint matter received from Sh Onkar Singh Up-Pradhan GP Dhewa, Teh. Jawali, Distt. Kangra, HP Mob 9816221665- *through his counsel Sh R K Mankotia (Advocate) R/o VPO Kehrian, tehsil Jawali, Distt Kangra HP, Mob 9816467851*- regarding an illegal construction of approximately 2.5 to 3 km kachha road from Parla Nana Doba to Choukhya upto the house of Sh Dullu Deen S/o Hussian Ali R/o Vill Chukhial PO Nana, Tehsil Jawali, Distt, Kangra, HP in forest land using HPPWD trucks & JCBs during July –Nov 2022 and again between 15<sup>th</sup> Oct 2024 – 25<sup>th</sup> Oct 2024 using HPPWD JCBs, another issue being regarding the illegal encroachment of more than 50-60 kanals of forest land by Sh Dullu Deen S/o Hussian Ali R/o Vill Chukhial PO Nana, Tehsil Jawali, Distt, Kangra, HP, with serious allegation of connivance by Fgd Sh Vivek Sharma, Fgd Sh Satish Kumar, BO Sh Braham Singh, RO Sh Ashish Kumar, HPFS Sh Kuldeep jamwal, IFS Sh Amit Sharma.
2. **Inquiry Officer:-** Committee consisting ACF Nurpur as Chairman, Sh Shashi Pal RO Nurpur (After his retirement Sh Abhinav Thakur, the then additional charge RO Nurpur), Sh Jyoti Swarup, Kanungo Forest.
3. **Date of Inquiry:-** 20/12/2024, 24/12/2024, 06/01/2025, 03/02/2025, 10/02/2025
4. **Complainant associated:-** Yes
5. **Statement of Government officials:-** Yes. Statement of concerned officials taken.
6. **Local representative assimilated:-** Yes. Statement of Local Pradhan as well as Joint statement of locals taken.

**Findings:-** Spot was visited by committee alongwith concerned local field staff of Jawali range i.e. RFO, BO & Fgd on 20/12/2024. Further the spot was again visited by committee alongwith concerned field staff on 24/12/2024 in association with complainant Sh Onkar Singh, who was

accompanied with his counsel Sh RK Mankotia as well as mediapersons including one Sh Pandey from RV7 News who was accompanied with a female assistant. Complainant Sh Onkar Singh was also accompanied with some of his relatives as well as locals from his side. Smt Kamlesh Kumari Pradhan Gram Panchayat Nana and some locals of concerned Gram Panchayat were also present during the field visit.

After reaching the spot, the inquiry committee formally introduced themselves, along with the purpose of visit of inquiry committee to all concerned persons present on spot and also took their introduction. The complainant Sh Onkar Singh himself along with his team (*consisting of his advocate, mediapersons, his relatives and locals accompanying him on his behalf*), lead the inquiry committee to all the spots. The inquiry committee followed the complainant and his team and visited all the spots shown by them.

Firstly, the complainant & his team started from a place which was around 2-2.5 km from main road, on Parla Nana Doba to Choukhyal road (*towards the house of Sh Dullu Deen*). It was a unmetalled (*kachcha*) road which seemed to be possibly repaired at some points in recent months. Complainant and his team requested the inquiry committee to take cognizance of this particular stretch of road, however the complainant had mentioned complete road of Parla Nana Doba to Choukhyal road starting from main road in his written complaint.

Complainant & his team was then asked to show illicit felling of more than 200 precious forest trees of Sagwan, Shisham, Khair and other trees as mentioned in their written complaint, but they could only show very few trees which were either fallen during rainy season (with fallen tree still on spot) or few old to very old stumps. There was no new fresh/old felling of trees in massive numbers as mentioned in written complaint. Thus, the complainant and his team was unable to show 200 plus illicit felling of trees on spot as alleged in their written complaint. Instead they alleged that, earlier there were trees standing on that kachcha road stretch but those trees were felled during illegal construction of this kachcha road and that the stumps were uprooted and evidence was destroyed and that this construction of illegal road has happened in July-nov 2022. They further argued that, now it is the duty of inquiry team to inquire into their allegation regarding which no evidence was found on spot and to find out those trees by some technology or any other manner and take cognizance of the same and that the onus to prove their allegation now lies on Inquiry team. As per complainant these precious forest trees whose number is more than 200, were felled in the year 2022 while construction of this illegal stretch of road which specifically goes to the house of Sh Dullu Deen. Same stretch of road further bifurcated to the house/basti of gaddi community residing in the same village (*as per information given by local staff*) but complainant and his team seemed to be not interested in showing that stretch to the inquiry committee, however the cognizance regarding the same was suo-motto taken by inquiry committee as per spot visit. Along the stretch of road was shown a cemented culvert pipe on a small naala, whose cognizance was also duly taken by inquiry team.

Complainant and his team then lead the inquiry team to the house of Sh Dullu Deen and argued to take strict action against Sh Dullu Deen who was also present on spot alongwith his family. On the ridge, there was an old slate (slateposh) house of Sh Dullu Deen alongwith a cemented room with cemented courtyard on one side and cemented bathroom on another side.

Adjoining to this residential area was agricultural fields terraced along the downward slope of hill. On other side of uphill, there was a house (locked) which was told to Inquiry team to be owned by some brother of Sh Dullu Deen who no longer resides in that house. The complainant and his team asked the inquiry team to take cognizance of the same.

Further when Forest Kanungo cleared the land status of the spots i.e. house of Sh Dullu Deen and his brother as per his demarcation, the complainant and his team starting heated arguments with the Kanungo forest and whole complainant team ganged up against inquiry team and refused to accept the demarcation by forest kanungo and demanded a joint demarcation by revenue staff. Even doubts were raised on the credibility of inquiry team without any base upon which Inquiry chairman firstly made it clear to the complainant team to cooperate and give chance to inquiry team to take action. Further it was also made clear that if they have doubts on inquiry team itself then inquiry team will immediately leave the spot and also recuse itself from any further investigation and that they were free to let this matter investigated through any other or higher authority of their choice. After this the complainant and his team calmed down and requested the inquiry team to go further with the inquiry, the inquiry team only then continued further with the inquiry.

No other spot was shown by complainant and his team. After spot visit, the complainant requested for statement. Complainant gave his statement which was duly recorded word by word but when complainant was asked some questions for clarifications on some points by inquiry team, he straight away refused to answer any question. This was accepted by inquiry committee to be well within his rights to respond to the questions asked but when the same was supposed to be recorded he refused to sign the document. Even the complainant was made aware that if he will refuse to sign the statement then same can also be recorded "i.e. *the complainant refused to sign*" but the complainant and his team especially his counsel Mr Mankotia and mediaperson Sh Pandey interfered with the statement recording process and did not even agree to that, they argued that inquiry team has to compulsorily take only that statement from complainant which he himself wishes to give and he will not answer even a single question, no matter how serious allegations he has raised in his complaint against senior officers. Inquiry team agreed to that with condition that this whole fact alongwith the views of inquiry team will be duly recorded and mentioned in final inquiry report, in order to bring all this hostility on record. The statement of complainant as per his wish was then recorded. (Annexure-I)

It was quite strange that on one side the complainant Sh Onkar Singh had raised "Serious allegations" against "senior forest officers" in his written complaint in which words like "connivance" and "accused" were used against senior forest officers (IFS and HPFS Officers) which definitely required investigation and inquiry from complainant but on other side the complainant and his team were not agreeing to answer even a single question regarding the "serious allegations" so made by them in their written complaint. The intent of complainant team was clear that they may put any allegation (with base or even baseless) on any officer but will not take any responsibility regarding the authenticity of the allegations so made and that no onus lies on complainant to prove any such allegation, no questions will be answered by them, no matter to the public reputation of any officer at all. Complainant and his team even mentioned that while it

is their right to put allegations on officers, it is the duty of inquiry team to inquire those allegations and they will not answer or clarify even a single allegation so made against the officers/officials. (A general observation by Inquiry team- that nowadays it has become a trend in field to put fake and baseless allegations on higher officials, in order to harass them). It definitely raised serious doubts on the intent behind the allegations so mentioned in the complaint. After this, the Statements of Pradhan G.P. Nana, Statement of Sh Dullu Deen, Joint statement of locals which were present during inquiry and wanted to give statement were also recorded.

While inquiring the matter from Gram Pradhan (Annexure-II) as well as Joint statement of locals (Annexure-XII), contrary facts came out. As per their statements it came out that above mentioned kachcha road is quite old and has been used by locals since long. It also came out that no new construction has been done in recent times as alleged by the complainant. Further it also came out that the allegation that more than 200 trees were illicitly felled and uprooted and evidence destroyed, while construction of this illegal road in 2022 was also wrong. Both Pradhan as well as locals have clearly denied the allegation so made in the complainant. However, they agreed that, every year when road is damaged during monsoons, the locals including Sh Dullu Deen do repair the road as per their *right of way* so mentioned in *wajib-ul-arj*. Further it also came out that, the allegation of connivance of forest officers/officials in the illegal construction and illegal felling of more than 200 trees was also found to be wrong, given the fact that no such road was constructed in 2022 and no illicit felling of more than 200 trees was done.

During the course of inquiry on 24/12/2024, when complainant and his team refused to accept the demarcation by Kanungo Forest and demanded a joint revenue demarcation, the RFO Jawali was directed on spot to conduct a joint demarcation in association with complainant regarding the above matter. Necessary directions in writing were also passed to Tehsildar (Revenue) Jawali vide Endst No. 7347 dated 26/12/2024 (Annexure V) to conduct a joint demarcation as per provisions of law in association with complainant as well as forest officials.

On 17/01/2025, a letter dated 06/01/2025 was received by ACF Nurpur from complainant Sh Onkar Singh (Annexure-IV) regarding "failure to conduct the said Joint demarcation on time". The complainant in his letter, alleged that he received the intimation regarding joint demarcation from RFO Jawali only on 05/01/2025 through whatasspp mode and that on 06/01/2025 he reached the spot on time i.e. at 09:45am but no one came to spot till 12:15 pm after which he left the spot. Matter was inquired from both RFO Jawali as well Tehsildar Jawali vide Endst No. 8441-42 dated 17/01/2025 (Annexure-VII). As per RFO Jawali Letter Endst No. 1741/J dated 27/02/2025 (Annexure-XVI (i)), it was intimated that Joint demarcation was fixed by Tehsildar Jawali on 06/01/2025 and the complainant was duly informed by RFO Jawali regarding the demarcation vide Letter Endst No. 1489/J dated 04/01/2025 (Refer Annexure XVI (ii)) as well as through telephonic message. He further stated that complainant was present on spot on 06/01/2025 but left the spot during demarcation process. Tehsildar Jawali never gave any reply regarding the above mentioned issue, however from the perusal of the revenue demarcation report annexed with Tehsildar Jawali Letter Endst No. 81/Reader-I dated 31/01/2025 (Annexure- XIV), it is evident that that Sh Onkar Singh Up-Pradhan Gram Panchayat Dhewa was present on spot on 06/01/2025 but left the spot as the demarcation process started. Matter was also telephonically inquired from RFO Jawali. Thus,

it seems that it may be the case that demarcation party may have reached the spot late, *(although they should have reached the spot on time)*. It is also evident that complainant was present at the spot when demarcation party reached the spot and complainant himself left the spot for reasons best known to him. It seems that complainant is deliberately playing with the inquiry process which is further evident from the fact that he even allegedly mentioned the ACF Nurpur Letter no. 7348-52 dated 26/12/2024 (Annexure- V) and put allegations that he received that letter but no date of demarcation was mentioned on it. It is worth mentioning here that above said letter was not at all addressed to complainant Shi Onkar Singh. It was addressed to Tehsildar Jawali with request to conduct a joint demarcation in above matter in association with complainant and forest staff. Only a copy of above letter was sent to complainant alongwith 4 other officials just for information purpose, as per established office practices but he even used that against the departmental inquiry proceedings for the reasons best known to him.

Thus, in view of above facts, his allegations were rejected/ignored and demarcation as well as the demarcation report was accepted by inquiry team.

#### **Inquiry of matter from various departments:-**

As alleged by complainant the matter of alleged illegal construction of road and cemented culverts pipes was inquired from Executive Engineer HPPWD Jawali vide Endst No 7303 dated 26/12/2024 (Annexure-VI). The matter was also inquired from BDO Nagrota Surian (Annexure XXVI) vide Endst No 8651 dated 21/01/2025, Gram Panchayat Nana vide Endst No 8655 dt 21/01/2025 (Annexure XXVII) (Copies attached)

#### **Replies received:-**

\*Executive Engineer HPPWD Jawali- vide his letter Endst No. 8867-68 dated 20/01/2025 (Annexure-VIII) submitted that:-

- i) *found no record showing construction activity on the said road except laying hume pipe culvert on nallah which had been executed against deposit under Backward Area Sub Plan received during year 2021 vide office of Planning cell DC Kangra at Dharamshal letter No. PLG-KGR-BASP-2021-22-Jawali-3024-25 dated 02-12-2021.*
- ii) *No repair work has been done by HPPWD in Oct 2024 as well as July-Nov 2022. Copy of log book of JCB has been attached by them.*
- iii) *No kachcha road has been constructed by HPPWD and no HPPWD JCB has been used.*

FO Jawali vide Endst No. 8880 dated 23/01/2025 (Annexure-IX) was directed to take appropriate action as per law with respect to Ex. En. Jawali HPPWD reply i.e. Annexure-VIII.

\*Pradhan Gram Panchayat Nana- vide his letter dated 28/01/2025 (Annexure-X) has submitted that:-

- i) A sum of Rs 2,50,000/- has been sanctioned to Gram Panchayat nana for construction of Ambulance road from Nana Parla to Gujjar Basti via Dohba under MLALAD scheme (Copy attached)- but no work has been done by panchayat till date.
- ii) Panchayat resolution was issued for construction of above road. (Copy attached)

\*BDO Nagrota Surian- vide his Letter Endst No. 729 dt 05/02/2025 (Annexure-XI) has submitted that:-

- i) C/o ambulance road from Parla Nana via Dhewa to Gujjar Basti has been sanctioned by DC Kangra vide sanction order No KANGRA/YOJNA/VKVNY 2770 dated 03/08/2023 (Copy attached)
- ii) regarding execution of work by this office, 1<sup>st</sup> installment has been released on dated 19/09/2024 to GP Nana (Copy attached). But the work has not been started yet.
- iv) No any culvert/cemented pipes has been put out at our end during above said period.

**Action taken:-** Since no work was yet done on sanctioned work. A Letter Endst No. 1032 dated 26/04/2025 has been written to BDO Nagrota Surian, Xen Jawali, Pradhan Nana to halt any proposed construction activity (if any) on this road. (Refer Annexure XXII)

• **Demarcation report:-**

Vide repeated reminders to Tehsildar Jawali, the joint demarcation report was finally received by inquiry team on 07/02/2025 vide Tehsildar Jawali Letter Endst no. 81/Reader-I dated 31/01/2025 (Annexure XIV). After subsequent delay in getting the demarcation report, it was found that it barely mentioned the required details. It only mentioned that the house of Sh Dullu Deen lies in Khasra number 184/176 and that his toilet and bathroom lies in khasra number 177 which is under ownership of *Sarkar Himachal Pradesh kabijan najayaj allotable pool*.

In order to avoid further delay, point wise clarification (Annexure-xiii) was sought from Kanungo forest O/o DFO Nurpur vide Endst No 9720-22 dated 07/02/2025, as Kanungo Forest was also present during the joint demarcation so conducted by/on behalf of Tehsildar Jawali. Kanungo Forest vide his Letter Endst No. 9857 dated 10/02/2025 (Annexure- xv) submitted pointwise clarification w.r.t. various points, further the matter was also personally discussed with him and is summarized as under:-

- 1) **Land status of kachcha road from Parla Nana Doba to chokhial upto house of Sh Dullu deem-** Total length of road is around 3 km out of which around 1 km stretch is private and rest of the road is a kachcha road and is in Forest land.

- ii) Land status of house of Sh Dullu Deen-Part of his house falls on Khasra number 184/176 Raqba 0-01-23 which is under his private ownership while the cemented portion of his Toilet and bathroom lies in Khasra number 184/178 & 177 which is under ownership of HP Govt *khana kasht indraj mukhtalif kabijan najayaj allotable pool- which is DC land and not Forest land.*
- iii) Land status of encroachment in form of agricultural fields by Sh Dullu deen-is forest land whose possession as per information provided by field staff has been taken by forest department by way of fencing.
- iv) Land status of other structure (house of his brother)- Khasra no. 178 & 179; ownership HP Govt; Allotable pool; Kism Charagah Darakhtan- Action required to be taken by revenue department & not forest department.

Matter falling under the purview of revenue department has been transferred to concerned revenue authorities vide intimation vide Endst No. 1144 dated 28/04/2025 to take further necessary action in this matter. (Annexure XXiii)

#### **Inquiry from concerned staff:-**

**RFO Jawali Sh Ashish Kumar:-**

- i) Vide his Letter Endst No. 1741/J dated 27/02/2025 (Refer Annexure XVI (i)), he has submitted that with reference to laying of cemented culverts which has been admitted by Executive Engineer HPPWD Jawali, Damage Report No. 156 NFD/000023 dated 21/01/2025 has been issued against Ex En HPPWD Jawali and that the cemented pipes have been seized and removed from the spot.
- ii) RFO Jawali has further submitted that the allegation of complainant that the said kachcha path is constructed in 2022 is false and to prove it he has submitted various record/communication of earlier years i.e. prior to 2022 (as alleged by complainant) which has been marked in red ink and numbered as:-

*Annexure XVI (iii) for reference- which is Endst No. 704/J dt. 13.10.2020 from RFO Jawali to DFO Nurpur in reply to DFO Nurpur Letter No 8401 dated 8.10.2020 (marked as iv for reference), in which it has been clearly reported that an old kachcha road exists in Nana to Gujjar basti which passes through UP 104 Nana c17, c6 and that its condition deteriorates during monsoons (field report marked as v for reference). -Thus this old record clearly corroborates the version of locals as well as Gram Pradhan and proves that it existed earlier to 2022 clearly contradicting the allegation of complainant.*

*Similarly there are another communication submitted as record to prove his version which is marked for your reference as vi, vii & viii.*

*Similarly in another communication marked as ix, x & xi RFO Jawali vide Endst No. 763, 764, 765/J dated 23.10.2020 respectively has reported to DFO Nurpur that there is a plantation on*

*this road and this road is used by department for various forestry activities and that this road is quite old and people face problem to use this road during monsoons.*

*At present old planted trees of Sagwan can be seen slongside this kachcha road.*

**Conclusion:-** After considering these old record so submitted by RFO Jawali, it is clear that this kachcha road existed prior to 2022 and that it is being used since old time and thus the allegation by complainant that this stretch of road has been constructed by forest officers and officials in connivance in year 2022 by felling more than 200 precious trees is found to be wrong. **THUS, THIS ALLEGATION OF COMPLAINANT WAS FOUND TO BE WRONG AND BASELESS.**

iii) **Malafide intention of complainant:-** RFO Jawli has also brought to this to light that prior to this complaint, an another complaint was also received against this complainant i.e. Sh Onkar Singh S/o Bachitar Singh, i.e. the (Refer Annexure XVI (xiii) & (xiv)) that he has constructed solar panel on forest land and that a Damage report No. 156 NFD dated 17/06/2025 was issued against him (refer Annexure XVI (xii)) and that it was due to the action taken by forest department that present complainant Sh Onkar Singh have made false and baseless complaints on forest officers, just to harass them. Further, he has mentioned that, the accomplices of complainant i.e. Advocate Sh R K Mankotia has also made false complaints in another complaint in Indora range recently.

• **Statements of Sh Braham Singh BO Jawali (Annexure XVII), Fgd Sh Satish Kumar the then i/c Nana (Annexure XVIII), Fgd Vivek Sharma i/c Nana beat (Annexure XIX) :-**

They have submitted that, the above mentioned kachcha road is quite old and has been used by locals since long. Further no new road as alleged by complainant has been made in 2022 and no illicit felling of more than 200 trees has been held. They have submitted that locals have right of way as per wajib-ul-arj and locals do clear the road which is obstructed during monsoons making it suitable for movement. They have totally denied the allegation that they along with senior officers have connived to make such road as in reality no such road was constructed in 2022.

Further they have strongly argued that this false complaint has been made by complainant with malafide intentions and to prove this they have mentioned that on 17/06/2023 a damage report No. 156 NFD/000017 was issued by the then Fgd Sh Satish Kumar against Sh Onkar Singh for illicit felling in forest as a result of which the complainant Sh Onkar Singh was not happy and he threatened the then Forest Guard Sh Satish Kumar of consequences. Further in 2024 i.e. on 18/08/2024 Sh Onkar Singh was stopped for doing illegal encroachment on forest land and Sh Onkar Singh again threatened the Forest Guard as well forest department of consequences.

**Conclusion:-** It is clearly evident that prior to the current complaint, action was taken by forest department against the complainant Sh Onkar Singh for doing forest offence in year 2023 and 2024 by Forest Guard Sh Satish Kumar and Sh Vivek Sharma as a result of which complainant Sh Onkar Singh may have levelled fake and baseless allegations of serious

nature in order to harass forest staff as well as senior forest officers. It is worth highlighting that while the complainant has indiscriminately used the word "accused" and "connived" and even recommended to "immediately suspend and removed/dismissed from the services" but has not only failed but even refused to answer even basic questions regarding the serious allegations so made against officers during his statement.

His accomplices Advocate Sh RK Mankotia as well as mediaperson from RV7 Sh Pandey have assisted him in making this fake complaint. It is worth mentioning that they are also active/involved in assisting another such complainant in Indora range.

### Conclusion and recommendations:-

- 1) The allegation that an illegal road from Parla Nana Doba to Choukhyal upto the house of Sh Dullu Deen has been constructed in forest land during July -Nov 2022 was found to be false.
- 2) The allegation that more than 200 trees were felled during construction of above mentioned road was also found to be false.
- 3) An old case of Illegal encroachment on forest land by Sh Dullu Deen S/o Hussian Ali R/o Vill Chukhial PO Nana, Tehsil Jawali, Distt, Kangra, HP was found, regarding which necessary action has been taken by concerned range staff.
- 4) No evidence was found regarding use of HPPWD JCBs in construction of road.
- 5) Evidence was found regarding laying of cemented culverts by HPPWD Jawali. Necessary action has been taken in this matter by RFO Jawali by issuing Damage Report against PWD and by seizing and removing the cemented pipes. Strict instructions have also been issued to BDO Nagrota Surian, Executive Engineer HPPWD Jawali and Pradhan Gram Panchayat Nana in this matter.
- 6) During the course of inquiry, it was found that some encroachment matters were pertaining to the ambit of revenue department. Those cases have been transferred to concerned office for taking cognizance and action in the matter.
- 7) It has come up that during monsoons when the road is closed due to debris, the debris is removed by locals as per their rights in wajib-ul-arj. The above action of clearing path was found to be in accordance with the rights so enlisted in wajib-ul-arj.
- 8) Since it has come up during the course of inquiry that the complainant may have made this complaint with malafide intentions, therefore legal action as per law may be initiated against him and to set an exemplary precedent to avoid unnecessary harassment of officers/officials at the hands of such malafide complainants in future.
- 9) Action may also be initiated against Advocate Sh RK Mankotia as well as mediaperson from RV7 Sh Pandey alongwith his female accomplice to assist the complainant in making this baseless and fake complaint in order to harass officers/officials for reasons best known to them. It is further submitted that genuine complaints as well as complainants must be welcomed but at the same time fake

complainants must also be discouraged in order to prevent officers from harassment from fake allegations.

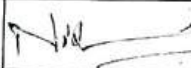

- 10) Seeing the nature of complainant and his team, it is anticipated that they may put further fake allegations, either by themselves or under anonymous or under fictitious names against forest officers, officials or even against Inquiry team for bringing out their bluff in open. It is recommended that in such case necessary protection be provided to all concerned and further necessary action as per law be initiated against the complainant and his team.

Report is hereby submitted for your kind perusal please.

Encls:-

As above

Signatures of Inquiry committee

Sr	Name of officer	Rank & Post	Signatures
1	Sh Nishant Prashar	ACF Nurpur	
2	Sh Abhinav Thakur	Now RFO Baldwara, Suket Division- (The then RFO Indora Addl. Charge Nurpur range, Nurpur division)	
3	Sh Jyoti Swarup	Kanungo Forest, O/o DFO Nurpur	

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Page No (31)

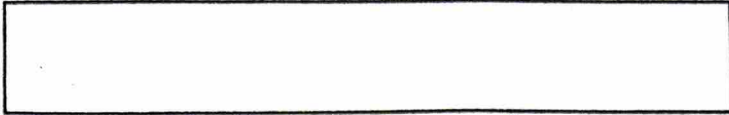
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IN THE COURT OF NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, DELHI

Suit/Appeal No. OA - 628/2025 JURISDICTION OF 201

In re: ONIKAR SINGH. Plaintiff(s) or Petitioner(s) Appellant(s) Complainant(s)

VERSUS

STATE OF H.P & ORR.

Defendant (s)/ Respondent(s) / Accused Know all to whom these Present shall come that I/we SANDGEET KOTHU, 40 MANDHAR, LAUL KOWALI, AGED 48 YEARS, PRESENTLY POSTED AS DFO, NURPUR DIVISION, KANGRA HP. RESPONDENT NO. 8

The above named ANIL JARYAL, D/3587/16, Ch-109, Block-03, DHC, #98712/11/2025 do hereby appoint (herein after called the advocate/s) to be my / our Advocate in the above - noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/we undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 12.05.2026 Day of 2026. 201 Accepted subject to the terms of the fees.

Advocate ANIL JARYAL D/3587/16

Client Signature of Sandgeet Kothu, Client Divisional Forest Officer, Nurpur Forest Division, Nurpur, H.P. The Client.

