

Report of Joint Committee of OA 506/2023

No. 1857 /Reader-SDM

Dated : 20/09/2023

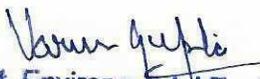
In pursuance of order of Hon'ble National Green Tribunal, New Delhi in original application no. 506/2023 dated 18.08.2023 in clause No. 6, this committee in consequence of such orders visited the site on 01-09-2023 and submits the report as follows:-

a). Site in question is located in Patwar Circle Kandi Tehsil Palampur District Kangra HP at the coordinates of Latitude $32^{\circ} 7' 56''$ N Longitude $76^{\circ} 31' 53''$ E whose location on map is attached herewith (Annexure-1). Location is about 2 KMs away from the Head Quater of the nearest town Palampur. Site in question is 500 metres away from the last boundary of Municipal Corporation Palampur and 500 metres away from the nearest riverlet that is "Neugal Khad". The site in question is at the length of about 180 meters with an elevation of 1380 meters to 1560 metres from the mean sea level. Saurav Van Vihar is a low impact eco tourism site managed by Saurav Van Vihar Management Society registered under Society Registration Act, 1860 under the administrative and technical control of HP Forest Department. Saurav Van Vihar is at a average ariel distance of 300 meters from the site in question. The area site in question along with Saurav Van Vihar does not falls in any Planning /Special area and provisions of HP Town and Country Act, 1977 are not applicable in this area.

b) Nature of Land is "Khadetar" as per revenue record and its neither a Forest area nor a Forest Land regarding residential/Non residential classification in Non TCP /Planning area there are no rules currently in State to govern such land use. The nearest habitation is village "Dhared" Tehsil Palampur which is located at 1.5 KMs from the site in question. As per the revenue record Shri Mukesh Kumar son of Bhagat Ram, Kiran Sharma w/o and Jatin Sharma s/o Mukesh Sharma is the land owners of the land in question in Khasra Nos. 30/1/1, 30/1/2, and 30/2 measuring 02-14-72 hectares in Mohal Dodan Khola Patwar Circle Kandi Tehsil Palampur.

c) Construction of retaining cum toe walls have been done for the hill slope cutting and the muck has been used in cut & fill method for plot development. As per the information received during the site inspection from the civil contractor Sh Desh Raj s/o Balia r/o Bohal Mouza Bundla Tehsil Palampur , who has also been given a power of attorney by all the owners of the said land to represent them in case of any legal matters and as already conveyed by the owner of the said land i.e. Sh Mukesh Kumar, s/o Sh Bhagat Ram vide letter no. nil dated: 12.08.2023 through email to HP Pollution Control Board stating that they are constructing only surrounding boundary wall within their premises Further he has informed that they will obtain necessary approval & NOC from concerned authorities while planning any construction if any . The copy of reply is attached as Annexure - 2. Further this committee had requested Assistant Town and Country Planner, Town and Country Planning Officer, Palampur to intimate whether any permission for the construction of hotel/guest house is accorded by their office on the said land. In reply of that, it was informed

By  Conservator of Forest
Palampur Forest Division
Palampur


Asst. Environmental Engineer
HP State Pollution Control Board
Him Parivesh Bhawan, Dari
Dharamshala, Distt. Kangra (H.P.)


Collector
Sub Division Palampur
Distt. Kangra (H.P.)

by the Assistant Town Planner, Sub-Divisional Town Planning Office, Palampur, District Kangra, that the said area does not fall in any Planning/Special Area and provision of H.P. Town and Country Planning Act, 1977 are not applicable in this area (copies of the letters are enclosed as Annexure-B).

d) During the inspection it was found that no damage to any property has been done presently. However a motorable common village road passes through this land which has been constructed through the private property by HP PWD. During the plot development, the said road was damaged but now a new RCC road has been constructed and made operational again for the villagers passing through this private property by the land owners themselves. Total area affected by the site development is around 0-33-75 hectare out of the total area of 02-14-72 hectares of land in question. Total 4 Chir Pine trees have been found cut at the site in the private land. It is pertinent to mention that upto 5 trees of Chir Pine trees can be felled each year without permission for bonafide domestic use under Sec. 4 of HP Land Preservation Act, 1978.

e) The PWD road namely Bhagotla Dharer Rajnali road which was constructed by year 2012 facilitates the people residing in villages Rajnali, Dharer and Kali Chamb. There is no revenue record of such road and neither has been acquired/ NOC given by the private land owners of point B above. It is an established fact that the road portion which was earlier of black-top, on valley side was damaged upto land measuring 0-12-00 hectares and accordingly the notice was served to the private person concerned under HP Road Infrastructure Act, 2002 for restoring the road to its original condition, as per HP PWD and the same is being done by the private persons in from of concrete road.

f) A notice under section 133 of Cr.PC. was served by the Sub Divisional Magistrate on 08.08.2023. Such notice was issued on the suo moto report of Patwai Kandi that the land owners have obstructed the public path and such site development has obstructed the passage. It was also reported by Patwari that such cutting/side development may result into disaster. The nature of land was private in nature but the possible nuisance as a result of such development in the opinion of Sub Divisional Magistrate Palampur was public in nature and might have/had resulted inconvenience to the public of villages and same was recommended by Tehsildar Palampur. It is also further submitted that the next date of hearing in the court of Sub Divisional Magistrate Palampur is on 08-09-2023. Such damage is restricted to the area of development and as per the statement of the land owners there are no other legal proceedings against them (Annexure).

<p><i>Vaishu Gupta</i> HP State Pollution Control Board, Regional Officer, Dharamshala, Asst. Environmental Engineer</p>	<p><i>[Signature]</i> Divisional Forest Officer, Palampur Dy Conservator of Forest Palampur Forest Division</p>	<p><i>[Signature]</i> Collector Palampur (HP) Sub Division Palampur Distt. Kangra (H.P.)</p>
<p>HP State Pollution Control Board Him Parivesh Bhawan, Dari Dharamshala, Distt. Kangra (H.P.)</p>		



**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**



No: PWD/GSD/Road /2023-24/ 478-479

Dated: 01.09.2023

To

✓ The Sub Divisional officer (C)
Palampur, Distt. Kangra, HP

Sub: Regarding order dated 18-08-2023 passed by Hon'ble NGT in O.A. No. 506/2023 titled Unscientific Cutting of Hills in Saurab Van Vihar in Palampur Causing Environmental Destruction And Land Slide,

Reference: Your office letter no.1723/SDP-R dated 01.09.2023

The information as desired vide your office letter quoted under reference is enclosed as Annexure-A for further necessary action in the matter please.

DA: As stated

Assistant Engineer
HPPWD Sub Division
Gopalpur

Copy to Executive Engineer, HPPWD Division, Palampur for information & necessary action please.

DA: As stated

Assistant Engineer
HPPWD Sub Division
Gopalpur

Annexure-A

5	Clarification regarding the road constructed on private property. As per a letter dated 14th August 2023 from the office of Sub-Divisional Officer, Palampur.	
5.1. What is the nature of this construction?	The nature of road is Village Road namely <i>Bhagotla Dharer Rajnali road</i> .	
5.2. How old is this construction?	The road construction work was started in the year 2006 and completed in the year 2012.	
5.3. Was this land purchased from the concerned private persons?	No such record is available with this office.	
5.4. Is this passage/road used by other persons residing in nearby areas?	This road facilitates the people residing in village Rajnali, Dharer and Kali Chamb.	
5.5. Was this road damaged during the construction activity done by Ms Kiran Sharma and others?	The road portion on the valley side was damaged at RD 0/650 on dated 03.06.2023 and accordingly the notice was served to the quarter concerned under HP Road Infrastructure Act, 2002 on the same day for restoring the road to its original condition. Consequent upon the receipt of the served notice, the work for restoration is being carried by the quarter concerned at their own cost.	

Sd/-
Section Officer
 H.P.R.W.D

A.K.D.
 Assistant Engineer
 Sub-Division H.P.R.W.D
 Gopalpur.

Annexure-A

Sr. No.	Query raised	Remark
1	1.6.1. Classification of Saurabh Van Vihar as per HP Town and Country Planning Act, 1977 and applicable Rules.	It is submitted that the Saurabh Van Vihar of Tehsil Palampur, District Kangra, Himachal Pradesh does not fall in any Planning/Special Area under jurisdiction of this office and provisions of the H. P. Town and Country Planning Act, 1977 are not applicable. The list of revenue mohals covered under the jurisdiction of this office is enclosed.



Assistant Town Planner,
Sub-Divisional Town Planning Office,
Palampur, District Kangra, H.P.



**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

No. SDTP (PLP) T- 61 (Gen. Corres.) Vol.- III/2023 - 184

Dated: 2/9/2023

To,

✓
The Sub-Divisional Officer (Civil),
Palampur, Tehsil Palampur,
Distt. Kangra (H.P.)

Subject:- Regarding order dated 18-08-2023 passed by Hon'ble NGT in O.A. No. 506/2023 titled Unscientific Cutting of Hills in Saurab Van Vihar in Palampur Causing Environmental Destruction And Land Slide.

Reference:- Your office letter No. 1722/SDP-R/dated 01.09.2023.

Sir,

'Jai hind'

Kindly refer to your office letter quoted above on the subject cited above. In this regard, it is submitted that the desired information on the prescribed proforma is enclosed herewith as **Annexure -A**.

This is submitted for your information and further necessary action, please.

Enclosures: As above.

Yours faithfully,

Assistant Town Planner,
Sub-Divisional Town Planning Office,
Palampur, District Kangra, H.P.

Authoritative English Text of this department Notification No. HIM/TP/PJT/DP-Palampur/2001-Volume-II, Shimla, dated 4/7/2001 as required under Article 348 of the Constitution of India.

GOVERNMENT OF HIMACHAL PRADESH
TOWN & COUNTRY PLANNING DEPARTMENT

No. HIM/TP/PJT/DP-Palampur/2001/Volume-II

Shimla, Dated :- 4/7/2001

NOTIFICATION

In exercise of the powers conferred by clause (a) of Section-2 of Section-13 of the H.P. Town & Country Planning Act, 1977 (Act No. 12 of 1977) the Governor of Himachal Pradesh is pleased to include the following revenue villages in Palampur Planning Area constituted vide Notification No. TCP-F(6)-2-29/96 dated 3.7.1998.

<u>Sr.No.</u>	<u>Name of Revenue Village</u>	<u>Had bast No.</u>
1.	Bandla	215
2.	Chimbalhar	91
3.	Chowki	262
4.	Khalet	263
5.	Roudi	205
6.	Vanghiar	264
7.	Kasauti	265
8.	Bag Uprla	266
9.	Maranda	258
10.	Tanda Parla	257
11.	Banuri	229
12.	Hoita	226
13.	Chornali	225
14.	Bharmat Upper	228

Consequent upon the inclusion of above villages, the Governor of Himachal Pradesh is further pleased to re-define the limits of Palampur Planning Area as per specification given below:-

Contd.

Specifications

North: Upto northern boundary of Mohal Bandla Hadbast No.215, Kohli Hadbast No.223, Lohna Hadbast No.224, Chornali Hadbast No.225, Holta Hadbast No.226 and Bharmat Upper Hadbast No.228.

East: Upto eastern boundary of Mohal Bharmat Upper Hadbast No.228 and Mohal Banuri Hadbast No.229.

South: Upto southern boundary of Mohal Banuri Hadbast No.229, Tanda Parla Hadbast No.257, following eastern boundary of Maranda Hadbast No.258, eastern & southern boundary of Bag Upria Hadbast No.266, southern boundary of Kasauti Hadbast No.265, Vanghiar Hadbast No.264 and Roudi Hadbast No.205.

West: Upto western boundary of Mohal Roudi Hadbast No.205, Khalet Hadbast No.263, Ghuggar Hadbast No.211, following southern boundary of Khilru Hadbast No.210, Bindravan Hadbast No.208, Chimbhar Hadbast No.91 and further following western boundary of Chimbhar Hadbast No.91, Differpat Hadbast No.87, Sughar Hadbast No.86, Har Hadbast No.214 and Bandla Hadbast No.215.

Total revenue villages included in the revised Palampur Planning Area shall now be as follows:-

<u>Sr. No.</u>	<u>Name of Revenue Village</u>	<u>Hadbast No.</u>	<u>Area in(Hectare)</u>
1.	M.C.Palampur	260	66
2.	Har	214	61
3.	Bandla Tea Estate	213	20
4.	Sughar	86	63
5.	Aima	212	58
6.	Differpat	87	65
7.	Bindravan	208	66
8.	Khilru	210	47
9.	Ghuggar	211	127
10.	Tanda	261	52
11.	Nihang	259	24
12.	Lohna	224	83
13.	Kohli	223	13
14.	Bandla	215	42
15.	Chimbhar	91	94
16.	Chovki	262	162
17.	Khalet	263	149
18.	Roudi	205	134

Contd.

19.	Vanghiar	264	89
20.	Kasauti	265	18
21.	Bag Uprla	266	44
22.	Maranda	258	43
23.	Tanda Parla	257	170
24.	Banuri	229	392
25.	Holta	226	365
26.	Chornali	225	19
27.	Bharmat Upper	228	104
Total		-	2570

By Order

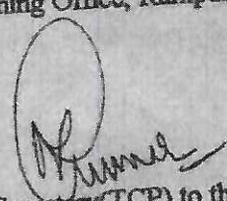
Commr.-cum-Secretary(TCP) to the
Govt. of Himachal Pradesh, Shimla-2.

Shimla, Dated: 4/7/2004

Endst.No. As above

Copy forwarded to the following for favour of information and necessary action:-

1. All the Financial Commissioner-cum-Secretaries/Commissioners-cum-Secretaries/Special Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of Himachal Pradesh, Shimla-2.
2. All the Deputy Commissioner in Himachal Pradesh.
3. All Heads of Department in Himachal Pradesh.
4. Private Secretaries to the Chief Minister/State Ministers and Chief Parliamentary Secretary Himachal Pradesh, Shimla-2.
5. The Controller, Printing & Stationery Department, Himachal Pradesh, Shimla-5 for publication in the Rajpatra (Extra Ordinary).
6. Director, Town & Country Planning Department, Himachal Pradesh, Shimla-9 with 10 spare copies.
7. The Senior Law Officer, Law Department, H.P.Sectt., Shimla-2.
8. President, Municipal Council, Palampur, District Kangra, Himachal Pradesh.
9. The Town & Country Planner, Divisional Town Planning Office, Shimla, Solan, Nahan, Mandi, Kullu, Hamirpur and Dharamshala.
10. The Assistant Town Planner, Sub-Divisional Town Planning Office, Rampur Bushchar, Parwanoo, Bilaspur, Una and Chamba.
11. Guard file.


Special Secretary(TCP) to the
Govt. of Himachal Pradesh,
Shimla-2.

To,

Date 12.08.2023

Assistant Environmental Engineers

HP State Pollution Control Board

Regional Office

Dear Sir,

Please refer to the Khasra no 30|1|2 Rakba 1-83-95 and 30|2 Rakba 0-30-77 owned by Mukesh Kumar S/o Bhagat Ram , Kiran Sharma W/o Mukesh Kumar and Jatin Sharma S/o Mukesh Kumar. We here by inform you that we are making only surrounding boundary wall within our premises.

Whenever we will plan to construct any property then we shall obtain necessary NOC and approval from concerned authorities

Again, we ensure you to not harm nature and environment

Your faithfully


Mukesh Kumar

S/o Bhagt Ram

01/09/2023

आज ही देर तक अब 62 साल लुप्त एवं जी वनी
 काम निवृत्त होकर वृद्धता में जाकर वृद्धता का नया
 लक्ष्य प्राप्त करना होगा।

आज फिर कि म. श्री मुकेश शर्मा, जति शर्मा व
 किशोरी शर्मा पत्नी मुकेश शर्मा का मुख्य कार्य आज ही
 आज करता है कि :

क) अभी तक हम अपनी जमीन में सिर्फ Site Development
 कर रहे हैं और अभी अब जमीन में अभी प्रकृति
 का विकास, Resort, एक स्थिति बनाने का कार्य
 करना है। यद्यपि अगर हम ऐसा न करें तो
 हमारा विकास धीमा रहेगा और अब यह हमारे
 विचारों तथा अभिलाषाओं में आना चाहिए कि यदि ही
 निर्माण का कार्य शुरू करेंगे।

ख) वर्तमान में जो Site Development हम अपनी जमीन
 में कर रहे हैं उन्हें आगे बढ़ाकर प्लानिंग का उपयोग
 करी जाएगी कि जमीन किस जगह पर Cut fill
 method से जो Site Development रहे है उसे
 मटेरियल/अवधि अपनी जमीन में Site Development
 में use कर लिया है।

ग) जो land का रेट हमारे सम्बन्धित जमीन है

