

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 264 OF 2022

IN THE MATTER OF:

VIR SINGH RANA

...APPLICANTS

Vs.

**MINISTRY OF ENVIRONMENT FOREST AND CLIMATE
CHANGE & ORS.**

...RESPONDENTS

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Through

Place: New Delhi

Date: 01.08.2022


AKSHAY AMRITANSHU
ADVOCATE

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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 264 OF 2022

IN THE MATTER OF:

VIR SINGH RANA

...APPLICANTS

VERSUS

MINISTRY OF ENVIRONMENT FOREST AND
CLIMATE CHANGE & ORS.

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT

NO.1 TO 3

MOST RESPECTUFULLY SHEWETH:

I Pradeep Thakur S/o Shri Partap Thakur aged about 58 years, working as Chief Conservator of Forests, Hamirpur Forest Circle hereby solemnly affirm and state as under, on the basis of information provided to me through official records :-

1. That I am authorized to represent the Answering Respondents in the above matter and as such, I am well conversant with the facts and circumstances of the case based on documents. Hence, I am competent to swear this affidavit.
2. That I have gone through the contents of the original application filed by the Applicants and I have perused the records pertaining to the case and I am filing this



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 Chief Conservator of Forests
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affidavit in reply, on the basis of knowledge derived by me after perusing the records.

3. The Answering Respondents deny and dispute all allegations and contentions raised by the Applicants in the original application. The Answering Respondents humbly submit that the contents of the original application are denied, except to the extent admitted below and nothing shall be deemed to have been admitted by the Answering Respondents merely on the ground of non-specific traverse.
4. The Original Application has been filed by the Applicant seeking the following reliefs, interalia :-
 - A. Direct the Respondents' to restrain from cutting the trees from the land mentioned above.
 - B. Direct the respondent authorities to take all steps to ensure that the old water reservoir is restored, and the flow of the water is maintained.
 - C. And such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.
5. On 27.04.2022, this Hon'ble Tribunal heard the Applicant and passed the following order, interalia :-



"...1. The grievances in the present application filed under section 18 read with sections 14 and 15 of the National Green Tribunal Act, 2010 are that in the month of December, 2021, the applicants came to know that the land bearing Khata no. 121, Khatauni No. 133 min and Khasra No. 210 measuring 01-89-04 hectares as per Jamabandi 2015-2016 situated at Hadbast No. 48/6, Mohal Rakrial, Mouza Jhaniara, Tehsil and District Hamirpur, Himachal Pradesh would be used for the construction of Flats for the staff of Himachal Pradesh Service Selection Commission, and for that purpose, approximately 150 trees would be cut down. The applicants have further alleged that there is an old reservoir adjoining the above said land and the construction of proposed building will certainly lead to depletion of the only natural water resource.

2. Let Notices be issued to respondents no. 1 to 4 requiring them to file reply to the application within two months.

3. List the matter for further consideration on 20/07/2022..."

6. In compliance with the Order of this Hon'ble Tribunal dated 27.04.2022, the Respondent No.1 to 3 are filing the present reply.
7. It is submitted that land bearing Khata No. 121, Khatauni No. 133 min and Khasra No. 210 measuring 01-89-04 hectares as per Jamabandi 2015-16 situated in Hadbast No. 48/6, Mohal Rakrial, Maujha Jhaniara, Tehsil and Distt. Hamirpur, HP is owned by the State of Himachal Pradesh. This land is a non-forest government land.



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8. It is stated that the said land was transferred by the Ld. Deputy Commissioner, Hamirpur out of reserve pool in favor of the Personal Department, Govt. of Himachal Pradesh through the Himachal Pradesh Staff Selection Commission, Hamirpur. This transfer was done for the purpose of construction of staff residential colony.
9. Thereafter, permission was sought by the Ld. Under Secretary, Staff Selection Commission for felling 150 trees on the said land. The Ld. Chief Conservator of Forests, Hamirpur Forest Circle on 27.04.2022 permitted felling of the 150 trees standing over the land comprising in Khasra No. 210/1 measuring 0-37-20 hectare for construction of staff residential buildings in favor of the Himachal Pradesh Staff Selection Commission as per its Application No. HAM/641/2021-22.
10. This permission was granted as per Order No. FFE-B-A(3)-4/99-I dated 15.03.2017 issued by the Department of Forests, Govt. of Himachal Pradesh read with Notification No. FFE-B-E(3)-31/2001-I dated 19.02.2011.
- [Copy of the permission dated 27.04.2022 is annexed herewith and marked as **ANNEXURE R-I [PG. NO. 9-10]**]



[Copy of the Order No. FFE-B-A(3)-4/99-I dated 15.03.2017 issued by the Department of Forests, Govt. of Himachal Pradesh is annexed herewith and marked as **ANNEXURE R-II**][PG. NO. 11-15]

[Copy of the Notification No. FFE-B-E(3)-31/2001-I dated 19.02.2011 is annexed herewith and marked as **ANNEXURE R-III**][PG. NO. 16-18]

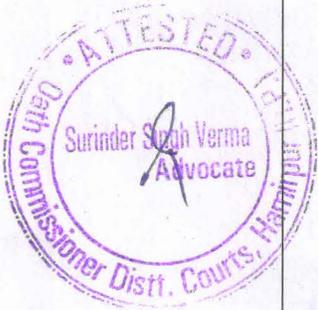
[Copy of the Office of the Deputy Conservator of Forests dated 29.04.2022 is annexed herewith and marked as **ANNEXURE R-IV**][PG. NO. 19-20]

11. Therefore, as the land was non forest government land, permission was granted by the Chief Conservator of Forests, Hamirpur Forest Circle in accordance with law.
12. In so far as issue of conservation of water is concerned, it is humbly submitted that the concerned Departments are the Jal Shakti Vibhag and Environment, Science & Technology of the Govt. of Himachal Pradesh. However, they have not been made a party to the present Application.
13. Similarly, the environmental concerns, if any, raised by the Applicant would have to be dealt by the Department of Environment, Science & Technology, however even the said concerned Department has not been made a party to the Application.



14. In reply to the contents of the Original Application, the following is submitted :

| | |
|--------|---|
| Para 1 | <p>The contents of this para are admitted to extent that the land bearing Khata No 121, Khatauni NO. 133 min and Khasra No 210 measuring 01-89-04 Hects as per Jamabandi 2015-16 situated in Hadbast No. 48/6, Mohal Rakrial, Mauja Jhaniara, Tehsil and Distt Hamirpur, HP is owned by the State of Himachal Pradesh.</p> |
| Para 2 | <p>That the contents of this para are admitted to the extent that the permission was accorded for felling of 150 trees standing over the land comprising in Khasra No. 210/1 measuring 0-37-20 ha. for construction staff residential buildings in favour of Himachal Pradesh Staff Selection Commission as per its application No. HAM/641/2021-22. Since the land is non-forest Govt. land thereby permission was granted by Chief Conservator of Forests Hamirpur Forest Circle in accordance with the provisions of law.</p> <p>The said land was transferred by the Ld. District Collector Hamirpur out of reserve pool in favour of Personal Deptt. Govt. of Himachal Pradesh through</p> |




 Chief Conservator of Forests
 Hamirpur Forest Circle
 Hamirpur - 177001 (H.P.)

| | |
|--------|--|
| | <p>HP Staff Selection Commission, Hamirpur for staff residential colony.</p> <p>However, the rest of contents of this para are denied as no grievance was received by the Forest Department.</p> |
| Para 3 | <p>That in reply to the allegation of the Applicant regarding depletion of the natural water resource, it is humbly submitted that the same does not come within the purview of the Answering Respondents but comes within the domain of the Jal Shakti Vibhaag and Deptt. of Environment, Science & Technology. The Applicant is required to implead Jal Shakti Vibhag and Environment, Science & Technology deptt. for the said issue to be addressed by the concerned Departments of the Govt. of HP.</p> |
| Para 4 | <p>That in reply to this paragraph in so far as they are contrary to record are denied. It is submitted that regarding the contention of cutting down of trees leading to environment balance, it is reiterated that permission was accorded in accordance with law.</p> |




 Chief Conservator of Forests
 Hamirpur Forest Circle
 Hamirpur - 177001 (H.P.)

- 15. The Answering Respondents reserve their right to file any subsequent / additional affidavits after permission from this Hon'ble Tribunal.
- 16. The Answering Respondents submit accordingly.



VERIFICATION

I, the Deponent above-mentioned do hereby verify the contents of the above-mentioned Affidavit as being correct to the best of my knowledge and information based on records and state that nothing material has been kept concealed therefrom. The annexures accompanying the affidavit are true copies/ true types copies of their respective originals.

Verified at HAMIRPUR on the 18 day of July 2022.

Identified by Sh. Anil Kumar

Certified that above affidavit read over and explained in vernacular to Sh./Smt. Pradeep Thakur who deemed to have duly understood the same at the time of making oath thereof



Sr.No. 403
 Certify that above affidavit declared on oath before me on 18/7/22 time 6:07pm by Sh. Pradeep Thakur who is personally known to me or identified by Sh. Anil Kumar who is personally known to me

Surinder Singh Verma
 Advocate
 Oath Commissioner Distt. Courts Hamirpur (H.P.)

Surinder Singh Verma
 Advocate
 Oath Commissioner Distt. Courts Hamirpur (H.P.)

Dated Hamirpur, the 27/4/2022

Annexure K-1 78

From: CCF Hamirpur To: DFO Hamirpur

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Subject: Permission for felling of trees- case of Dr. Jitender Kanwar Secretary HP Staff Selection Hamirpur H.P.

Memo: Please refer to your online application dated 26.04.2022 on the subject cited above.

In pursuance of clarification given by Pr. CCF.H.P. vide letter No. Ft. 34-65/93 (S) Vol.III dated 7-2-2009, H.P. Govt. letter No. FFE-B-E(3)- 20/2015- Vol. I dated 31.3.2016 received vide Pr. CCF HP Shimla endst. No. Ft. 42-1053/2015(Mgt.) CWPIL 8/2015- Vol. I dated 06.04.2016 and in exercise of the powers vested vide H.P. Govt. letter No. FFE-(B) (F)(13)- 53/2006-1 dated 20-8-2011, & in supersession to permission earlier granted vide this office memo No. 7304 dated 03.01.2022, permission for felling of the following trees standing on Govt. land (Not a forest land) in Mohal Rakkarial Tehsil & Distt. Hamirpur HP. which are required to be felled for development purpose and as per your recommendation for the felling of tree / declaration that the land contains only sporadic growth of trees. is hereby accorded with the condition that the felling will be done at the risk, cost and responsibility of the applicant / Department applied for felling. The felling / disposal of the trees / produce etc are done as per felling order (s) to be issued by the concerned DFO strictly in accordance with Acts / rules / instructions issued by HP Govt. from time to time after fulfilling codal formalities as laid therein.

| S.No. | Khasra No. | Name of Spp. | Classification of trees | | | | | | | | | Total | |
|-------|------------|----------------|-------------------------|-----------|-----------|-----------|----------|----------|----------|----------|----------|------------|--------------|
| | | | V | IV | III | IIA | IIB | IA | IB | IC | ID | | |
| 1 | 150 | Kainth | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Tuni | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| | | Lucinia | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Chil Green | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Simbal | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Japani Toot | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Darek | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| | | Mango | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Kamal | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| | | Jamun | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Siris | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | | Total | 1 | 11 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 14 | |
| 2 | 2104 | Shisham | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| | | Chil | 30 | 42 | 28 | 1 | 0 | 0 | 0 | 0 | 0 | 101 | |
| | | Khair | 29 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | |
| | | B.L. Tree | 6 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| | | | Total | 67 | 53 | 29 | 1 | 0 | 0 | 0 | 0 | 0 | 150 ✓ |
| | | G.Total | 68 | 64 | 30 | 2 | 0 | 0 | 0 | 0 | 0 | 164 | |

This permission is subject to the fulfillment of the following conditions:

1. The land from where the trees are required to be felled is not recorded as forest land in the revenue record, not being managed under any working plan and where the track of land is not covered with trees, shrubs vegetation and undergrowth intermingled with trees and Pasture (AIR1997 SC 3297) and does not fall under H.P. Govt. Notification of 1952 on waste land.
2. The said land does not attract the orders/provisions of Hon'ble Supreme Court dated 12-12-1996 incept No. 202/95.
3. The various orders of Hon'ble High Court passed in CWP No. 1358/2001 Ram Lal V/S State of HP and CWPIL 8 of 2015- Court its own motion Vs State of HP. instruction as conveyed vide

560
27/4/2022

[Signature]
Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

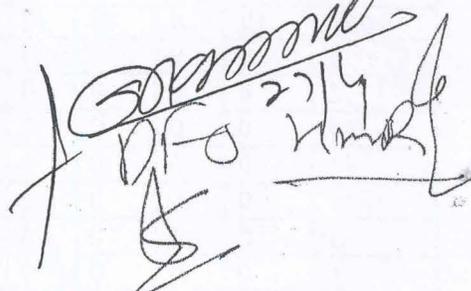
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this office Endst. No. C -8 (S) LPA / Voll II / 358-60 dated 18/04/2016 and Endst. No. CWPIL / 8/ 2015 / 1171-72 dated 06/05/2016 etc. are not violated and followed in letter & spirit.

4. The land wherein the tree is required to be felled falls in the rural area, non forest land and contains only sporadic growth of trees.
5. In case of nationalized species the disposal of trees will be done through HPSFDC Ltd.
6. Sporadic growth here means in a small cluster of trees scattered along the landscape where in each cluster does not have more than 20-40 tree in a compact wooded block.
7. DFO concerned while issuing the Felling order may put any condition as he may deem fit for preserving / conserving forest wealth.


Chief Conservator of Forests,
Hamirpur Forest Circle,
Hamirpur, H.P.

Endst no/removal of tree / 1156 dt 27/4/22
Copy is forwarded to RFO
Hamirpur for information & operation.


DFO Hamirpur


Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

Government of Himachal Pradesh
Department of Forests.

No. FFE-B-A(3)-4/99-I

Dated Shimla-171002, the

15th March, 2017.

ORDER

The felling of trees over private, forest, non-forest lands is governed under various acts and rules formulated by the Government from time to time. It has been observed that there is lack of clarity amongst the field functionaries of the Forest Department regarding provisions with respect to felling of trees.

Therefore, in order to bring clarity the various provisions under various acts and rules governing felling of trees are given in the table below:-

| Sr. No. | Name of the Act(s)/ Rule(s)/ GoHP Order Governing Felling | Purpose of felling | Particulars of Authority for granting permission | Remarks |
|--|--|---|--|---|
| A. PRIVATE LAND NOT CLASSIFIED AS 'FORESTS' | | | | |
| 1 | H.P. Land Preservation Act, 1978 & GoHP Order No. FFE-B-A(3)-4/99 dated 10-09-2002 | i) Bonafide domestic and agricultural use | No permission is required upto 5 trees in one financial year in case of broad leave species including Chil and Ban/Oak and upto 3 trees in case of Coniferous species; Upto ten trees with the written permission of the Range Officer and more than ten trees with the written permission of the DFO concerned. | Where private land adjoins Govt. land demarcation of land is necessary |
| | H.P. Land Preservation Act, 1978; GoHP Order No. FFE-B-A(3)-4/99 dated 10-09-2002 | ii) Felling of trees (except Ban/Oak trees) for sale purposes i.e. under Ten Year Felling Programme | Upto-50 trees- DFO concerned Upto-100 trees - CF/CCF concerned Circle Upto-200 trees- PCCF, H.P. | Felling will be done through HPSFDC Ltd. in case of nationalized species. |

h
P.CCF(M)

DFO (A/S)
[Signature]

प्र.मु.अ.पा. वि.
पावती सं. 5252
दिनांक 28/3/17

CF/Mgt.
PCCF(Mgt.)

PCCF
16/3

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| & Order No. FFE-B-A(3)-4/99-Loose dated 11-11-2013 | | Above-200 trees-Govt. of H.P. | |
| H.P. Land Preservation Act, 1978; GoHP Order No. FFE-B-A(3)-4/99 dated 29-04-2003; Order No. FFE-B-F(1)1/2010-11 dated 03-02-2011 & Order No. FFE-B-A(3)4/1999-I dated 16-10-2014 | iii) Felling of exempted species which requires no permission | Albizia ¹ , Poplar ² , Bahunia ³ , Eucalyptus ⁴ , Mulberry ⁵ , Siris ⁶ and Bamboo ⁷ . Japanese Shahtoot ⁸ . In case of bamboo as per three years felling programme approved by DFO. | Where private land adjoins Govt. land demarcation of land is necessary |
| B. PRIVATE LAND CLASSIFIED AS 'FORESTS' e.g. Bani, Ban & Jungle, Jungle Jhari etc. | | | |
| Forest Conservation Act, 1980 | i) The case shall be required to be processed under Forest Conservation Act, 1980. Felling in this category will be granted by DFO after processing the case under F.C. Act, 1980 and getting its approval. | | |
| C. GOVERNMENT LAND NOT CLASSIFIED AS 'FORESTS' i.e. NON-FOREST LAND INCLUDING LAND OWNED BY OTHER DEPARTMENTS INCLUDING ACQUIRED WIDTH OF PWD/NHAL. | | | |
| GoHP letter No. FFE-(B)F(13)53/2006-I dated 20-08-2011 | i) Felling of trees (except Ban/Oak trees) from non-forest land in rural areas for developmental activities which is not forming compact wooded block of above 5 ha. and land is not classified as Van, Bani, and Jungle etc in Revenue record. | Chief Conservator of Forests/ Conservator of Forests of concerned circle will grant felling permission. | DFO concerned shall inspect these trees and after obtaining approval from CCF/CF, the felling will be done through HPSFDC Ltd. |
| GoHP letter No. Fts(F) 13-38/84 dated 11.02.1986 | ii) Felling of Ban/Oak trees | There is complete ban on felling of Ban/Oak trees. In case felling is necessary for developmental purposes such as Constructions of | |


 Deputy Conservator of Forests,
 Hamirpur Forest Division,
 Hamirpur (H.P.)

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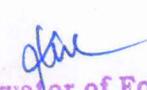
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| | | | Roads, Hydro Projects, Irrigation lines, and construction of hospitals, schools, universities etc same will be accorded by Government. | |
| D. GOVERNMENT LAND CLASSIFIED AS 'FORESTS' | | | | |
| 2 | Forest Conservation Act, 1980 & GoHP letter No. FFE-B-A(3)-3/2015 dated 08-07-2015 | i) Felling of trees from diverted forest land where final approval has been granted by Govt. of India u/s 2 of FCA, 1980. | After seeking approval of diversion proposal by State/Govt. of India, permission of felling over diverted forest land as per GoI sanction is given by DFO, concerned.(Full powers) | Felling of trees will be done through H.P.SFDC Ltd. |
| 3 | The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; GoHP letter No. FFE-B-A(4)-1/2015 dated 17-02-2016 & MoEF, GoI letter No. 11-09/1998-FC(Pt.) dated 08-11-2016 | ii) The provisions of sub-section(2) of Section 3 are applicable which provide for diversion of forest land for certain facilities managed by the Government as per details below which involve felling of trees not exceeding seventy five trees per hectare, provided that such diversion of forest land shall be allowed only if 1) the forest land to be diverted for the purposes mentioned below is less than one hectare in each case; and 2) the clearance of such developmental projects shall be subject to the | Felling permission to be given by Divisional Forest Officer concerned as per sanction maximum upto 75 trees in one ha. | -do- |


 Deputy Conservator of Forests,
 Hamirpur Forest Division,
 Hamirpur (H.P.)

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| | | <p>condition that the same is recommended by the Gram Sabha.</p> <p>a) School</p> <p>b) Dispensary or Hospital</p> <p>c) Anganwadis;</p> <p>d) Fair Price Shop;</p> <p>e) Electric and Telecommunication lines;</p> <p>f) Tanks and other Minor Water Bodies;</p> <p>g) Drinking Water supply and Water pipelines;</p> <p>h) Water or Rain Water Harvesting structures;</p> <p>i) Minor irrigation canals;</p> <p>j) Non-conventional source of energy;</p> <p>k) Skill up-gradation or vocational training centres;</p> <p>l) Roads;</p> <p>m) Community centers;</p> <p>n) Community toilets</p> | | |
| E. URBAN AREAS | | | | |
| 4 | Municipal Corporation Act, 1994 | i) Felling of trees which are either causing danger to life and property or mandatorily required for developmental activities in Municipal Corporation, Shimla Area. | Permission to be granted by Cabinet Sub-committee headed by the Hon'ble Forest Minister on recommendation of Tree Authority constituted under the Chairmanship of Mayor of Corporation. | Felling of trees will be done by HPSFDC |


 Deputy Conservator of Forests,
 Hamirpur Forest Division,
 Hamirpur (H.P.)

2017

K-II

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| GoHP letter No. FFE-B-F(13)53/20 06-I dated 20.08.2011 | ii) Felling of trees in Municipal/ NAC areas (except Shimla Municipal Corporation) either causing danger to life and property or mandatorily required for developmental activities within the city limits which is not forming compact wooded block of above 5 ha. and land is not classified as Van, Bani, and Jungle etc in Revenue record. | Deputy Commissioner concerned will grant felling permission in the limits of Municipal/NAC areas except Municipal Corporation Shimla. | -do- |
|--|---|---|------|

By order,

Tarun Kapoor

Addl. Chief Secretary (Forests) to the Government of Himachal Pradesh.

Endst. No. FFE-B-A(3)-4/99-I Dated Shimla-171002, the 15th March, 2017.
Copy forwarded to:-

- ✓ 1. The Principal Chief Conservator of Forests (HoFF), Himachal Pradesh, Shimla-171001 with the request to circulate it to all concerned.
2. The Principal Chief Conservator of Forests-cum-Chief Wildlife Warden, Himachal Pradesh, Shimla-171001.
3. Guard File.

(Sat Pal Dhiman) 15-3-2017

Joint Secretary (Forests) to the Government of Himachal Pradesh.

Phone No. 0177-2621874.

Endst. No. Ft. 783-54/70(Mgt)Orders Dated: Shimla-171001, the 22 MAR 2017
Copy to CCFs(Wild Life) Dharamshala & Shimla and all CCFs/CFs(T) in H.P for information and necessary action.

Pr. CCF (Forest Management) 21/3/2017

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PTO

Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

NOTIFICATION

No.FFE-B-E(3)-31/2001-I

Dated: Shimla-2, the

19th February, 2011.

Whereas, the Expert Committee constituted by the State Government in compliance of interim order dated 12.12.1996 of the Hon'ble Apex Court in Writ Petition (C) 202 of 1995 titled – T.N. Godaverman Vs Union of India and others decided that the 'compact wooded block' above 5 ha which are not recorded as 'forest' in the revenue record shall be treated as 'forest'.

2. And Whereas, during the hearing of Civil Appeals No. 8133, 8134 and 8135 of 2003 on 01.02.2010 in the Central Empowered Committee constituted by the Hon'ble Supreme Court of India in Writ Petition (C) 202 of 1995 titled – T.N. Godaverman Vs Union of India and others, it was suggested by the Central Empowered Committee that the definition of 'Forests' as defined by the State of Himachal Pradesh needs further clarification by way of certain definable parameters.

3. And Whereas the Central Empowered Committee vide its recommendations dated 7th September, 2010 communicated to the Hon'ble Apex Court that the CEC is in agreement with the definition of the 'compact wooded block' decided by the State and recommended that the Civil Appeals No. 8133, 8134 and 8135 of 2003 may be decided with the direction that the State of Himachal Pradesh will notify the definition of 'compact wooded block' decided by it immediately.

4. And Whereas on the recommendations/ Report of the Central Empowered Committee, the Hon'ble Supreme Court of India on 22/11/2010 in the above matter has passed following order:-

“The CEC vide its report dated 7th September, 2005 inter alia observed that it will be appropriate that the State of Himachal Pradesh notifies the definition of Compact Wooded Block as decided by the Himachal Pradesh Forest Department.

Learned counsel for the State of H.P. submits that so far the State did not issue any such Notification. In such circumstances, we direct the State of H.P. to examine the issue and issue appropriate Notification accepting the said definition of Compact Wooded Block as has already been decided by the Forest Department. The appropriate Notification in this regard shall be issued within three months from today.”


Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

5. Now therefore, in compliance of the above order of the Hon'ble Apex Court, the definition of 'forest' / 'compact wooded block' is notified as under:-

1. "If the private area is notified under Indian Forest Act, 1927 or other Act or is entered as van/ban/vani/jungle in the revenue record it will be treated as forest."
2. For other type of areas not recorded as indicated in point 1.

There are two components under this definition:-

Compactness of the area above 5 Ha. and

Woodiness in this area above 5 Ha.

(a) **Compactness** of an area above 5 Ha would be an area of private land with itself or in contiguity with other adjacent private khasras only

(b) **Woodiness** in this area of above 5 Ha would be as defined below:-

Accordingly, the definition in different agro-climatic zones would be as under:-

i) **Temperate areas**:- These areas consisting of conifer forests of deodar, fir, spruce, kail, and of oaks rhododendrons and other broad leaved species will be defined as under:-

"A compact wooded private area of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 400 trees of natural origin and not of plantation origin per hectare of Class-III and above in this compact wooded block will constitute a forest."

ii) **Sub-tropical areas**:- These areas consisting of chil, khair and other broad leaved forest species will be defined as under:-

Chil forests:- The above definition for temperate area will hold good in these forest.

Khair and other broad leaved species: "A compact wooded private area of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 800 trees of natural origin and not of plantation origin per hectares of less than class III or for a mixed crop (mature and young) the trees being worked out by taking one mature tree equal to two young trees and vice versa in this compact wooded block will constitute a forest".

By Order


Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

Principal Secretary (Forests) to the
Government of Himachal Pradesh

R-III

18

Endst. No. FFE-B-E(3)-31/2001-I Dated: Shimla-171002, the 19/02/2011

Copy forwarded for information and necessary action to:--

1. The Private Secretary to his Excellency Governor of H.P. Shimla-2.
2. The Private Secretary to Hon'ble Chief Minister H.P. Shimla-2.
3. The Principal Chief Conservator of Forests, HP, Shimla-1 with 10 spare copies.
4. The Principal Chief Conservator of Forests, Wildlife, HP, Shimla-1 with 10 spare copies.
5. The M.D. HPSDFC, Kasumpti, Shimla-9.
6. The Joint Secretary (Law) to the GoHP, Shimla-2.
7. All the Deputy Commissioners in Himachal Pradesh.
- 8.
9. All the Addl. Principal CCFs / CFs and Conservators of Forests/Divisional Forest Officers in H.P.
10. The Controller, HP Printing & Stationery Department Ghora Chowki, Shimla-5 for publication in Rajpatra (Extra ordinary).
11. The Director, Information & Public Relation, H.P. Shimla-2.
12. Guard file (50 copies).

Deputy Secretary (Forests) to the
Government of Himachal Pradesh


Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)



OFFICE OF DEPUTY CONSERVATOR OF FORESTS,
HAMIRPUR FOREST DIVISION, HAMIRPUR, HP, 177001,
Phone & Fax 01972-224922, e-mail - dfohamirpur@gmail.com

19

Annexure R-IV

No/RK/ 1190

dated 29/4/2022

To:

Divisional Manager,
HP State Forest Development Corporation Ltd,
Hamirpur (HP)

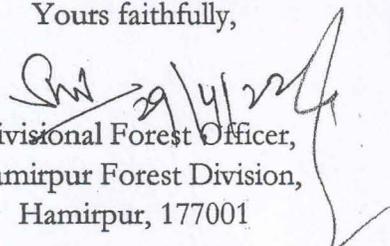
Subject:- Marking list/abstract of 150 Nos trees for the year 2022-23.

1. Case of HP Staff Selection Commission, Hamirpur, HP

Sir,

In this context, the Range Forest Officer, Hamirpur has submitted the marking abstract/lists of 150 Nos. of tree of various species standing over Govt. land for which felling permission has been accorded by CCF Hamirpur in Hamirpur Forest Range. Accordingly, the marking abstract of trees has been prepared and is sent herewith along with marking lists for its exploitation and said lot has been designated as revised Lot No 02/2022-23(Govt) Hamirpur in Hamirpur Forest Range.

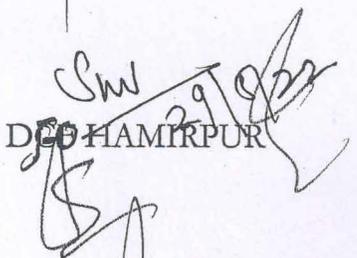
Yours faithfully,

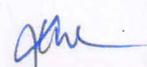

Divisional Forest Officer,
Hamirpur Forest Division,
Hamirpur, 177001

Endst.No: lots 2020-21/1191-92 Dated Hamirpur the, 29/4/2022

Copy is forwarded to

1. Range Forest Officer Hamirpur w.r.t. his office memo No: 135/H dated 22.04.2022 is forwarded to for information & necessary action. He is requested to hand over the above trees to DM, HPSFDC Hamirpur under proper receipt & a copy of possession receipt be sent to this office for record.
2. Secretary HP Staff Selection Commission, Hamirpur, HP for information and necessary action.

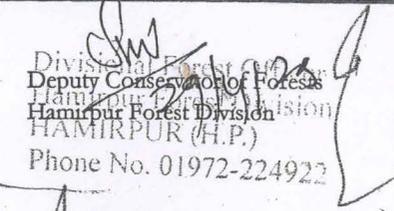

DCO HAMIRPUR


Deputy Conservator of Forests,
Hamirpur Forest Division,
Hamirpur (H.P.)

29/5

HP Forest Department
Hamirpur Forest Division
Lot No 2/2022-23 (Govt) Area Hamirpur

| Sr No | Name of Applicant | Khasra NO | Kind of Land | Species | Species | Classification | | | | | | | | | | Vol |
|-------|-------------------|-----------|--------------|----------------|----------------|----------------|-----------|-----------|----------|----------|----------|----------|----------|----------|------------|----------------|
| | | | | | | V | IV | III | IIA | IIB | IA | IB | IC | ID | Total | |
| 1 | HP SSC, Hamirpur | 210 | Govt Land | Chil | Chil Green | 30 | 42 | 28 | 1 | 0 | 0 | 0 | 0 | 0 | 101 | 40.8 |
| | | | | Khair | Khair Green | 29 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 2.37465 |
| | | | | Shisham | Shisham Green | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0.48 |
| | | | | Other BL | BL Trees Green | 6 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 1.963 |
| | | | | G Total | | 67 | 53 | 29 | 1 | 0 | 0 | 0 | 0 | 0 | 150 | 45.6177 |


 Deputy Conservator of Forests
 Hamirpur Forest Division
 HAMIRPUR (H.P.)
 Phone No. 01972-224922


 Deputy Conservator of Forests,
 Hamirpur Forest Division,
 Hamirpur (H.P.)

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 264 OF 2022

IN THE MATTER OF:

VIR SINGH RANA

...APPLICANTS

VERSUS

**MINISTRY OF ENVIRONMENT FOREST
AND CLIMATE CHANGE & ORS.**

...RESPONDENTS

VAKALATNAMA

KNOW ALL to whom these present shall come that I, **Pradeep Thakur**, aged **58** years, **son** of Sh. **Shri Partap Thakur**, working as **Chief conservator of forests, Hamirpur forests circle**, am authorized to represent the Respondent No.1 to 3 in the original application and do hereby appoint:

AKSHAY AMRITANSHU

D/1004/2014

9931282222

C-41, LGF, Jangpura Extension, New Delhi – 110014

(Hereinafter called the advocate) to be my / our advocate in the above noted case and 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 heard and also in any appellate Court, subject to payment of fee separately for each court by me.

To sign, file, verify and present pleadings, appeals, objections or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be necessary or proper for the prosecution of the said case in all its stages.

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

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

To take execution proceedings.

To deposit, draw and receive money, cheque, cash and grant receipts thereof 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 of 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 undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute on the matter as my own acts as if done by me to all intents and purpose.

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

And I undersigned so hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment cost whenever ordered by the court in favour of the petitioner shall be of the Advocate, which he shall receive and retain himself.

And I undersigned do hereby agree that in the event of the whole or part of the fee agreed by me 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 settled is only for the above case and above Court. I hereby agree that once the fee is paid, I will not be entitled for the refund of the same in any cases whatsoever. If the case lasts for more than 3 year the Advocate shall be for additional fee equivalent to half of the agreed fee for any additional or part thereof.

IN WITNESS WHEREOF I do hereunto set my hand in these present contents of which have been understood by me on this 19 July 2022.

Accepted subject to the terms of fees.

Akshay Amritanshu
AKSHAY AMRITANSHU
ADVOCATE

C-41, LGF, Jangpura Extension,
 New Delhi-110014
 Mobile-9931282222

Email: akshayamritanshu@gmail.com





PROOF OF SERVICE

23

Chambers of Akshay Amritanshu . <office@aamritanshu.in>

Advance Service of Counter Affidavit on behalf of the Respondent No. 1 to 3 in Vir Singh Rana Vs Ministry of Environment Forest and Climate Change & Ors., OA No. 264/2022.

Chambers of Akshay Amritanshu <office@aamritanshu.in>
To: vir4883@gmail.com

1 August 2022 at 15:12

Dear Sir / Ma'am,

By way of advance service, please find attached the Counter Affidavit on behalf of the Respondent No. 1 to 3 in Vir Singh Rana Vs Ministry of Environment Forest and Climate Change & Ors., OA No. 264/2022.

The matter is listed on 07.09.2022 before the National Green Tribunal, New Delhi.

Thanking You

Office of Akshay Amritanshu

Advocate, Supreme Court of India,

B.A., LL.B.(Hons.), A.C.S., BCL (Oxford)

C-41, LGF, Jangpura Extension,

New Delhi - 110014.

[|office@aamritanshu.in|](mailto:office@aamritanshu.in) [+91-11-45138273](tel:+91-11-45138273) |



Final reply OA No 264 of 2022.pdf

8804K