

**OFFICE OF THE DEPUTY COMMISSIONER  
KANGRA AT DHARAMSHALA**

No. 905 /LB, Dated: 07-09-2024

To

The Registrar General  
National Green Tribunal New Delhi

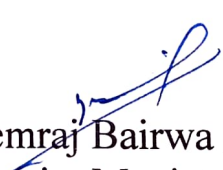
**Subject: Compliance report order dated 06-03-2024 in  
application No. 43/2024 titled as Pankaj Sharma  
V/s State of H.P.**

Sir/Madam,

On the subject cited above, it is submitted that detailed compliance report is enclosed for your kind perusal & necessary action please.

**Encl: As above**

Yours faithfully

  
Hemraj Bairwa (I.A.S)  
District Magistrate,  
Kangra at Dharamshala

Item No. 03

Court No.2

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BANCH, NEW DELHI**

**Original Application No. 43/2024**

Pankaj Sharma

Applicant

**Versus**

State of H.P.

Respondent

**Subject: Compliance Report.**

Sir,

The replying respondent District Magistrate,  
Kangra at Dharamshala humbly submit as under: -

1. That the present O.A order dated 06.03.2024 this Hon'ble Tribunal directed the replying respondent to file the compliance report.
2. That as per order dated 06.03.2024 passed by this Hon'ble Tribunal a joint committee consisting of Sub Divisional Magistrate, Baijnath, Divisional Forest Officer, Palampur, H.P. and one representative from AEE, Pollution Control Board Dharamshala was

  
**Distt. Magistrate**  
Kangra at Dharamshala (H.P.)

constituted and was directed to submit report on the factual position and action taken.

3. That on 16.08.2024 the joint committee visited the site in question and prepared the detailed report. Copy of the report is attached herewith as **Annexure R-I** for the kind perusal of this Hon'ble Tribunal.
4. That as per the inspection report Annexure R-1, it was found that Khasra No. 19 classified as Bagicha Barani Faldar and Banjar Kadeen in possession of Mahakal Temple Trust at Village Mahakal at the coordinates of Latitude 32° 00'32N and Longitude 76°39'15"E. The land was found to be a non-forest government land. This parcel of land abutted by Primary School, Mahakal on North eastern side, by a single lane road on southern side and by Mahakal temple compound on western side. The copy of Jamabandi and Tatima of the said land is attached as **Annexure-II**.

5. That as per the report Annexure R-I some trees mostly dead and dry standing in this parcel of land which are of imminent danger to the life and property of the local people and the pilgrims plying and parking vehicles on the abutted road. As per report 10-15 trees were found to be of imminent danger due to its being dead and dried and being inclined over school building and road. Due to the aforesaid reason, SDM Baijnath passed a conditional order dated 26-05-2023 u/s 133 CrPC for felling of these trees and to use the wood obtained from these trees for the cremation of dead bodies in the campus of Shri Mahakal Temple. **Copy of Order u/s 133 CrPC Annexure R-III Attached.**
6. That as per report during the site inspection it was found that total 8 trees of different species and sizes have been cut till date in the said land. The list of the felled trees is **attached at Annexure-IV.**

  
Distt. Magistrate  
Kangra at Dharamshala (H.P.)

4

7. That as per the said inspection report one tree of Oie had fallen on the ground adjacent to the road on its own due to being rotten and weakened from inside by the termites. another Oie tree, though green on outside, has also been weakened by the termites from inside making it dangerous to life and property and can fall due to high wind / rain on the Government Primary School adjoining to Mahakal building or on the road. The photographs of the site are attached as **Annexure-V**.

As per the report of the joint committee it is found that no illegal felling has been done on the said land and the complaint is wrong and false. The compliance report is submitted for kind perusal please.

Date  
Place Dharamhsala


  
District Magistrate,  
Kangra at Dharamshala, H.P.

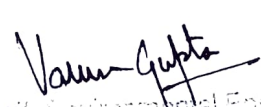
### Report of Joint Committee of OA No. 43/2024

In pursuance of order of Hon'ble National Green Tribunal, New Delhi in original application no. 43/2024 dated 06.03.2024 in clause no. 2, this three member committee constituted by worthy District Magistrate, Kangra at Dharmshala vide no 802-04/LB dated 12-08-2024 and in consequence of such order visited the site on **16.08.2024** and submits the report as follows:

- a) The site in question is comprised of Khasra No. 19 classified as *BagichaBaraniFaldar* and *BanjarKadeem* in posesion of Mahakal Temple Trust at village Mahakal at the coordinates of Latitude 32°00'32"N and Longitude 76°39'15"E. The land is therefore a non-forest government land. This parcel of land is abutted by Government Primary School, Mahakal on North eastern side, by a single lane road on southern side and by Mahakal temple compound on western side. The copy of Jamabandi and Tatima of the said land is attached as **Annexure-I.**
- b) The Mahakal Temple Trust during the month of May, 2023 brought it to the notice of Sub Divisional Magistrate, Baijnath that there are some trees mostly dead and dry standing in this parcel of land which are of imminent danger to the life and property of the local people and the pilgrims plying and parking vehicles on the abutted road. SDM Baijnath inspected the spot personally with revenue officials alongwith members of Temple Trust Shri Mahakal Temple. During the site inspection it was found that 10-15 trees are of imminent danger due to its being dead and dried and being inclined over School building and road. Consequently SDM, Baijnath passed a conditional order dated 26.05.2023 u/s 133 CrPC for felling of these trees and to use the wood obtained from these trees for the cremation of dead bodies in the campus of Shri Mahakal Temple. The copy of the order is attached as **Annexure-II.**


  
Sub. Divisional Magistrate  
Baijnath Distt Kangra (H.P.)

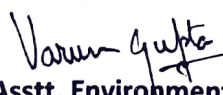
  
Assistant Conservator of Forests  
Palampur Forest Division  
Palampur

  
Asst. Environmental Engineer  
H.P. State Pollution Control Board  
Him Parvesh Bhawan, Dar  
Dharmshala, Distt. Kangra (H.P.)

- c) The petitioner Sh. Pankaj Sharma S/o Sh. Hari Ram R/o VPO Mahakal, Tehsil Baijnath, Distt Kangra Himachal Pradesh, sent a complaint dated 10.08.2023 to Divisional Forest Officer, Palampur Forest Division, Palampur w.r.t. illegal tree felling pertaining to above parcel of land. The complaint was enquired into and it was found by the field officials of Forest Department that the trees are being cut under the due permission dated 26.05.2023 accorded by SDM, Baijnath under Sec. 133 CrPC.
- d) During the site inspection it was found that total 8 trees of different species and sizes have been cut till date in the said land. The list of the felled trees is attached as **Annexure -III**. Further it was found on the day of inspection that one tree of Oie had fallen on the ground adjacent to the road on its own due to its being rotten and weakened from inside by the termites. Another Oie tree, though green on outside, has also been weakened by the termites from inside making it dangerous to life and property and can fall due to high wind/rain on the adjoining Government Primary School Mahakal building or on the road. The photographs of the site condition are attached as **Annexure -IV**.
- e) In view of the above facts and circumstances this committee is of the opinion that no illegal felling has been done on the said land and the complaint is wrong and false.

  
Sub Divisional Magistrate  
Baijnath, District Kangra HP.

  
Assistant Conservator of Forest  
Palampur, District Kangra HP.  
Palampur Forest Division  
Palampur

  
Asstt. Environmental Engineer,  
Dharmshala, District Kangra HP.



4	5	6	7	8	9
	नीयर	✓	बंजर बंदीग 00-50-27		आगाडा तिथि 09-04-1953 श्री नन्क, मंहरतिमम मन्दिउर
	बंजनाथ	✓	बंजर बंदीग 00-21-45		मन्हरती की बजले विरमा राम मंहरतिमम मुकरं विरमा गया।
	नीयर	✓	बंजर बंदीग 00-15-38		श्रीट - बरुवन
	बंजनाथ	✓	बंजर बंदीग 00-12-38		बंजरबंदी मंहर
	नीयर	✓	बंजर बंदीग 00-03-00		आगाडा तिथि 10-03-1955
	बंजनाथ	✓	बंजर बंदीग 00-05-76		जरीद मंहरतिमम विरमा मन्दिउर मुकरं विरमा
	नीयर	✓	बंजर बंदीग 00-01-12		मन्दिउर मुकरं विरमा
	बंजनाथ	✓	बंजर बंदीग 00-02-05		मन्दिउर मुकरं विरमा
	नीयर	✓	बंजर बंदीग 00-11-78		मन्दिउर मुकरं विरमा
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	नीयर	✓	बंजर बंदीग 00-13-56		मन्दिउर मुकरं विरमा
	बंजनाथ	✓	बंजर बंदीग 00-06-70		मन्दिउर मुकरं विरमा
	नीयर	✓	बंजर बंदीग 00-10-14		मन्दिउर मुकरं विरमा
	बंजनाथ	✓	बंजर बंदीग 00-37-80		मन्दिउर मुकरं विरमा
	नीयर	✓	बंजर बंदीग 00-37-80		मन्दिउर मुकरं विरमा

प्रदेश - बिमला

दिनांक: 10-Apr-2023

पृष्ठ संख्या: 2

# राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

एस.सी.ए रसीद संख्या: 3100141827389871

नाम : ...  
पिता/पति : ...

नकल शुल्क : 5  
सेवा शुल्क : 60  
कुल शुल्क : 65

दस्तावेज नं. : 1020

मोहाल : महांकाल

साल : 2018-2019

रकबा ईकाई: है-आ-से

खेच नं.	खतीनी नं.	नाम मालिक व एहवाल	नाम काररकार व एहवाल	नाम घाह व दीगर बसायल आबायशी	नम्बर खसरा हाल	रकबा हर खेत व भिजान खाता भय किस्म अराजी	रिस्सा या धैमाना हकीयत व तरीका बाछ	कैफियत
1	2				6			
132	324	मन्दिर महांकाल वाक्या महाल	कारर व कब्जा स्वयं मन्दिर		2	00-11-70	कब्जा व पड़ता	नोट - यह मुअंकी
115	298	हजा वाहितमाम मन्दिर न्यास महांकाल	न्यास महांकाल		5	00-13-34	बशरर खेच न. (1)	बहुसम आदेश 1891
					6	00-08-52		जनाब साहब कर्नेकर
					7	00-02-56		बराहुर मन्दिर
					8	00-00-24		महांकाल वाक्या देह
					9	00-00-39		हजा ताकायमी मन्दिर
					10	00-00-16		तायुशी सरकार
					11	00-00-58		वाहेतमाम नन्द
					12	00-00-19		पुर रिवावरण कौम
					13	00-01-52		बाहेमण पुजारी
					14	00-01-19		मन्दिर वागुजार है।
					15	00-00-35		नोट - नजरसानी हुकम
					16	00-00-49		नियी 30-6-1915
					17			कर्नेकर साहब
								बन्दोवस्त कागजा
								मुअं. की हजा मन्दिर
								महांकाल वाहेतमाम
								नन्द मोहतमिम
								तायुशी सरकार
								बदस्तुर साबका
								वागुजार है।
								नोट - बहुसम
								कर्नेकर साहब

*(Handwritten signature)*

*(Handwritten signature)*

1	2	3	4	5	6	7	8
					किता	02-55-47	ता खुशी सरकार
					24		वहिरामम नन्दु
					बटा 1	अकृष्ट	पुत्र शिव वरण बाभ
					कृष्ट	01-73-11	वाहिरामा पुजारी
					कुहली अजबल	बजर बट्टिम	मन्दिरे नजरसानी अर
					00-53-15	01-06-06	रुबम अराजी तिथि
					बगीचा वाराती	खडतर	30-06-1915 ई सादर
					फजदार	00-54-64	बरोबरदा ददादुर
					00-29-21	शेर मुफिना	दन्दीवन्ना कागाड
						00-12-41	भाकी राज का मुकाम
					जोड		अन्दिरे भावकार
					24	किता 02-55-47	वाहिरामम नन्दु
					बटा 1		मन्दिरेभास पुगी
					कृष्ट	अकृष्ट	साकार बसन्ती सावळ
					00-82-36	01-73-11	वागजा के
					कुहली अजबल	बजर बट्टिम	सावळ सावर बसवळ
					00-53-15	01-06-06	वागदुर कागाड
					बगीचा वाराती	खडतर	दिनांक 10-14-12
					फजदार	00-54-64	नन्दु मन्दिरेभास
					00-29-21	शेर मुफिना	मन्दिरे भावकार के
							वाजा किराया ताम
							वाहिरामम मुकम
							किता गवाा अर सावळ
							वागदुर कागाड
							दिनांक 10-02-85
							जदीर सावरसावळ
							मन्दिरे मुकम किता
							गवाा अर बसवळ
							बरोबरदा सावर कागाड
							वाहिरामा तिथी 10-
							07-72 जदीर सावरसावळ
							किता पुत्र बावडु
							मुकम रुजा के

दिनांक: 10-Apr-2023

2	3	4	5	6	7	8	9
325		मन्दिर न्यास महाकाल भारफल	नौर	22	00-33-09		भग वरुवन कर्कट कागाड दिनांक 11-10- 83 के अदेश नुसार विनातु पुर वरुड नौरतलान मन्दिर के वजारे हरी यान पुर विनातु यान पुर वरुड नौरतलान मन्दिर नरकाल तुकर हुआ है।
299		शिवजी भोर भारफल मन्दिर न्यास	शिवजी भोर नौर द्विजाय नौर	25	00-01-44	00-34-53	
		महाकाल भक्त विराडा	नौर	2	00-34-53	00-34-53	
326		मन्दिर न्यास महाकाल भारफल	नौर	2	00-36-77	00-34-53	
300		द्वाना पुर वशी लाल पुर	द्वाना	968/20	00-36-77	00-34-53	

निकलनेट : हिमाचल प्रदेश - शिमला

दिनांक: 10-Apr-2023

पृष्ठ संख्या: 4







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					00-54-64 #र मरिडा 00-12-41		

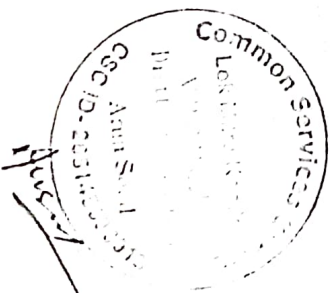
certified that this copy has been generated from the database of Revenue Department at  
 al Server- HP as accessed by the Lok Mitra Kendra Arun Sood on 10-April-2023

मामल प्रदेश - मिमल

दिनांक: 10-Apr-2023

To Verify, enter the Copy No above Bar Code at  
<https://hmhoomlimk.nic.in>  
 For Validity Refer : Notice No.Rev-C/FY10-1/2009 Dated 14-Feb-2011

Jam0201234470



पृष्ठ संख्या: 7

IN THE COURT OF SUB DIVISIONAL MAGISTRATE, BAIJNATH DISTT. KANGRA.

Sh Mahakal Temple Trust, Mahakal Tehsil Baijnath District Kangra HP  
Complainant.

Vs

General Public

Respondent.



Conditional Order U/S 133 CrPC.

Whereas, it has been brought to the notice of undersigned by the Members of Sh Mahakal Temple Trust, Mahakal that there are some dried and dead fuelwood trees on the land of Temple which are very dangerous and may fall at any time, posing threat to life and property. They requested to give permission for removal of these dangerous trees which are causing danger to life of the general public there.

I have gone through the contents of the application and have visited the spot personally with Patwari and Kanungo of the revenue agencies and Members of Temple Trust Shri Mahakal Temple. On the spot, it was found that there is a Temple land comprising Khasra number 19 classified as Bagicha Barani Faldar (Orchard of fruits) and Banjar Kadim (Baren Land). A single lane road comes through this number from the village to the Temple. On the side of this road there is Govt Primary School Mahakal and on the other side is main Temple compound. On the either side of this road there about 10-15 dead and dried small trees of Oei, besides the other green trees, which have been eaten by the termites, as a result these dead Trees may fall anytime on the school children and passersby and on vehicles of devotees.

Attested Copy


Sub. Divisional Officer (C)  
Baijnath, Distt. Kangra (H.P.)

Sub. Divisional Magistrate  
Baijnath, Distt. Kangra (H.P.)

In view of the above mentioned facts and circumstances, there is clear apprehension of danger and threat to life and property due to these trees. Hence, it is necessary in the public interest to remove these dangerous trees for the overall safety. Therefore, I hereby order u/s 133 (d) of CrPC to remove the above said dangerous tree from the spot and compliance report be submitted in this court within one month of passing of these orders. If someone has any objection he may appear in this court on 30-06-2023 at 10:00AM to show cause as to why this conditional order should not be made absolute. The fuel woods of removed trees be used in the cremation of dead bodies in the campus of Shri Mahakal Temple.

Issued under my signature and seal of court on 26-05-2023



  
Sub-Divisional Magistrate  
Baijnath, Kangra (H.P.)


Dated 27/05/2023

No. 708 /Reader  
Copy forwarded to:-

1. Temple Trust Sh Mahakal Temple Mahakal Tehsil Baijnath for further necessary action. ATO Mahakal to inform the Range Officer Baijnath also.

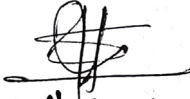
*Attested Copy*


  
Sub-Divisional Officer (C)  
Baijnath, Distt. Kangra (H.P.)

  
Sub-Divisional Magistrate  
Baijnath, Distt. Kangra (H.P.)

ANNEXURE - IVDetail of trees felled:

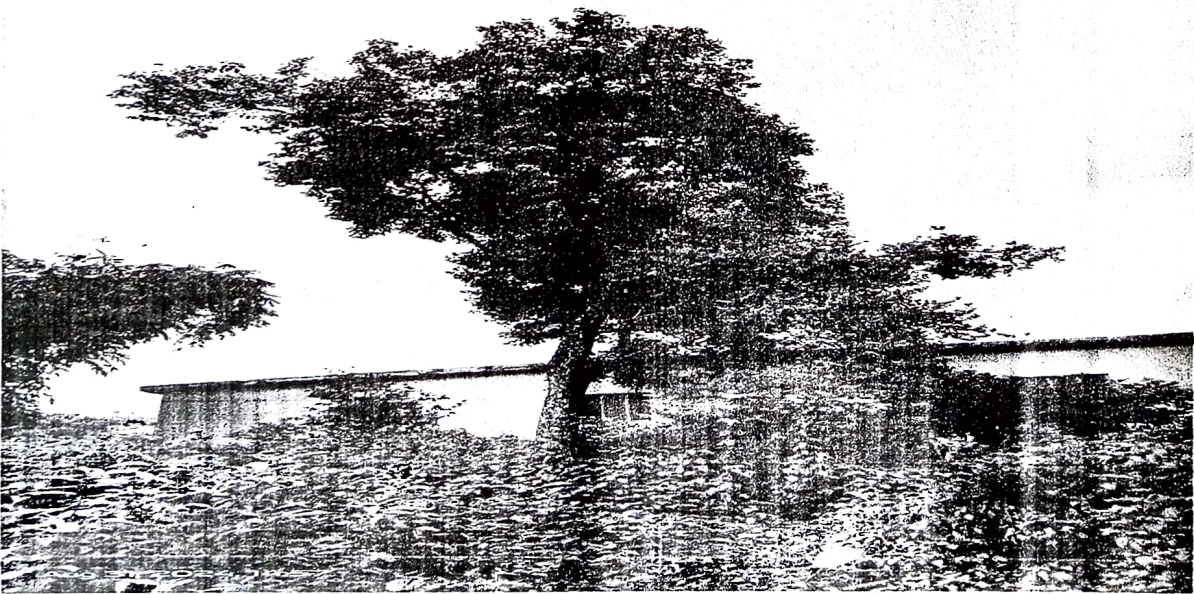
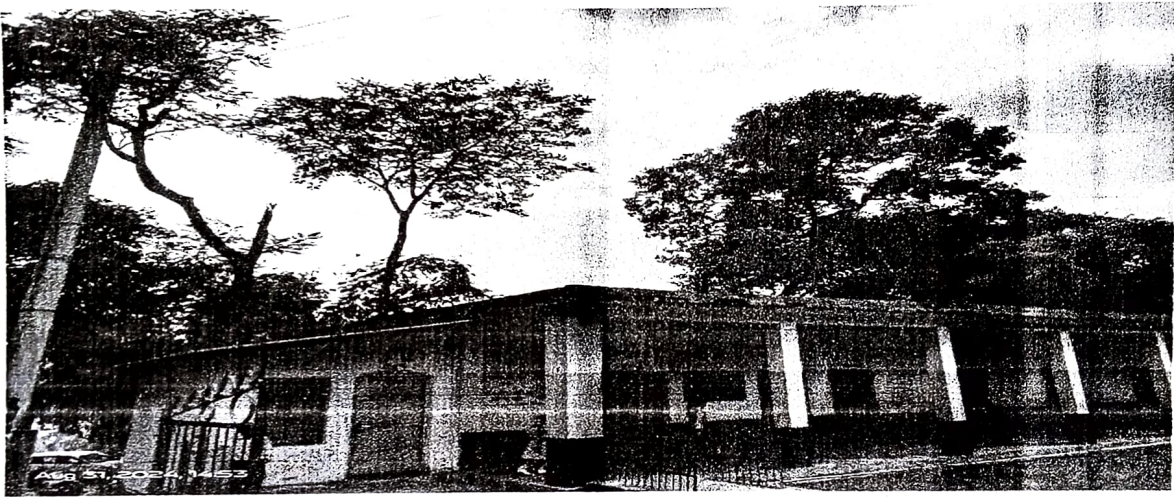
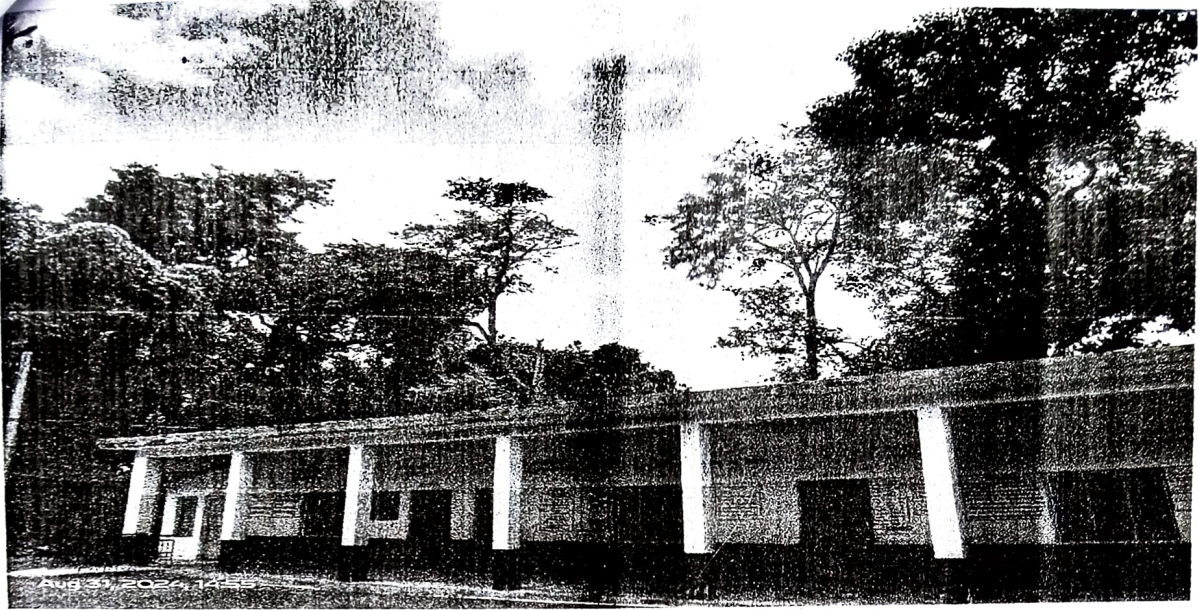
Sr.No.	Species	Botanical Name	Girth (in cm)	Dia Class (in cm)
1.	Bhadrol	<i>Machilus gamblie</i>	108	III
2.	Bhadrol	<i>Machilus gamblie</i>	115	III
3.	Bhadrol	<i>Machilus gamblie</i>	88	IV
4.	Bhadrol	<i>Machilus gamblie</i>	87	IV
5.	Bhadrol	<i>Machilus gamblie</i>	115	III
6.	Jamun	<i>Syzygium cuminii</i>	130	IIA
7.	Oie	<i>Albizzia stipulata</i>	115	IIA
8.	Oie	<i>Albizzia stipulata</i>	85	IV

  
/C Baijnath beat & block  
dt 16/08/2024

  
Range Forest Officer  
Baijnath Forest Range  
Baijnath - 176125

ANNEXURE V

**Picture 1:** Fallen oie adjacent to road, parking area & green oie weakened by termites.



Picture 2: Dangerous trees behind the school building.



Picture 3: Dangerous trees behind the temple.