

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No. 419/2022

Factual & Action Taken Report of the Joint Committee in compliance to order dated 12/07/2022 passed by the Hon'ble NGT in O.A. No. 419/2022 titled Mohinder Singh v. State of H.P.

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Date: 27/09/2022
HPSPCB, Shimla.

HP STATE POLLUTION CONTROL BOARD

Him Parivesh, Phase-III, New Shimla (H.P.)

No. PCB-OA No. 419/2022- I/159541/2022

Dated: 27.09.2022

To

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

Subject: Factual & Action Taken Report of the Joint Committee in compliance of order dated 12/07/2022 passed by the Hon'ble NGT in O.A. No. 419/2022 titled Mohinder Singh v. State of H.P.

Sir,

Kindly refer to order dated 12/07/2022 of Hon'ble NGT in the above cited matter, wherein following directions were passed:-

"...2... In view of the averments made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of Principal Secretary, Department of Urban Development, Government of Himachal Pradesh, Principal Chief Conservator of Forests, Government of Himachal Pradesh, State PCB, Municipal Commissioner and Deputy Commissioner, Kangra. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee shall meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position regarding unauthorized construction, cutting of trees etc., and take requisite remedial action by following due process of law..."

In compliance to the above directions of Hon'ble NGT, a Factual and Action Taken Report has been submitted by the Joint Committee (annexed as **Annexure-A**) which may kindly be taken on record please.

(Enclosed: As above)

Sincerely,

Signed by Apoorv Devgan

Date: 27-09-2022 13:06:13

Member Secretary

HPSPCB, Shimla,
Tel. No. 0177-2673766.

Action Taken Report of the Joint Committee constituted in compliance to the order dated 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P.

BACK GROUND:

In this matter, Mr. Mohinder Singh, C/o Sh. Tej Pal S/o late Sh. Jai Karan, R/o Upper Barol Dari, Tehsil Dharamshala, District Kangra H.P. sent a letter/petition in the Hon'ble National Green Tribunal alleging illegal construction by Ms. Veena Devi w/o Mr. Joginder Singh, (Junior Engineer, Municipal Corporation Dharamshala) of six storied building in Ward No. 3 in violation of the environmental norms, orders passed by the Hon'ble Supreme Court and NGT. The allegations were also made regarding disproportionate assets of Joginder Singh (Junior Engineer, Municipal Corporation, Dharamshala) by giving detailed particulars of the same and has submitted that Joginder Singh (Junior Engineer, Municipal Corporation, Dharamshala) is indulging in illegal activities of illegal construction, allotments, subletting, issuance of NOC's and cutting of trees. The complaint was registered in the Hon'ble NGT as O.A. No. 419/2022 titled as Mohinder Singh V/s State of H.P dated 12.07.2022 and order dated 12/07/2022 was passed by the Hon'ble Tribunal with the following directions:

“.....In view of the averments made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of Principal Secretary, Department of Urban Development, Government of Himachal Pradesh, Principal Chief Conservator of Forests, Government of Himachal Pradesh, State PCB, Municipal Commissioner and Deputy Commissioner, Kangra. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee shall meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position regarding unauthorized construction, cutting of trees etc., and take requisite remedial action by following due process of law.....”

FIRST MEETING OF THE JOINT COMMITTEE:

In compliance to the above directions of Hon'ble NGT, the aforesaid Joint Committee met on 08.08.2022 under the chairmanship of the Principal Secretary, Department of

Urban Development, Government of H.P, to examine the issues and actions needed to be taken by the representatives of concerned departments/authorities in this matter. The Joint Inspection committee was directed to submit a complete Action Taken Report in this regard (Minutes of the first meeting of the NGT's Joint Committee is annexed as **Annexure-I**).

JOINT INSPECTION OF THE SITE

The joint inspection of the site was conducted on 10/08/2022 by the following:-

1. Sh. D.R. Kaushal (IFS), Chief Conservator of Forests, Dharamshala on behalf of Principal Chief Conservator of Forests, H.P.
2. Sh. Pradeep Kumar Thakur (IAS), Municipal Commissioner, Dharamshala, H.P. on behalf of the Principal Secretary (UD), Govt. of H.P.
3. Dr. Nipun Jindal (IAS), Deputy Commissioner, Kangra, H.P.
4. Dr. Sanjeev Sharma, Divisional Forest Officer, Dharamshala.
5. Sh. Varun Gupta, Regional Officer, HPSPCB, Dharamshala for the State PCB.

In addition to the above, Revenue officials, Police, complainant & owner of the property were also present during the inspection.

During the joint inspection the grievances of the complainant i.e. Sh. Mohinder Singh were also heard in person by the Committee. During the inspection, it was decided that Dharamshala Municipal Corporation (DMC) will check for any deviation/unauthorized construction in the building, Revenue Department will conduct demarcation of the land and Tree Officer of DMC will check for any kind of illegal cutting/felling of trees and/or any kind of violation as observed and date to carry out the demarcation by the revenue department in coordination with DMC was fixed on date: 12/08/2022. Accordingly the demarcation of the site in question was carried out on date: 12/08/2022.

(Copy of proceedings and attendance sheet of Joint Inspection carried out on 10/08/2022 is annexed as **Annexure-II and III respectively**. Copy of attendance sheet of the members during demarcation on 12/08/2022 is annexed as **Annexure-IV**. Photographs of Joint inspection carried out on date: 10/08/2022 are annexed as **Annexure-V**.)

ACTION TAKEN BY THE CONCERNED AUTHORITIES/DEPARTMENTS:**REVENUE DEPARTMENT:**

Revenue Department conducted the demarcation of the site in question as fixed on date: 12/08/2022. During the demarcation Smt. Veena, shareholder and local residents Sh. Janam Singh, Sh. Vijay Kumar etc. were also present on the spot. The parties were intimated in advance regarding the spot inspection of Khasra no. 2122/2036/1972 situated in Up Mahal Mcleodganj. As per the report of Partwari, Partwar Circle Dharamshala-I, Khasra no. 2122/2036/1972 measuring 1-61-66 Hc. to the extent of 250/16166 part measuring 0-02-50 Hc situated in Up Mahal Mcleodganj, has been registered in name of Smt. Veena Devi w/o Sh. Joginder Singh S/o Sh. Chet Ram, Sh. Joginder Singh S/o Sh. Chet Ram, Mayank Singh, Priyank Singh S/o Joginder Singh in revenue records. The above mentioned shareholders are co-owners in Khata no. 217, Khatuni no. 374, Khasra no. 2122/2036/1972, measuring 1-61-66 Hc. The tatima was prepared as per the possession in the above mentioned Khasra (as it was joint land) and it was found that land measuring 0-02-24 Hc. is in position of the shareholders. In Khasra no. 2122/2036/1972/1 measuring 0-02-24 Hc., a building has been constructed along with stairs and some portion of the land is vacant. Out of the total land measuring 0-02-50 Hc. in the name of above mentioned shareholders, possession has been found in 0-02-24 Hc. only, which is 0-00-26 Hc. less than the total area calculated in the name of shareholders. The land was demarcated in the presence of the all present and no objection was raised on the spot.

FOREST DEPARTMENT:

As per the demarcation report, the land where construction of building has been done is a private land owned by Smt. Veena Devi w/o Sh. Joginder Singh S/o Sh. Chet Ram, Sh. Joginder Singh S/o Sh. Chet Ram, Mayank Singh, Priyank Singh S/o Joginder Singh and falls within the Municipal Limits of the Municipal Corporation, Dharamshala. Hence, said land does not attract the provisions of the Indian Forest Act, 1927 and further action in this matter will be taken by the Municipal Corporation, Dharamshala under the HP Municipal Corporation Act, 1994.

DHARAMSHALA MUNICIPAL CORPORATION (DMC):

1. Permission for construction of double storied residential building was granted by the Town & Country planning department in the name of Smt. Veena Devi and Vijay Kumar vide No.DTP(D) Case No. 52/06-788-89 dated 28-06-2006. Thereafter, this permission of building plan was rectified by the Municipal Council (E.O. M.C. Dharamshala) vide No. 823 dated 11-08-2006.
2. Permission for additional construction along existing ground, first floor and raising second and third floor over it granted in the name of Sh. Joginder Singh, Smt. Veena Devi, Priyank & Mayank Singh from this office on line vide Ref.No.BAMS/2020/9/05044135 dated 23-10-2020. They are co- sharers in land bearing kh. No. 2122/2036/1972 measuring area 250.00 sqm.out of 16166.00 sqm in upmohal Mcleodganj (N.P), Mouja & Teh. Dharamshala, Distt. Kangra H.P.
3. Post Hon'ble NGT's order in application No. 419/2022 dated 12-07-2022, the construction site inspected by the joint committee on dated 10-8-2022 and it was decided that the extent of possession by Sh. Joginder Singh and others co-sharers shall be determined through demarcation of the premise to ascertain the facts. As per the decision of Committee, Tehsildar Dharmashala conducted demarcation on dated 12-08-2022.
4. After the land demarcation Sh. Joginder Singh and others are found to be in possession as per their entitlement i.e. 224.00 sqms out of 250 sqms recorded share. However, as per the approved building plan they have constructed residential building leaving zero set back towards left side i.e. a deviation of 10.50 sqm, the other sides i.e. front, right & back set backs are within permissible limits. It is a six storeyed R.C.C. slab roof residential building out of which two floors i.e. upper & lower basement has been plugged. A tin shed (kiosk) 3.10x2.35 mtr.also constructed on road level without approval of competent authority at site.
5. The premise boundary in front side about 2.50 mtr. public street, the right & left sides have boundary with existing buildings of adjoining owners and rear side is fixed with R/wall.
6. R.C.C. slab roof has laid on top floor in place of approved sloping C.G.I. sheet.
7. Eight trees i.e. 7 No. Deodar and 1 no. of Silver Oak found within plot boundary. Out of seven trees, 4 Deodar trees are at a distance which is not permissible under regulations. The tree on front side is at a radius of 1.50 meter, 2 trees on the left side at a radius of 0.50 &1.20 meter and right side is at a radius of 1.70 meter from the

building. As per Dharamshala Planning regulations clause 14.10-(XXXVI) minimum distance of 2.00 meter radius from existing trees has not been kept. However, stipulated radius of 2.00 meter has been maintained at second and third floor level of the building.

8. All trees are within their private land and it was observed that no tree felling has been carried out as alleged in the complaint. Over all height of building has been kept 19.40 meter against permissible limit of 13.00 meter.
9. It is further observed that slab projections are extended between 0.80 to 1.40 meter against permissible limit of 0.45 to 1.00 meter.
10. Since the land in question is a privately owned land and the respondents had obtained valid permission for a residential house over 250.00 SQM having G+ 3 floors/ four storeyed structure, therefore part of constructed portion is unauthorized, as it has been deviated from approved plan.
11. The Dharamshala Municipal Corporation has already initiated action u/s 253(1) of H.P. Municipal Corporation Act, 1994 and a show cause notice vide no. 2691-92 dated 01-08-2022 issued. The deviated part of the building has been ordered to sealed as per the provisions of Section 254 (A) of same Act vide order 3055-57 dated 18-08-2022.

SECOND MEETING OF THE JOINT COMMITTEE AND CONCLUSION :

Aforesaid action taken report by the respective departments were delved upon during second meeting of the Joint Committee held on 14.09.2022 under the chairmanship of the Principal Secretary, Department of Urban Development, GoHP wherein it was observed that joint inspection was conducted in presence of the complainant Sh. Mohinder Singh and his grievances were also heard by the Committee. Revenue Department has demarcated the site in question and parties were found to be in possession as per their entitlement. All trees were within the private land/plot boundary and no tree felling has been carried out as alleged in the complaint. Part construction was found to be unauthorized as deviations were found from the approved building plan. In this connection, it was apprised that Municipal Corporation, Dharamshala has already initiated action u/s 253(1) of Municipal Corporation Act, 1994 and vide order dated 18.08.2022, the deviated part of the building has been ordered to be sealed as per the provisions of Section 254(A) of the same Act. In compliance further it has been

reported in the Joint Report, that two floors of the building (upper & lower basement) already stand plugged.

In view of above, the Principal Secretary, Department of Urban Development directed Municipal Corporation, Dharamshala that it shall take action prescribed for the violations found, as per due process of law and the entire process be completed within six months. (Minutes of the second meeting of the Joint Committee is annexed as **Annexure-VI**).

Varun Gupta

Regional
Officer,
HPSPCB,
Dharamshala

[Signature]

Addl. Principal,
Chief Conservator
of Forests, Govt.
of H.P.

[Signature]

Commissioner,
Municipal
Corporation
Dharmashala

[Signature]

Deputy
Commissioner,
Kangra.

[Signature]

Principal Secretary,
Department of
Urban Development
Government of H.P.

SECOND MEETING OF THE JOINT COMMITTEE AND CONCLUSION

Although action taken upon report by the two departments were delayed upon during second meeting of the Joint Committee held on 14-08-2022 under the chairmanship of the Principal Secretary, Department of Urban Development, Govt. of H.P. It was observed that joint inspection was conducted in presence of the complainant Sh. Mohinder Singh and his grievances were also heard by the Committee. Revenue Department has demarcated the site in question and parties were found to be in possession as per their entitlement. All trees within the private land plot of complainant and no tree felling has been carried out as alleged in the complaint. Part construction was found to be unauthorized as deviations were found from the approved building plan. In this connection, it was advised that Municipal Corporation, Dharamshala has already initiated action under section 233(A) of Municipal Corporation Act, 1994 and vide order dated 18-08-2022, the devolved part of the building has been ordered to be sealed as per the provisions of section 234(A) of the same Act. In compliance further it has been

Minutes of the meeting of the joint committee constituted in compliance to order dated 12.07.2022 of Hon'ble NGT passed in O.A. No. 419/2022 titled Mohinder Singh v. State of H.P, held on 08.08.2022 in the Chamber of the Principal Secretary, Department of Urban Development at Shimla at 03:00 PM.

As directed by Hon'ble NGT vide order dated 12.07.2022 in O.A. No. 419/2022, a meeting of the Joint Committee was held on 08.08.2022 under the chairmanship of the Principal Secretary, Department of Urban Development, GoHP, Shimla, to examine the issues and actions needed to be taken by the State authorities in this matter.

The following participants attended the meeting:-

1. Sh. Ajay Srivastav, Principal Chief Conservator of Forests.
2. Sh. Pradeep Kumar Thakur (IAS), Municipal Commissioner, Dharamshala, H.P.
3. Dr. Nipun Jindal (IAS), Deputy Commissioner, Kangra, H.P.
4. Sh. Apoorv Devgan (IAS), Member Secretary, HPSPCB, Shimla.
5. Sh. Gandharva Rathour (IAS), Addl. Deputy Commissioner, Kangra, H.P.
6. Sh. D.R. Kaushal, Chief Conservator of Forests, Dharamshala.
7. Sh. Varun Gupta, Regional Officer, HPSPCB, Dharamshala.
8. Divisional Forest Officer, Dharamshala.

The PCCF and Member Secretary, HPSPCB were present in person and remaining officers participated through video conferencing.

At the very outset the Chairperson welcomed all the committee members and pointed out that the meeting in this matter is being held as per the directions of Hon'ble NGT's order dated 12.07.2022 wherein the Joint Committee of the officers so constituted was directed to meet within four weeks to look into the grievances of the applicant/petitioner and take further necessary action. The Regional Officer, HPSPCB, Dharamshala being Nodal Officer presented the details of the case and informed about the complaint of Sh. Mohinder Singh to the members of the committee. It was decided that the Municipal Commissioner, Dharamshala would represent Principal Secretary, Department of Urban Development and associate in joint inspection on his behalf and CCF Dharamshala would represent the PCCF. The Regional Officer, HPSPCB, Dharamshala (Nodal Officer) apprised that joint inspection of the spot by the committee has been fixed on 10/08/2022 at 11:00 AM.

The meeting was concluded by the Principal Secretary, Department of Urban Development with the directions that the issues involved in the complaint pertaining to alleged illegal cutting of trees & illegal construction etc. in violation of the norms need to be looked into by the concerned departments/agencies. Accordingly, the joint committee constituted by NGT shall visit the site & submit the complete factual & action taken report to this office within 5 working days before filing in NGT. Meeting of the Joint Committee shall again be held to consider the report before filing of the report.

Approved by

**The Principal Secretary,
Department of U.D.
Govt. of H.P., Shimla-02.**

No. HPSPCB/O.A. 419/2022

6546-50

Dated: 12-08-2022

Copy forwarded to following for information & necessary action:-

1. Principal Chief Conservator of Forests, GoHP, Forest Department, Talland, Shimla, H.P. 171001.
2. Deputy Commissioner, District Kangra, H.P.
3. Member Secretary, HPSPCB, Phase-III, New Shimla.
4. The Commissioner, Municipal Corporation, Dharamshala, Near Fire Station, Dharamshala, H.P. - 176215.
5. The Regional Officer, Dharamshala, HPSPCB, District Kangra, H.P.


**Member Secretary,
HPSPCB, Shimla.**

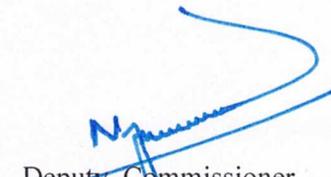
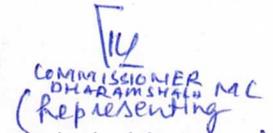
Proceedings of Joint Inspection conducted on date: 10/08/2022 in compliance to the order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P

As per order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P vide which following directions have been passed:

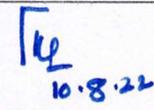
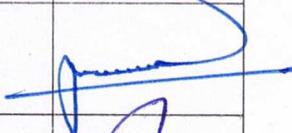
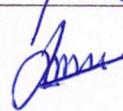
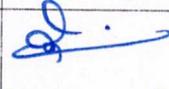
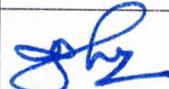
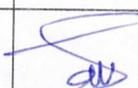
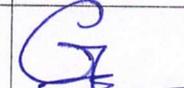
".....In view of the averments made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of Principal Secretary, Department of Urban Development, Government of Himachal Pradesh, Principal Chief Conservator of Forests, Government of Himachal Pradesh, State PCB, Municipal Commissioner and Deputy Commissioner, Kangra. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee shall meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position regarding unauthorized construction, cutting of trees etc., and take requisite remedial action by following due process of law....."

In compliance of above order, joint inspection of the spot by the joint committee was conducted on date: 10/08/2022. During the inspection, it was decided that Dharamshala Municipal Corporation (DMC) will check for any deviation/unauthorized construction in the building, Revenue Department will conduct demarcation of the land and Tree Officer of DMC will check for any kind of illegal cutting/felling of trees and/or any kind of violation as observed and will submit the factual report within 07 days to State Pollution Control Board.

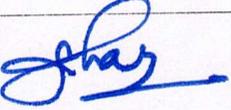
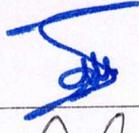
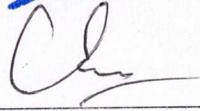
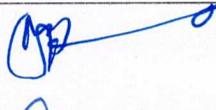
Further it was decided that the demarcation of the land will be conducted on date: 12/08/2022 at 10:30 AM by the Revenue Department, for which Tehsildar Dharamshala was directed on the spot, in coordination with Dharamshala Municipal Corporation.

 Varun Gupta State Pollution Control Board (Nodal officer)	 CCF Dharamshala P/O Principal, Chief Conservator of Forests, Government of H.P.	 Commissioner, Municipal Corporation Dharamshala	 Deputy Commissioner, Kangra at Dharamshala	 COMMISSIONER DHARAMSHALA MC (Representing Principal Secretary, Department of Urban Development Government of H.P.
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Attendance sheet for joint inspection of the spot by the joint committee constituted in reference to the order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P. conducted on date: 10/08/2022.

Sr No.	Name of the officer/official	Name of the Department	Mobile No./e-mail	Signature
1	Pradeep Kumar Thakur	Commissioner D/shala MC	9958588325 pradeepthaku.2008@gmail.com	 10.8.22
2	Varun Gupta	Nodal officer HPS PCB Dharamshala	9418012852 PCBROTASUR@GMAIL.COM	 10/8/22
3	Dr. Nipin Jindal	DC Kangra	7018578009	
4	VIPAN KUMAR	SHO PS M/Ganj Police Dept	70183-18198	 9/8/20
5	Narjeet Kumar	H.C Police Dept.	98574-61940	
6	Sunny	Constable	9882600811	 12/8
7	Pranta	NHO - L Building	98058-66653	
8	Veena	owner	9459375856	
9	Mohinder Singh	Mohinder Singh	98165-32092	
10	Dr. Sanjeev Sharma	Power Dept	9418026494 @jooha@gmail.com	
11	MUNISH/Am	Kanup DMC	7807683400	
12	Apoorv Sharma	Revenue Dept Tehsilder	9459120202	
13	Vikrator Singh	Field Kanungo	89800-24999	
14	Sanjeev Kumar	Clerk HPS PCB	98055-25573	
15	D.R. Kaushal IFS	FOREST CCF Dharamshala.	9418017661	 ②

Attendance sheet for the demarcation of land conducted on date: 12/08/2022 in reference to the order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P.: titled Mohinder Singh V/s State of H.P.

Sr No.	Name	Department	Signature	e-mail/Mobile
1.	Apoorv Sharma	Tahsildar Dharamshala/ Revenue		9459120202
2.	Vichitran Singh	Plg. Officer		89880-24999
3.	Vivekanand Sharma	Palawan D/shala		9218518700
4	Veena	Building Owner		9459575856
5	Vijay Kumar	Land Partner		9418101960
6.	Vijay Kumar	Land Partner		9218000267
2.	Janam Singh	Lumber New House.		94181-11951.
8	Rajesh Sharma	Plg. Officer		9418162187
9	Manoj Kumar	Kmnp DMC		78076-83400
10	Es. Rajat Kumar	JEE, HPSPCB Dharamshala		986574454

Photographs of Joint inspection carried out on date: 10/08/2022 in reference to Order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P.

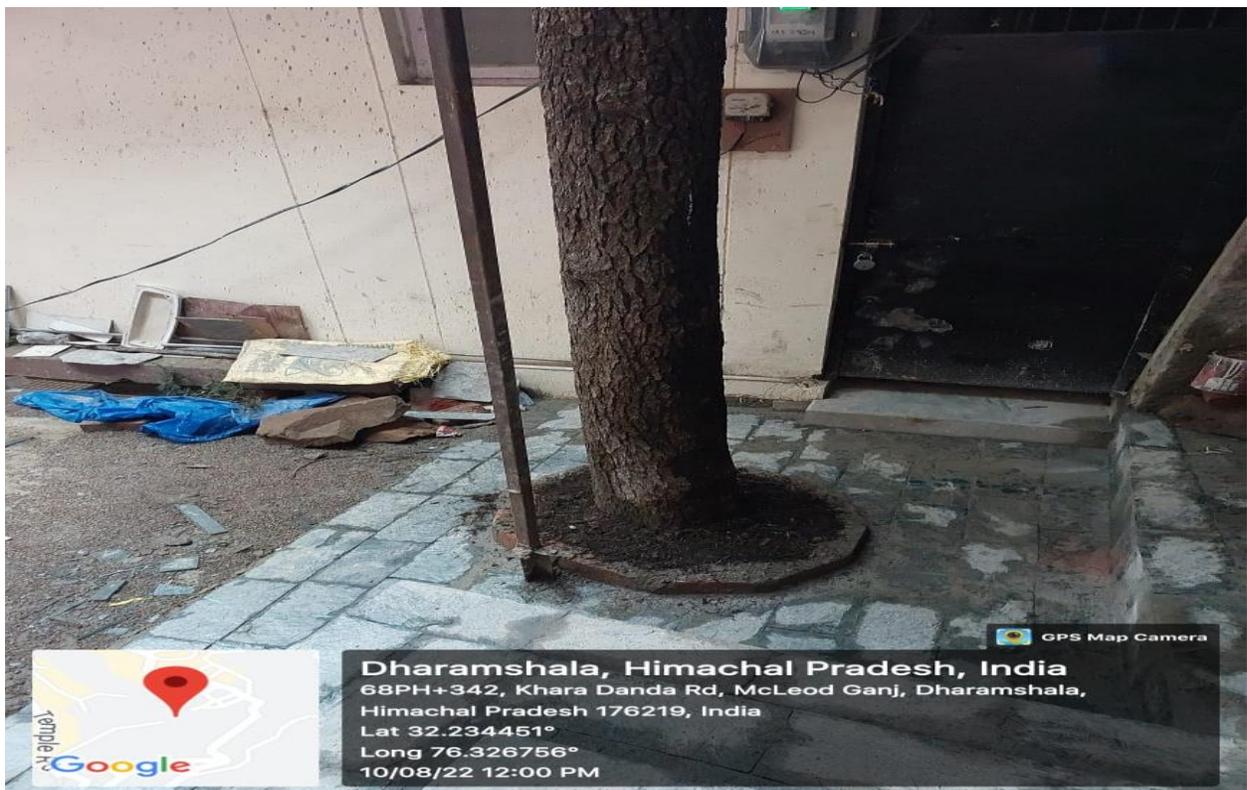


Grievances of the complainant Sh. Mohinder Singh being heard by the committee during the joint inspection

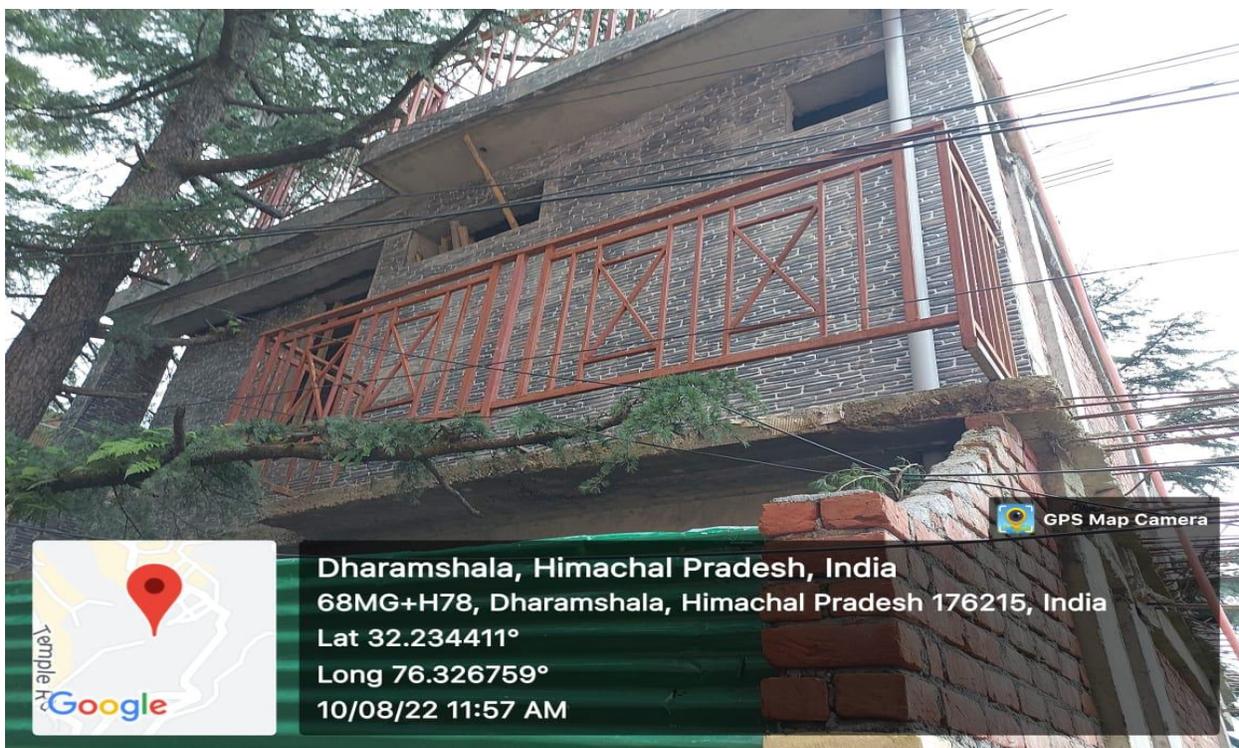
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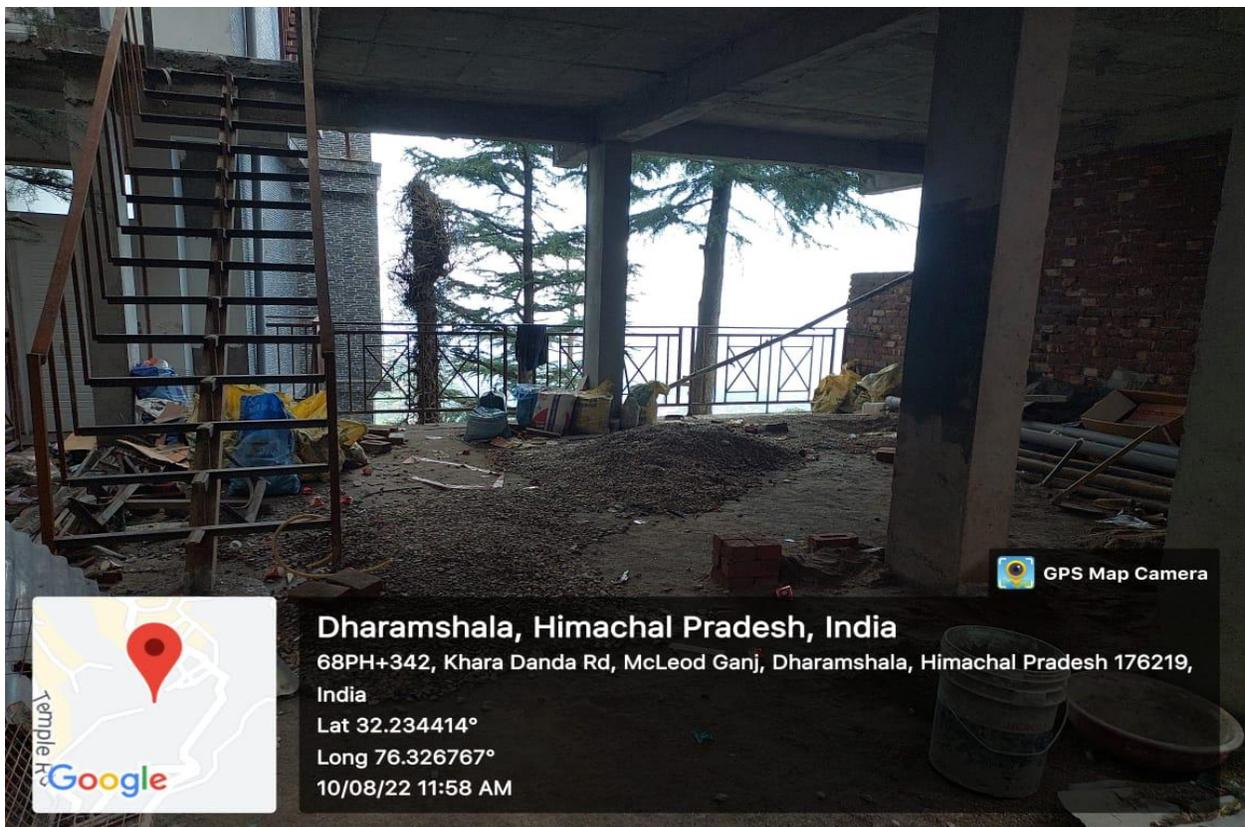
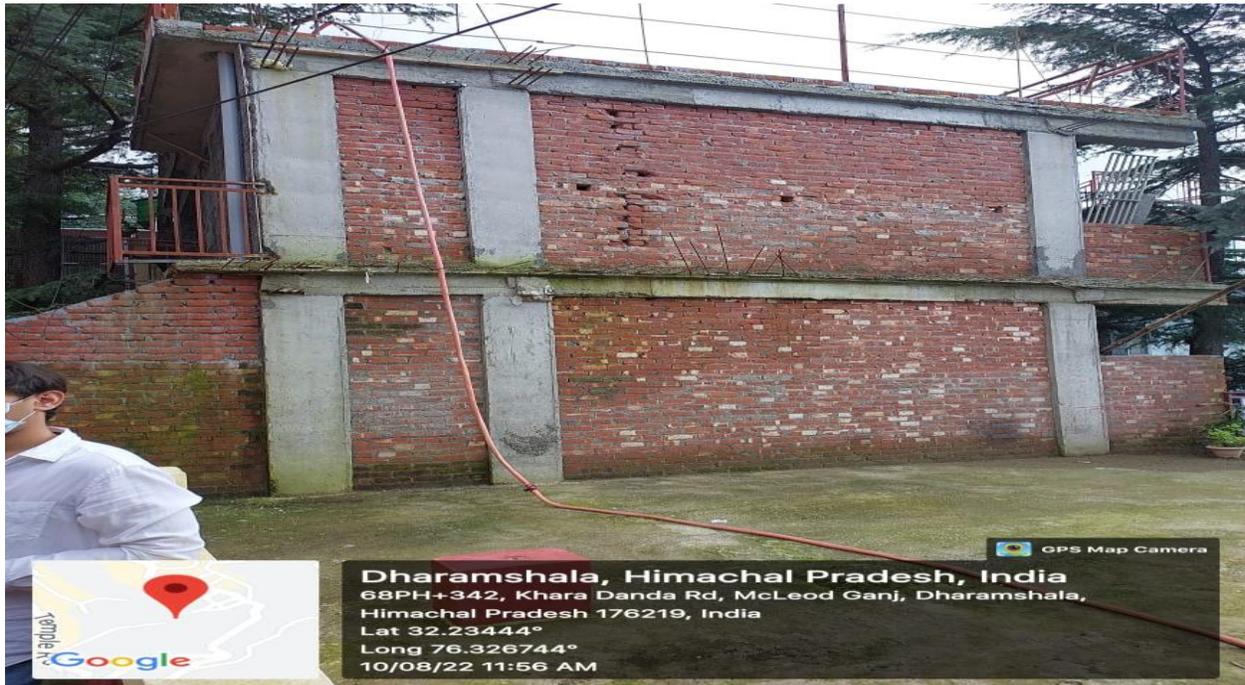
Photographs of Joint inspection carried out on date: 10/08/2022 in reference to Order dated: 12/07/2022 passed by the Hon'ble NGT in Original Application No. 419/2022 titled Mohinder Singh V/s State of H.P.



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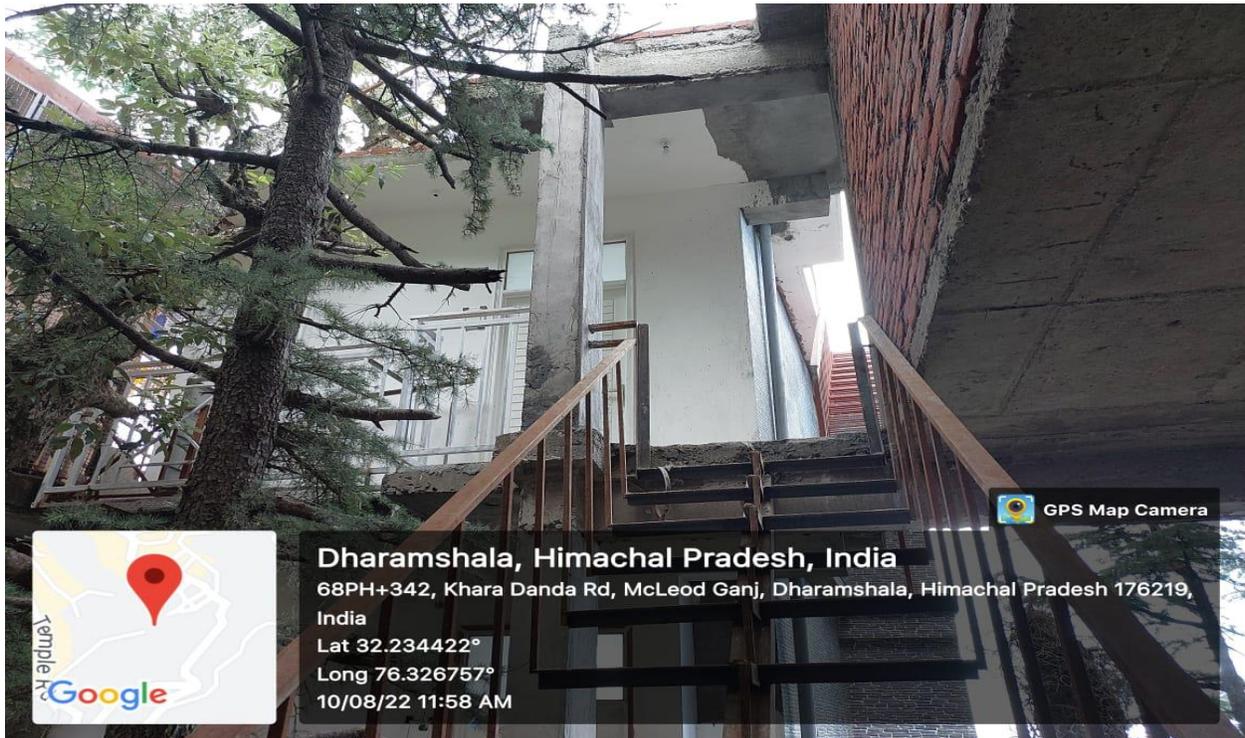
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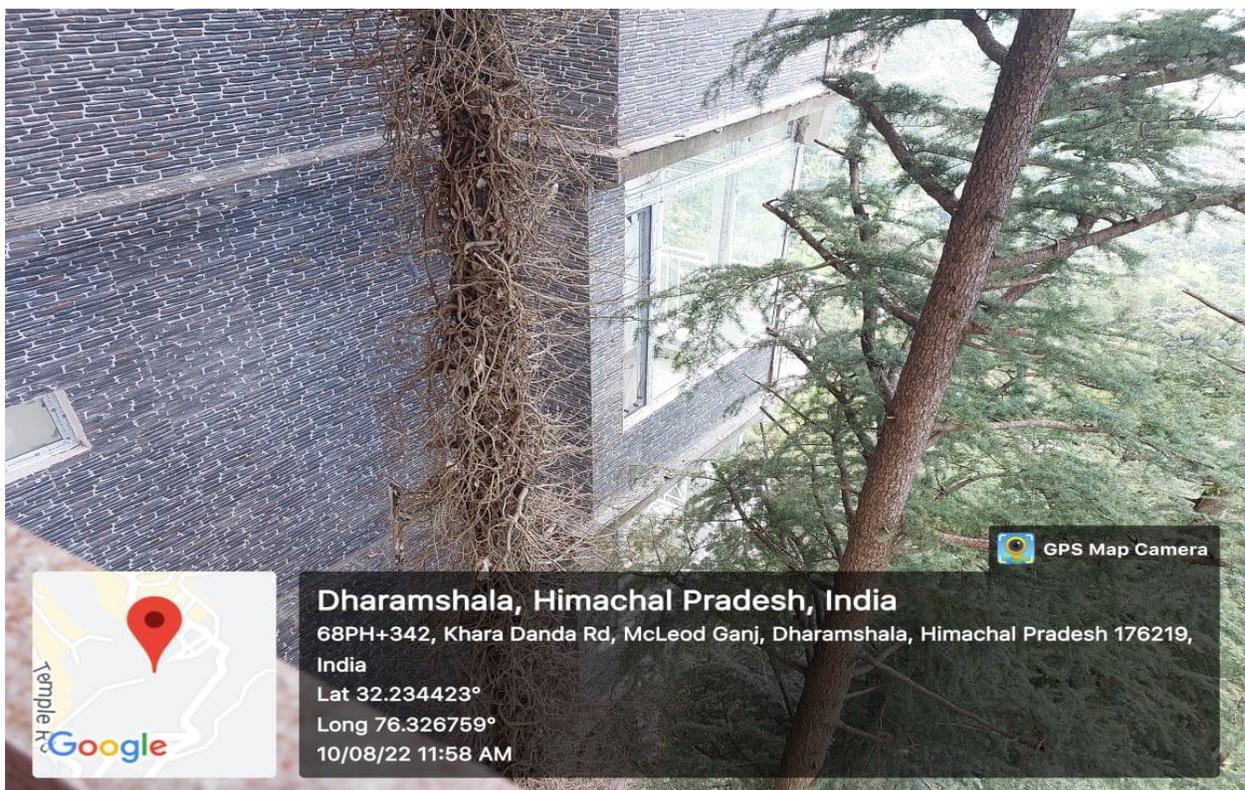
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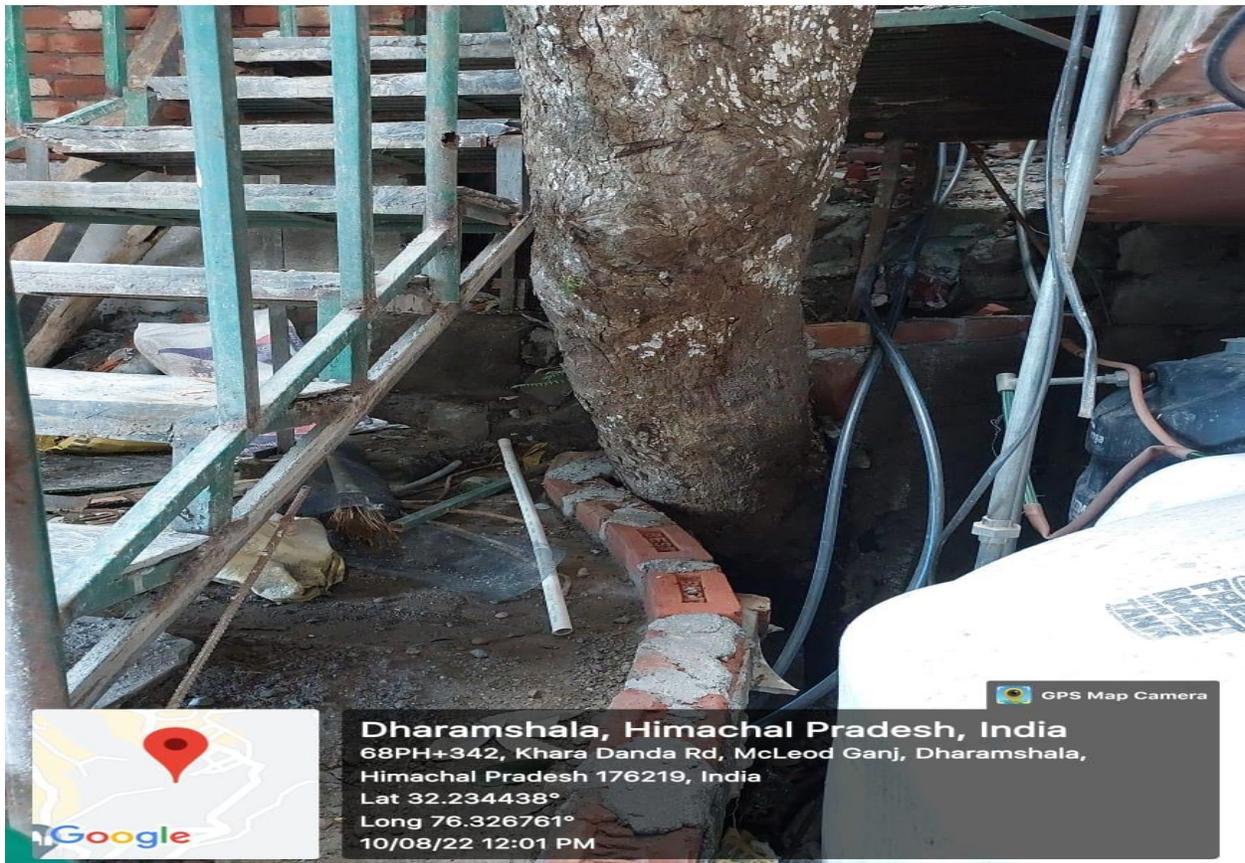
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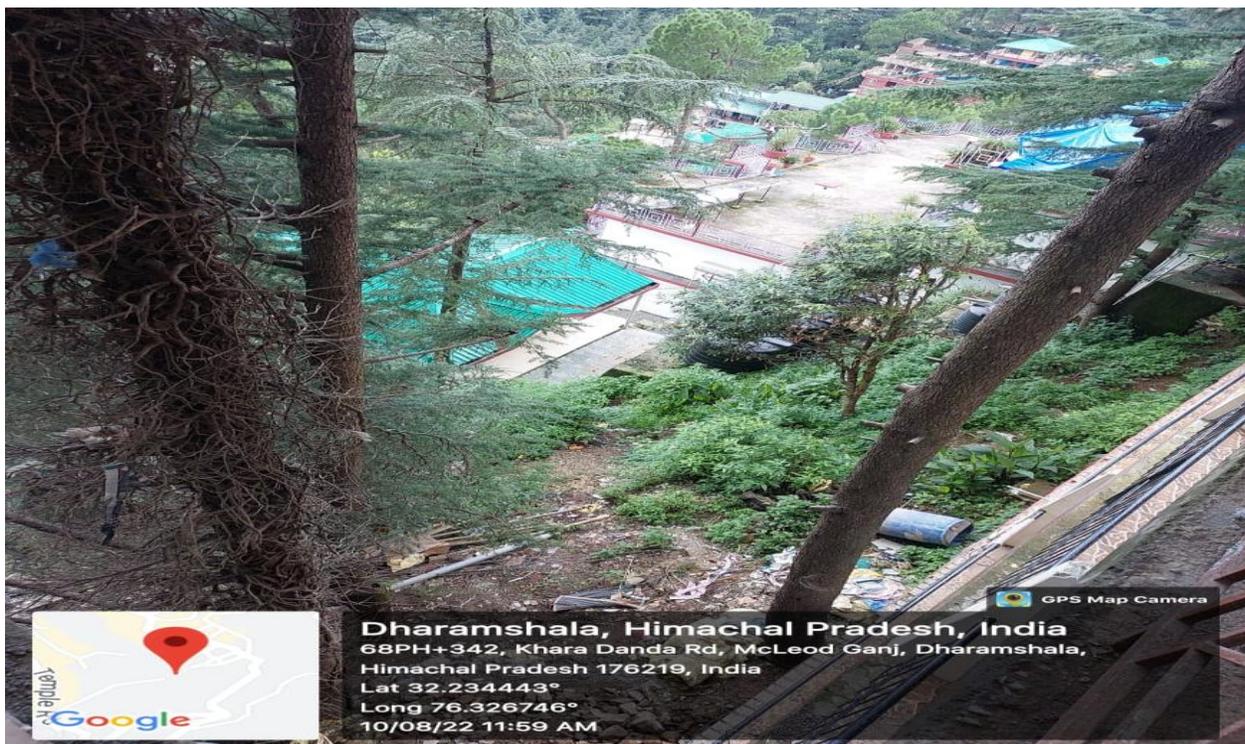
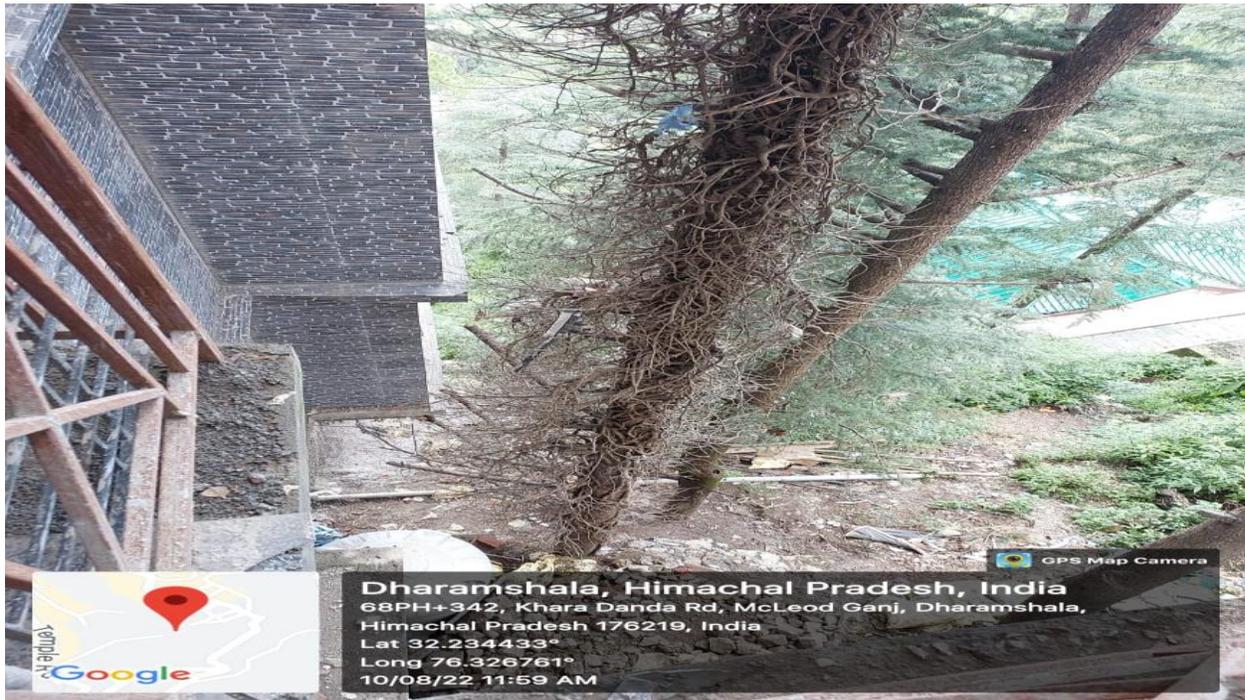
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Minutes of the second meeting of the Joint Committee constituted in compliance to order dated 12.07.2022 of Hon'ble NGT passed in O.A. No. 419/2022 titled Mohinder Singh v. State of H.P, held on 14.09.2022 in the Chamber of the Principal Secretary, Department of Urban Development, Government of H.P. at Shimla.

As directed by Hon'ble NGT vide order dated 12.07.2022 in O.A. No. 419/2022, first meeting of the Joint Committee was held on 08.08.2022 under the chairmanship of the Principal Secretary, Department of Urban Development, GoHP, Shimla, to examine the issues and actions needed to be taken by the State authorities in this matter. The meeting was concluded by the Chairperson with the directions that the issues involved in the complaint need to be looked into by the representatives of concerned departments/authorities who shall submit the complete factual & action taken report and thereafter meeting of the Joint Committee shall again be held to consider the report.

Accordingly, joint factual & action taken report was submitted by the Committee and thereafter second meeting of the NGT's Joint Committee was held on 14.09.2022 at 4.00 PM under the chairmanship of the Principal Secretary, Department of Urban Development, GoHP, Shimla in his chamber,

Following participants attended the meeting:-

1. Dr Sushil Kapta (IFS), Addl. Principal Chief Conservator of Forests.
2. Sh. Pradeep Kumar Thakur (IAS), Municipal Commissioner, Dharamshala, H.P.
3. Dr. Nipun Jindal (IAS), Deputy Commissioner, Kangra, H.P.
4. Sh. Apoorv Devgan (IAS), Member Secretary, HPSPCB, Shimla.
5. Sh. Varun Gupta, Regional Officer, HPSPCB, Dharamshala.

The Addl. Principal Chief Conservator of Forests and the Member Secretary, HPSPCB were present in person and remaining officers participated through video conferencing.

The meeting commenced with discussion of the background i.e. the issues involved in the complaint. The Principal Secretary, Department of Urban Development, GoHP examined the report and thereafter individual comments on the issue were sought from all the Committee members. The matter was discussed in detail wherein action taken by every department was reviewed. It was observed that joint inspection was conducted in presence of the complainant

Sh. Mohinder Singh and his grievances were also heard by the committee. Revenue Department has demarcated the site in question and parties were found to be in possession as per their entitlement. All trees were within the private land/plot boundary and no tree felling has been carried out as alleged in the complaint. Part construction was found to be unauthorized as deviations were found from the approved building plan. In this connection, it was apprised that Municipal Corporation, Dharamshala has already initiated action u/s 253(1) of Municipal Corporation Act, 1994 and vide order dated 18.08.2022, the deviated part of the building has been ordered to be sealed as per the provisions of Section 254 (A) of the same Act. Further it has been reported in the Joint report that two floors of the building (upper & lower basement) stand plugged.

The meeting concluded with the directions by the Principal Secretary, Department of Urban Development that Municipal Corporation, Dharamshala shall take action prescribed for the violations found, as per due process of law and the entire process be completed within six months. A report of this Joint Committee in this regard shall be prepared for further submission to the NGT.

Approved by

**The Principal Secretary,
Department of U.D.
Govt. of H.P, Shimla-02.**

No. HPSPCB/O.A. 419/2022

12597-12601

Dated: 17-09-2022

Copy forwarded to following for information & necessary action:-

1. Principal Chief Conservator of Forests, GoHP, Forest Department, Talland, Shimla, H.P. 171001.
2. P.S. to the Principal Secretary, Department of Urban Development, GoHP.
3. Deputy Commissioner, District Kangra, H.P.
4. The Commissioner, Municipal Corporation, Dharamshala, Near Fire Station, Dharamshala, H.P.- 176215.
5. The Regional Officer, Dharamshala, HPSPCB, District Kangra, H.P.


**Member Secretary,
HPSPCB, Shimla.**

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