

## Report

**Subject: - Orders dated 14.07.2023 passed by Hon'ble National Green Tribunal in Original Application No. 807 of 2022 titled as Bhavak Parasher versus Smt. Indu Walia & ors.**

### A. Introduction

The Original Application No. 807 of 2022 was listed before the Hon'ble National Green Tribunal on 14.07.2023 and the Hon'ble National Green Tribunal was pleased to pass the following order: -

*"1. There is allegation of cutting of trees and leveling of hill tops causing substantial environmental damage to the natural habitat.*

*2. Learned counsel appearing for the respondent has submitted that this application has been filed due to ill motive and for plantation permission which is required to be taken from the competent authorities, will be taken according to the rules. Since the allegations are with regard to cutting and felling of the trees and leveling of hill tops in violations of the environmental rules without any authority, thus, we direct the District Magistrate, Una, DFO, Una and representative of State PCB to visit the site and submit the factual and action taken report within three months.*

*3. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*4. List it on 14<sup>th</sup> September, 2023."*

### B. Site jointly visited by the Committee on 16.08.2023.

In compliance to above referred directions issued by the Hon'ble National Green Tribunal, the site in question was jointly inspected by the Deputy Commissioner Una, Divisional Forest Officer Una and Regional Officer H.P. State Pollution Control Board Una in the presence of above named applicant Shri Bhavak Parasher and Shri Ram Parkash Singh, the

  
Deputy Commissioner,  
Una, District Una (H.P.)

husband of Smt. Indu Walia i.e. private respondent No.1 alongwith the Assistant Town & Country Planner Una, the Mining Officer Una, Tehsildar Una and other officials from the Revenue Department as well as other concerned departments on 16.08.2023 at 12:30 P.M. During the course of inspection the above named applicant apprised the Deputy Commissioner Una that he has filed the aforesaid Original Application No. 807 of 2022 before the Hon'ble National Green Tribunal with following points: -

- The Private respondent No.1 has done large- scale illegal felling of trees/Deforestation on the site.
- The development on the site has destroyed/blocked natural pathway of water (natural choi).
- During development, natural gradient/ topography has not been maintained.
- Height of cutting of hills is more than permissible limit.

The husband of private respondent No.1 i.e. Smt. Indu Walia present during the joint inspection submitted that they have applied for permissions from TCP & RERA which are yet to be obtained and no sale of plots is being done at present due to stay order from RERA. After the site visit and observations made, the Deputy Commissioner Una issued following directions to all the concerned officers/stakeholders: -

- The Divisional Forest Officer Una will submit his detailed report within a week regarding felling of trees on the site alongwith their species and also mention in his report as to whether the said private respondent No.1 has taken prior approval/permission from the Forest Department for felling of trees and if taken under which provisions/rules the permission has been granted by the Forest Department. If not taken then what action has been taken by the Forest Department against the said private respondent No.1.
- The Assistant Town & Country Planner Una will submit his detailed formal report including photographs of the site within a week as per their norms about extent of cutting of hills and state as to what extent the cutting has been taken place on site.

  
Deputy Commissioner,  
Una, District Una (H.P.)

- The Regional Officer, H.P. State Pollution Control Board Una will submit his detailed report within a week alongwith norms as to whether the cutting of hills has been made violating the relevant Environment Rules.
- The Mining Officer Una will submit his report within a week as per mining norms in respect of site.
- The Tehsildar Una will submit his detailed report within a week after getting the land demarcated mentioning therein ownership of land, developed & undeveloped area and greenery alongwith map showing access to the site. He will also report regarding existence of natural chois on the site and status of compliance of orders issued by RERA.
- The above named applicant Shri Bhavak Parasher and Smt. Indu Walia will submit additional documents/information in support of their versions, if any.

The copy of aforesaid joint inspection report dated 16.08.2023 is annexed as **Annexure B-I**.

### **C. Departments Reports**

In compliance to aforesaid directions issued by the Deputy Commissioner Una during the course of joint inspection dated 16.08.2023, the concerned departments have submitted their reports which are as under: -

- (i) The Deputy Conservator of Forests Una Forest Division Una vide his office letter No.5808 dated 26.08.2023 (copy annexed as **Annexure C-I**) has reported that 130 trees of Japani Toot of different classes were found felled in the private land of Smt. Roshni Devi Wd/o Sh. Babu Ram and Sh. Kewal Krishan S/o Sh. Gian Singh R/o Malahat during the year 2019. All these trees were found felled after obtaining proper permission from the competent authority and the produce of these trees were exported with proper permission. No illicit felling was detected on the spot. He has also reported that during month of May, 2022 Indu Walia, Harsimar Singh, Ravi Kumar, Sucha Singh and Jasbir Singh were leveling their private land on which some trees of Japani Toot, Simbal and Tuni were found felled. The Forest field staff had chalked out damage reports and recovered an amount of Rs.1,01,000/- as penalty from the offenders.

  
Deputy Commissioner,  
Una, District Una (H.P.)

(ii). The Assistant Town Planner Una-cum- Member Secretary, Special Area Development Authority Una vide his office letter No. SADA (Una)-NGT New Delhi-O.A. -807/2022-2020 dated 24.08.2023 (copy annexed as **Annexure C-II**) has reported that the land is being developed in the shape of Colony. The proposal for Sub-division of land comprising Khasra No. 2871, 2873/1, 2874, 3423/2875, 2878, 2879, 2893, 2894, 2895 Mohal Malahat Tehsil & District Una into 145 Nos of residential plot & 115 Nos of commercial plots has also been received from Smt. Indu Walia. The land owner has carried out the cutting of Land/hill at Site. It is observed from the "Cut Slope" that the height of cutting of land towards Eastern and Northern side of land developed at Site is averagely 8.00 mtrs and 6.00 mtrs respectively, from the ridge of "Cut Slope" (photographs and Site Plan attached). He has further reported that the development of land attracts the provisions of the Appendix-7 of the Himachal Pradesh Town and Country Planning Rules, 2014 and as per said Appendix the hill cut shall be of max.3.50 mtrs. The "Cut Slopes" available at site reflect less width of mounds at their peaks. The height of mounds reduces & width increases gradually.

(iii). The Mining Officer Una vide his office letter No. Udyog (Bhu)-Laghu-UNA-OA 807/2022 dated 24.08.2023 (copy annexed as **Annexure C-III**) has reported that as per the Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2015 mineral concession over private land is granted in form of mining lease & over Government land the concession is granted by Auction only. In present case the land is private land and project proponent has neither applied for mineral concession nor any mineral concession is granted by him. Only cut and fill work over private land was observed by the Committee. There is no provision in the Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 for granting permission of plot development work.

(iv). The Regional Officer, H.P. State Pollution Control Board Una vide his office letter No. HPSPCB/RO/Una/OA 807 of 2022/2023:1455-56 dated 23.08.2023 (copy annexed as **Annexure C-IV**) has reported that during inspection on 16.08.2023, no activity of construction of colony/building/projects was found started yet and only land development/leveling work was found being carried out at the site. He has

  
Deputy Commissioner,  
Una, District Una (H.P.)

also reported that the contents in the subject cited matter is related to issues of felling of trees and leveling of hill top/ land development for sale of plots by respondent No. 1. The felling/cutting of trees is regulated by Forest Department under Indian Forest Act, 1927/ Forest Conservation Act, 1980 and the State Board has no mandate under these Acts. Further, the State Board has no mandate to grant permission with respect to the issues of land development and sale of plots. So far as issue of cutting of hills for leveling/development of land, the said issue is regulated by planning laws. The site in question falls under the ambit of Special Area Development Authority (SADA) Una, H.P. and the Assistant Town Planner has apprised during the joint inspection that the site in question has not been approved by SADA for construction project. At present, neither the owner of the land has applied for consent of the Board for construction of building project nor the State Board has granted consent to any project under Water Act, 1974 and Air Act, 1981 at the site in question. The State Board shall keep vigil on the site and ensure compliance of Water Act, 1974 and Air Act, 1981 in case of any commercial building project is constructed at the site.

(v). The Tehsildar Tehsil Una vide his office letter No.416/RC Una dated 30.08.2023 (copy annexed as **Annexure C-V**) has submitted his detailed report according to which as per jamabandi for the year 2020-2021 of Mohal Malahat, Tehsil & District Una the land in question comprised in Khasra Nos 3667/2858, 2859, 2860, 2861, 2862, 2863, 2870, 2871, 2873/1, 3151/2874, 3152/2874, 3153/2874, 3154/2874, 3421/2875, 3422/2875, 3423/2875, 2878, 2879, 2893, 3547/2894, 3548/2894, 3842/3549/2894, 3843/3549/2894, 2895 kitta-24 measuring 11-96-98 hectare. Out of total land measuring 11-96-98 hectare, 05-16-49 hectare is recorded in the name of Smt. Indu Walia and rest of the land is recorded in the names of the other owners and it is recorded in jamabandi for the year 2020-2021 of Mohal Malahat Tehsil & District Una as Khadetar. Further, out of the total land i.e. 11-96-98 hectare, only 08-34-50 hectare land is developed. The Tehsildar Una has reported that the stagnant water was found over the land bearing Khasra No. 2896 measuring 0-46-30 hectare, kism khadetar which is recorded in the name of Daulat Ram son of Kanshi Ram son of Dasaundhi and others and in column of possession Hariya & ors are recorded as Gair Marusi. There is no chohi & nala existing in the land developed by the respondent Smt. Indu Walia. However on the western

  
Deputy Commissioner,  
Una, District Una (H.P.)

side of the said land, a choi existing over the Khasra No. 2850 measuring 0-07-16 hectare and a Gair Mumkin Chala existing over the land bearing Khasra No. 3156/2876 measuring 0-03-45 hectare and a Gair Mumkin Nala existing over the land bearing Khasra No. 3155/2876 measuring 0-00-60 hectare. The flow of these aforesaid water sources is not blocked. He has further reported that the stay order issued by the RERA has been implemented in the relevant revenue record by entering Rapat No. 544 stay RERA dated 24.07.2022 which has also been reflected online.

(vi). The above named applicant Shri Bhavak Parasher vide his letter dated nil received in this office on 29.08.2023 (copy annexed as **Annexure C-VI**) has submitted that his letter dated 03.08.2023 may be considered as additional documents/information in support of his version. He has also submitted that the topographical images from Govt. Remote sensing agency of area from year 2018 onwards may be procured to access real time images of Topographical changes done by respondent No.1 Smt. Indu walia. Further Existence of Choe area may be got investigated from revenue record of 1985. Since then lot of manipulation seem to have been done in recent years as present records do not match actual status on ground. As per his earlier letter dated 03.08.2023, a complete topography of area shall reveal that the entire area is an area for rain harvesting/water conservation/rain catchment area very important to control floods.

(vii). The private respondent No.1 i.e. Indu Walia has submitted in her reply dated 28.08.2023 (copy annexed as **Annexure C-VII**) that she has already applied for the codal permission from the TCP and RERA and at the relevant time she is not involved in sale/purchase of any land from her private land to any individual. There is already a stay in operation from RERA to sale the property without prior permission of concerned department. At the cost of repletion, it is again submitted that no sale has been taken place without approval from her land. While leveling her private land she has not destroyed/blocked any natural path way of water nor does any water pathway ever existing on her land. No inlet or outlet of water was ever existing over her land which is seen by naked eyes at the spot, even by the joint committee which inspected the spot. In fact natural any path way of water (Choi) exists far away towards western side of her land and the same exists in Khasra No.2876 & 2850 etc. She has never changed the topography of her land. Her

  
Deputy Commissioner,  
Una, District Una (H.P.)

land was in shape of uneven land and she has only leveled the said land to develop the same which was shown as Khadetar. The land developed is below the level of N.H. which falls within the distance of 500 meters from N.H. and the work done/ made by her had not affected any individual, public at large and not even against the public policy prevailing at the relevant time and even the same has not changed the topography of the land. She had taken care of all the norms made by the all concerned and leveled her land in a scientific manner. She has not made any cutting of any hills as alleged by the complainant in his original application. Since her land was in a zig –zag shape and uneven on the spot and she has only leveled the same as per norms. This way she has not flouted any norms issued by the different departments. She has also submitted that the original application filed by the complainant is outcome of the personal enmity and the same was filed by the complainant just to settle his personal scores. Even her husband had to face allegations of Section 302 IPC at the instance of complainant in which her husband was acquitted by the competent court of law. Complainant was also accused in criminal case as the complainant alongwith his associations had mercilessly beaten her husband although, the complainant was also acquitted by the learned Court. At the cost of repetition, even the complainant has also filed an application under Section 319 Cr. PC to implead her as an accused which was rightly rejected by the learned Sessions Judge Una and the complainant had assailed the said order before the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. confirmed the order passed by the learned Sessions Judge Una. The original applicant has assailed the judgment of acquittal of her husband passed by the learned Sessions Judge Una before the Hon'ble High Court of H.P. Shimla and the same is pending before the Hon'ble High Court of H.P. Shimla. She has further submitted that besides aforesaid litigation, the wife of the complainant has also filed as Civil Suit against her husband which is presently pending before the learned Civil Judge, Court No. IV, Una.

#### D. Conclusion

1. During the spot visit, the Committee observed that an area of 08-34-50 hectare has been developed by Respondent No.1 & others private owners for commercial purposes out of which 05-16-49 hectares belongs to respondent No.1 and vegetation has been removed from thereon. The surrounding area has natural vegetation intact. The Deputy Conservator

  
Deputy Commissioner,  
Una, District Una (H.P.)

of Forests Una Forest Division Una has reported that penalty of Rs. 1,01,000/- has been levied and recovered by the Forest Department from Indu Walia, Harsimar Singh, Ravi Kumar, Sucha Singh and Jasbir Singh for felling trees of Japani Toot, Simbal and Tuni without permission.

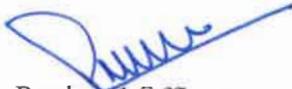
2. No 'choi' or 'nala' has been found recorded in the revenue record pertaining to the land developed by the Respondent No.1 as per the report submitted by the Tehsildar Una. A choi exists over the Khasra No. 2850 measuring 0-07-16 hectare recorded in the ownership of State Government of Himachal Pradesh. A Gair Mumkin Chala exists over the land bearing Khasra No. 3156/2876 measuring 0-03-45 hectare and a Gair Mumkin Nala exists over the land bearing Khasra No. 3155/2876 measuring 0-00-60 hectare but these land parcels are in the ownership of other private persons namely Avtar Singh S/o Raghuveer Singh & ors. As per the report of the Tehsildar Una, the flow of water in these choi/nala has not been found obstructed. During the visit of the Committee the petitioner has shown stagnant water accumulated on one side of land of the Respondent No. 1 regarding which the Tehsildar Una has reported that the stagnant water was found over the land bearing Khasra No. 2896 measuring 0-46-30 hectare, kism khadetar which is recorded in the name of Daulat Ram son of Kanshi Ram son of Dasaundhi and others and in column of possession Hariya & ors are recorded as Gair Marusi. This is not a 'choi' or 'nala' as per the revenue record but the water is accumulating in this land as the level of this land is below the land developed by Respondent No.1. The issue of drainage of this stagnant water can be solved if Respondent No. 1 provides drainage outlet through the portion of developed land along its outer edges, as and when permitted to develop the land further.

  
Deputy Commissioner,  
Una, District Una (H.P.)

3. The Committee found that the land has been developed by cutting hill slopes since the cutting is visible on spot at four sites around the edge of the land. The ATCP has reported that it is observed from the "Cut Slope" that the height of cutting of land towards Eastern and Northern side of land developed at site is averagely 8.00 mtrs and 6.00 mtrs respectively, from the ridge of "Cut Slope" (photographs and Site Plan attached). He has further reported that the development of land attracts the provisions of the Appendix-7 of the Himachal Pradesh Town and Country Planning

Rules, 2014 and as per said Appendix the hill cut shall be of max. 3.50 mtrs. Therefore, the cutting of hill slopes is more than the statutory limits. It is on record that the Respondent No. 1 has developed the land measuring 05-16-49 hectares without obtaining the applicable statutory permissions. On observing the unauthorized development of land by the private respondent No.1, the Town & Country Planner had initiated proceedings under Section 39 of the Himachal Pradesh Town & Country Planning Act, 1977 and issued notice under sub Section (1) of Section 39 of the Himachal Pradesh Town & Country Planning Act, 1977 to the private respondent No.1 i.e. Smt. Indu Walia wherein she was directed to restore the land to the condition existing before the development took place and to stop and discontinue the development operations i.e. further construction work. A stay order has been issued by RERA in respect of land in question (enclosed as **Annexure D-I**) which has been implemented in the revenue record for compliance.

The report is submitted for favour of kind perusal of the Hon'ble Tribunal.



Regional Officer,  
Pollution Control Board,  
H.P.State Pollution Control Board,  
Una, District Una (H.P.)  
Phase-IV, Rakkar Colony,  
Distt. Una (H.P.)-174303



Divisional Forest Officer,  
Una, District Una (H.P.)



Deputy Commissioner,  
Una, District Una (H.P.)

**Joint Inspection Report of the site visit in pursuance of the directions issued by the Hon'ble National Green Tribunal, New Delhi vide order dated 14.07.2023 passed in O.A. No. 807 of 2022 titled as Bhavak Parasher versus Smt. Indu Walia & Ors.**

In compliance of directions issued by the Hon'ble National Green Tribunal New Delhi vide aforesaid order dated 14.07.2023, the site in question were inspected jointly by Deputy Commissioner Una, Divisional Forest Officer Una and Regional Officer H.P. State Pollution Control Board Una in the presence of above named applicant Shri Bhavak Parasher and Shri Ram Parkash, the husband of Smt. Indu Walia i.e. private respondent No.1 alongwith the Assistant Town & Country Planner Una, the Mining Officer Una, Tehsildar Una and other officials from the Revenue Department as well as other concerned departments on 16.08.2023 at 12:30 P.M. The Joint Inspection Team observed that as per directions of the Hon'ble National Green Tribunal contained in aforesaid order dated 14.07.2023, the Joint Committee has to ascertain as to whether the trees have been felled illegally from the site and hill tops have been levelled in violation of the environmental rules without any authority or not?

During the course of inspection the above named applicant apprised the Deputy Commissioner Una that he has filed the aforesaid Original Application No. 807 of 2022 before the Hon'ble National Green Tribunal with following points: -

- The Private respondent No.1 has done large- scale illegal felling of trees/Deforestation on the site.
- The development on the site has destroyed/blocked natural pathway of water (natural choi).
- During development, natural gradient/ topography has not been maintained.
- Height of cutting of hills is more than permissible limit.

The husband of private respondent No.1 i.e. Smt. Indu Walia present during the joint inspection submitted that they have applied for permissions from TCP & RERA which are yet to be obtained and no sale of plots is being done at present due to stay order from RERA. After observations the Deputy Commissioner Una issued following directions to all the concerned officers/stakeholders: -

- The Divisional Forest Officer Una will submit his detailed report within a week regarding felling of trees on the site alongwith their species and also

mention in his report as to whether the said private respondent No.1 has taken prior approval/permission from the Forest Department for felling of trees and if taken under which provisions/rules the permission has been granted by the Forest Department. If not taken then what action has been taken by the Forest Department against the said private respondent No.1.

- The Assistant Town & Country Planner Una will submit his detailed formal report including photographs of the site within a week as per their norms about extent of cutting of hills and state as to what extent the cutting has been taken place on site.
- The Regional Officer, H.P. State Pollution Control Board Una will submit his detailed report within a week alongwith norms as to whether the cutting of hills has been made violating the relevant Environment Rules.
- The Mining Officer Una will submit his report within a week as per mining norms in respect of site.
- The Tehsildar Una will submit his detailed report within a week after getting the land demarcated mentioning therein ownership of land, developed & undeveloped area and greenery alongwith map

showing access to the site. He will also report regarding existence of natural chois on the site and status of compliance of orders issued by RERA.

- The above named applicant Shri Bhavak Parasher and Smt. Indu Walia will submit additional documents/information in support of their versions, if any.



Regional Officer,  
Pollution Control Board,  
Una, District Una (H.P.)



Divisional Forest Officer,  
Divisional Forest Officer  
Una, District Una (H.P.)



Deputy Commissioner,  
Deputy Commissioner,  
Una, District Una (H.P.)

Una, District Una (H.P.)

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Annexure C-I

No. \_\_\_\_\_  
HP Forest Department

Dated Una, the \_\_\_\_\_



From: Deputy Conservator of Forests,  
Una Forest Division, Una (HP).

To: The Deputy Commissioner,  
Una, Distt. Una (HP).

Subject: Original Application No. 807/2022 titled as Bhavak Parasher Versus Smt. Indu  
Walia & Ors.

Sir,

Kindly refer to your office letter No. 417-22/ADC/LfA dated 08.08.2023 on  
the subject cited above.

2. In this connection it is submitted that detailed report has already been  
submitted to your office vide this office letter No. 3925 dated 30.05.2022 and 9773 dated  
03.12.22. As already intimated, 130 trees of Japani Toot of different classes were found felled  
in the private land of Smt. Roshni Devi Wd/O Sh. Babu Ram and Sh. Kewal Krishan S/O Sh.  
Gian Singh R/O Malahat during the year 2019. All these trees were found felled after  
obtaining proper permission from the competent authority and the produce of these trees were  
exported with proper permission. No illicit felling was detected on the spot.

3. It has further been informed that during May, 2022, Indu Walia, Harsimar Singh, Ravi  
Kumar, Sucha Singh and Jasbir Singh were levelling their private land on which some trees of Japani  
Toot, Simbal and Tuni were found felled. Accordingly, forest field staff had chalked out damage  
reports and recovered an amount of Rs. 1,01,000/- as penalty from the offenders.

Deputy Conservator of Forests,  
Una Forest Division, Una (HP).

Dated Una, the 26/8/2023

Endst. No. 5809

Copy is forwarded to Assistant Env. Engineer, HPSPCB Una for  
information and necessary action w.r.t. his letter No. HPSPCB/RO/Una/OA No. 807 of 2022-  
23: 1427-34 dated 17.08.2023.

Deputy Conservator of Forests,  
Una Forest Division, Una (HP).

Una  
4066-II

F.R.

Age

29/08/2023

29/08/2023

**TOWN AND COUNTRY PLANNING DEPARTMENT  
HIMACHAL PRADESH**

No.:- SADA(Una)-NGT New Delhi-O.A.-807/2022- 290 Dated: 24-8-2023

To,

✓ The Assistant Env. Engineer,  
Himachal Pradesh Pollution Control Board,  
Una Distt. Una (H.P.)

**Subject:** O.A. No. 807 of 2022 titled as Bhavak Prasher versus Smt. Indu Walia & Ors.

**Reference:** Your office Letter No. HPSPCB/RO/Una/OA No. 807 of 2022/2023 : 1427-34 Dated 17/08/2023.

Sir,

Please find enclosed herewith the report as desired vide letter referred to above.

This for your kind information and further necessary action, please.

DA: 1. Inspection Report.  
2. Site Plan  
3. Photograph of Site.

*Pankaj Sharma*  
(Pankaj Sharma)  
Assistant Town Planner,  
Una-cum-Member Secretary,  
Special Area Development Authority,  
Una, District Una (HP).  
Phone No.: 91975-223298

*JBB-II & Uda*

F.R.  
AEE  
*[Signature]*  
24/08/2023

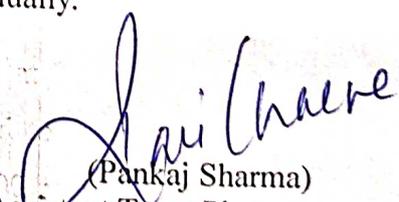
*[Signature]*  
25/8/2023



INSPECTION REPORT

In compliance of directions of the Worthy Deputy Commissioner Una received vide letter No. 417-22/ADC/LFA Dated 08.08.2023 the joint inspection of land being developed by Smt. Indu Walia w/o Sh. Ram Parkash at Mohal Malahat Tehsil & Distt. Una (H.P.) was carried out alongwith the Worthy Deputy Commissioner Una, Mining Officer Una, Tehsildar Una and other officials of revenue Department, on 16.08.2023 at 12.30 P.M. It is observed at site that:

1. The land is being developed in the shape of Colony. It is pertinent to mention here that the proposal for Sub-division of land comprising Khasra No. 2871, 2873/1, 2874, 3423/2875, 2878, 879, 2893, 2894, 2895 Mohal Malahat Tehsil & Distt. Una (H.P.) in to 145 Nos. of Residential Plo & 115 Nos. of Commercial Plots has also been received from Smt. Indu Walia.
2. The land owner has carried out the cutting of Land/hill at Site. It is observed from the "Cut Slope" that the height of cutting of land towards Eastern and Northern side of land developed at Site is averagely 8.00 mtrs and 6.00 mtrs. Respectively, from the ridge of "Cut Slope" (Photographs and Site Plan attached).
3. The development of land attracts the provisions of the Appendix-7 of the Himachal Pradesh Town and Country Planning Rules, 2014 and as per said Appendix the hill cut shall be of max. 3.50 mtrs.
4. The "Cut Slopes" available at site reflect less width of mounds at their peaks. The the height of mounds reduces & width increases gradually.

  
(Pankaj Sharma)  
Assistant Town Planner,  
Una-cum-Member Secretary,  
Special Area Development Authority,  
Una, District Una (HP).  
Phone No. 01975-223298



481

NORTHERN  
SIDE



EASTERN  
SIDE



No.: Udyog (Bhu)-Laghu-UNA-OA 807/2022  
Office of the Mining Officer, Una  
Distt. Una (H.P.)

Una

Dated: 24.08.2023

To

The Regional Officer  
Pollution Control Board ,Una H.P .

Subject: Original Application No 807 of 2022 titled as Bhavak Parashar Vs Indu walia &Ors

Reference: HPSPCB/RO/Una/OA No 807 of 2022/2023-1427-34 dated 17.08.2023

Sir

In compliance to the directions contained in letter HPSPCB/RO/Una/OA No 807 of 2022/2023-1427-34 dated 17.08.2023, on the subject cited above, it is submitted that the area in question was jointly inspected on 14.07.2023 by the Committee. It is submitted that as per The Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2015 mineral concession over private land is granted in form of mining lease & over Government land the concession is granted by Auction only. In present case the land is private land and project proponent has neither applied for mineral concession nor any mineral concession is granted by this office. Only cut and fill work over private land was observed by the Committee. There is no provision in The Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2015, for granting permission of plot development work .

This is for your information & consideration, please.

Yours faithfully,

**(Neeraj Kant)**  
Mining Officer,Una  
Mobile No +91-9816519502  
e.mail: [miningofficeruna@gmail.com](mailto:miningofficeruna@gmail.com)

Endst. No.: As above 905 dated 24.08.2023

Copy to:

✓ The worthy Deputy Commissioner Una District Una for information, please ..

  
(Neeraj Kant)

Mining Officer, Una

Mobile No +91-9816519502

e.mail: : [miningofficeruna@gmail.com](mailto:miningofficeruna@gmail.com)



## H.P. STATE POLLUTION CONTROL BOARD

Regional Office Una

Office: Phase-IV Rakkar Colony, Tehsil & Distt. Una, Pin-174303(H.P.)

Phone: 01975-238131

Website : <http://www.hppcb.nic.in> e-mail : [pcbrouna2@gmail.com](mailto:pcbrouna2@gmail.com)

No: HPSPCB/RO/Una/OA 807 of 2022/2023: 1455-56

Dated: 23/08/2023

From: Regional Officer

To

✓ The Deputy Commissioner,  
Una, Distt. Una (HP).

Subject: Compliance of order dated 14-07-2023 passed by the Hon'ble NGT in OA No. 807/2022 titled Bhavak Prasher V/s Smt. Indu Walia & Ors.

Sir,

Kindly refer to the letter no. PCB/(DL344) OA No. 807/2022-5439-41 dated 24/07/2023 received from Member Secretary, HP State Pollution Control Board Office addressed to your office and a copy thereof endorsed to this office in afore-cited matter wherein Hon'ble National Green Tribunal vide order dated 14-07-2023 in OA No. 807/2022 titled Bhavak Prasher V/s Smt. Indu Walia & Ors. has passed following directions:

*".....2. Learned counsel appearing for the respondent has submitted that this application has been filed due to ill motive and for plantation permission which is required to be taken from the competent authorities, will be taken according to the rules. Since the allegations are with regard to cutting and felling of the trees and leveling of hill tops in violation of the environmental rules without any authority, thus, we direct the District Magistrate, Una, DFO, Una and representative of State PCB to visit the site and submit the factual and Action taken Report within three months. 3. Respondents are directed to submit their reply within six weeks through filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF....."*

In this connection, the joint inspection of the site under question has been carried out under your Chairmanship alongwith the undersigned and other concerned departments on dated 16/08/2023. During the inspection, no activity of construction of colony/building/projects was found started yet and only land development/leveling work was found being carried out at the site.

Further, it is submitted the contents in the subject cited matter is relate to issues of felling of trees and leveling of hill top/land development for sale of plots by

Respondent No. 1. The felling/cutting of trees is regulated by Forest Department under Indian Forest Act, 1927/ Forest Conservation Act, 1980 and the State Board has no mandate under these Acts. Further, the State Board has no mandate to grant permission with respect to the issues of land development and sale of plots.

So far as issue of cutting of hills for leveling /development of land, the said issue is regulated by planning laws. The site in question falls under the ambit of Special Area Development Authority (SADA), Una, (HP) and the Assistant Town Planner has apprised during the joint inspection that the site in question has not been approved by SADA for construction project. At present, neither the owner of the land has applied for consent of the Board for construction of building project nor the State Board has granted consent to any project under Water Act, 1974 and Air Act, 1981 at the site in question. The State Board shall keep vigil on the site and ensure compliance of Water Act, 1974 and Air Act, 1981 in case any commercial building project is constructed at the site.

This is for favour of your kind information and further necessary action please.

Yours faithfully,

  
Er. Praveen Kumar  
Regional Officer  
HPSPCB Una

Copy to:

The Member Secretary, HP State Pollution Control Board Shimla-9 for information and further necessary action please.

Er. Praveen Kumar  
Regional Officer  
HPSPCB Una

प्रेषक,

तहसीलदार,  
ऊना जिला ऊना (हि. प्र.)

सेवा में,

उपायुक्त महोदय,  
ऊना जिला ऊना (हि.प्र.)

NO 416 /RC Una Dated 30-08-2023

विषय- Original Application No 807 of 2022 Titled as Bhavak Parasher  
Versus Smt. Indu Walia & Ors

महोदय,

उपरोक्त विषय पर आपके पत्र संख्या नम्बर 374-79/ADC/LFA दिनांक 27-07-2023 निवेदन है कि आदेश उपायुक्त महोदय ऊना दिनांक 16-08-2023 वावक्त मौका निरीक्षण वावत Original Application No 807 of 2022 Titled as Bhavak Parasher Versus Smt. Indu Walia & Ors निरीक्षण मौका करवाने वारे कहा गया था वाद छानवीन राजस्व रिकार्ड महाल मलाहत व निरीक्षण मौका इस सन्दर्भ में निम्नलिखित तथ्य पाये गये हैं:-

1. भूमि का ब्योरा अलग से Annexure-I में दिया गया है। जो साथ संलग्न है।
2. मौका पर अवलोकन के दौरान माननीय जिलाधीश महोदय द्वारा एक स्थान पर जहाँ पर पानी एकत्रित हुआ था, वारे अवगत करवाने वारे कहा गया था। इस सन्दर्भ में निवेदन है कि मौका पर भूमि नम्बर खसरा 2896 में स्थित है जिसका रकवा 0-46-30 है व किस्म खडैतर है जोकि दौलत राम पुत्र कांशी पुत्र दसौन्धी आदि मालकान की मलकीयती भूमि है। व खानाकाशत में इन्द्राज कुल (2)भाग हरिया पुत्र तुलसी पुत्र निहाला (1)भाग शमशेर सिंह जगदीश सिंह पुत्र दसौन्धी पुत्र मुताका भाग वरावर (1)भाग स्थानीय वासी गैर मौरूसीयान दर्ज है। मौका पर नम्बर खसरा 2896 में पानी खड़ा हुआ प्रतीत होता है।

20400 892  
30/08/23

ADC/LFA  
(Ym 29/2023  
Supd. 42

3. मौका अवलेकन के दौरान शिकायतकर्ता द्वारा अवगत करवाया गया कि जो भूमि श्रीमति इन्दू वालिया द्वारा समतल करवाई जा रही है, मौका पर जहाँ चोई व नाले उपस्थित थे वहाँ अब भूमि डेवेलपमेन्ट करने से प्राकृतिक रूप में वह रहे चोई व नाले का प्रवाह अवरूध हुआ है। इस सन्दर्भ में अवगत करवाया जाता है कि वाद अवलोकन विवादास्त भूमि पाया गया कि प्रतिवादी द्वारा अपनी जिस भूमि पर कार्य किया गया है उसमें किसी भी प्रकार की चोई व नाला किस्म नहीं है, परन्तु इससे साथ लगते पश्चिमी भाग में नम्बर 2850 रकवा तादादी 0-07-16 है. गैर मुमकिन चोई व नम्बर खसरा 3156/2876 रकवा तादादी 0-03-45 है. गैर मुमकिन चला व नम्बर खसरा 3155/2876 रकवा तादादी 0-00-60 है . गैर मुमकिन नाला पानी की निकासी हेतु उपलब्ध है जो मौका पर चोई है जिन्हें मुताबिक हलका पटवारी रिपोर्ट के अनुसार किसी भी प्रकार से वन्द न किया गया है । सम्पूर्ण विवादग्रस्त भूमि का पूरा व्यौरा वजरिये अक्स अलग से दर्शाकर Annexure-II के साथ में संलग्न किया गया है।
4. RERA द्वारा पर्याप्त स्टे वारे रपट नम्बर 544 स्टे RERA दिनांक 24-07-2022 दर्ज करके सम्बन्धित खाना विवरण में ONLINE अमल किया जा चुका है । इसके वाद जो भूमि श्रीमति इन्दुवालिया के क्रय की गई है उस भूमि पर कोई प्रभाव नहीं पड़ा है । श्रीमति इन्दू वालिया की महाल मलाहत में जहां यह कार्य चल रहा है की सम्पूर्ण भूमि का ब्योरा मय नकल जमावन्दी साघ संलग्न है। अत रिपोर्ट आगामी कार्यवाही हेतु महोदय की सेवा में प्रेषित है ।५

साथ संलग्न:- (Annexure-I व नकल जमावन्दी, पटवारी रिपोर्ट)

भवदीय,



तहसीलदार

ऊना जिला ऊना (हि.प्र)

श्रीमान जी,

निवेदन है कि आदेश उपर्युक्त मसौदा, कना दिनांक 16-08-2023 वक्त मौका निरीक्षण वाकत Original Application No. 80705-2022 titled as Bhavak Prasher Versus Smt. Indu Ubbala & ors. वाद दानवीन राजेश रिपोर्ट मसौदा मसौदा व निरीक्षण मौका निम्नलिखित कथन पार गार है :-

- 1) पुराविक जमावन्दी वर्ष 2020-21 मसौदा मसौदा खैबट/खैली नं 32/37 न. खं 3667/2858 रकबा नाडाई 0-44-99 है खैबट श्रीमारे इन्दु बालिया पुत्री मोहन लाल पुत वधावा मल व अन्न मालमान की मलमाली मसौदा है जिनमें श्रीमारे इन्दु बालिया पुत्री मोहन लाल के हिस्सा में 0-37-05 है व अन्य: मालमान के हिस्सा में 0-07-94 है मसौदा किमा गार है व खैबट/खैली नं 573/मिन/768 मिन न. खं 2859 रकबा नाडाई 0-22-50 है खैबट अवतार सिंह, बलवन्द सिंह पुत रघवीर सिंह पुत इन्दु सिंह स्थानीय बागी की मलमाली मसौदा है जो कि मसौदा की गठ है। व खैबट/खैली नं 35/40 न. खं 2860 रकबा नाडाई 0-15-34 है खैबट कुमारी सुमन लाल पुत्री वरिन्द मलमाली मसौदा है जो कि 0-15-00 है मसौदा की गठ है व खैबट/खैली नं 456/582 न. खं 2861 रकबा नाडाई 0-15-07 है खैबट श्रीमारे इन्दु बालिया पुत्री मोहन लाल पुत वधावा मल आदि मलमान की मलमाली मसौदा है जिनमें 0-08-89 है श्रीमारे इन्दु बालिया व खैबट 0-16-18 है अन्य: मालमान की मलमाली मसौदा है जिनमें 0-14-37 है मसौदा की गठ है। व खैबट/खैली नं 86/41 न. खं 2862 रकबा नाडाई 0-15-31 है

खंडेतर मलमान पुत्र 489 खनन्दन पुत्र शिवराज  
 मडाल गेहलपुर की मलमीयती मति है जो कि सतल  
 की गडि है। व खेवट/खलेनी नं० 462/563 न.ख. 2863  
 खनवा नाडाडी 0-23-41 है। खंडेतर श्रीपारि इन्द्र बालिका  
 आदि मलमान की मलमीयती मति है जिसे 0-10-14 है। श्रीपारि इन्द्र बालिका व 0-13-27 है। अन्य:  
 मलमान की मलमीयती मति है। व खेवट/खलेनी  
 नं० 50 पिन/66 पिन न.ख. 2870 खनवा नाडाडी 0-42-41 है।  
 खंडेतर शमशेर सिंह पुत्र वसोधी पुत्र मुखामा आदि  
 मलमान की मलमीयती मति है जिसे 0-09-80 है।  
 सतलल की गडि है व खेवट/खलेनी नं० 511/673  
 न.ख. 2871 खनवा नाडाडी 0-23-77 है। खंडेतर  
 वरुण सिंह पुत्र सोमार सिंह पुत्र अवतार सिंह (400) माग  
 निवासी रामेश्वर श्रीपारि सुमन लाल पुत्री वरिन्द्र कुमार  
 पुत्र डेननाथ (1977) माग निवासी वामी शिवपुर मडोडा  
 की मलमीयती मति है जो कि सतलल की गडि है। व  
 खेवट/खलेनी नं० 489 पिन/638 पिन न.ख. 2873/1  
 खनवा नाडाडी 0-59-57 है। खंडेतर श्रीपारि इन्द्र  
 बालिका आदि मलमान की मलमीयती मति है  
 जिसे 0-13-84 है। श्रीपारि इन्द्र बालिका के दिवसा में 0-13-84 है।  
 व अन्य: मलमान के दिवसा में 0-45-73 है।  
 मति 0-11-05 है। सतलल की गडि है।  
 व खेवट/खलेनी नं० 568/762 पिन न.ख. 315/2874  
 खनवा नाडाडी 0-44-36 है। खंडेतर जगदीश सिंह पुत्र  
 लल्लोपा पुत्र शिव मडाल मलमीय वामी की मलमीयती  
 मति है जो कि सतलल की गडि है व खेवट/खलेनी  
 नं० 566/760 पिन न.ख. 315/2874 खनवा नाडाडी 0-15-00  
 है। श्रीपारि लला डी पुत्री कपल देव पुत्र मल निवासी  
 मडोलेपा खंडे की मलमीयती मति है जो कि सतलल है  
 व खेवट/खलेनी नं० 366 पिन/36 पिन न.ख. 315/2874  
 खनवा नाडाडी 0-43-24 है। खंडेतर श्रीपारि इन्द्र बालिका  
 आदि मलमान की मलमीयती मति है जिसे श्रीपारि इन्द्र  
 बालिका के दिवसा में 0-00-12 है। व शिव मलमान के  
 दिवसा में 0-43-12 है। मति 0-43-24 है जो कि 0-43-24 है।

श्रीमि समतल की गई है 490 खेबर / खेबरी नं. 566 मि/ 760 मि  
न. ख. 3154/2874 खेबरी नाडाई 0-43-56 है खेबर श्रीगरी  
रुपता डेवी पत्नी कमल देव पुत्र श्या निवासी महान  
मंडोसिया खुर्द की मलमोयरी श्री है जिनमें से  
0-33-81 है श्री समतल की गई है। व खेबर / खेबरी  
नं 30 मि/ 35 मि न. ख. 3421/2875 ~~खेबरी नाडाई~~  
0-26-10 है श्रीगरी इन्दु बालिया पुत्री मोहन लाल  
की मलमोयरी श्री है जिनमें से 0-06-90 है श्री  
समतल की गई है व खेबर / खेबरी नं. 573 मि/ 768 मि  
न. ख. 3422/2875 खेबरी नाडाई 0-57-81 है खेबर

अबनार सिंह कवचर सिंह पुत्र रघवीर सिंह पुत्र  
इन्दु सिंह माता बसुवरी दयानीप बानी की मलमोयरी  
श्री है जिनमें से 0-43-99 है मौसा पर समतल  
है व खेबर / खेबरी नं 33/38 न. ख. 3423/2875  
खेबरी नाडाई 0-71-56 है श्रीगरी इन्दु बालिया  
आदि मालमान की मलमोयरी श्री है जिनमें से श्रीगरी  
इन्दु बालिया के हिस्सा में 0-19-40 है व अन्य  
मालमान के हिस्सा में 0-52-16 है श्री है

पूरा खेबरी मौसा पर समतल है। व खेबर / खेबरी  
नं 566 मि/ 760 मि न. ख. 2878 खेबरी नाडाई 0-29-60  
है श्रीगरी रुपता डेवी पत्नी कमल देव पुत्र श्या  
बानी मंडोसिया खुर्द की मलमोयरी श्री है जोकि  
मौसा पर समतल है। व खेबर / खेबरी नं  
489 मि/ 637 मि न. ख. 2879 खेबरी नाडाई  
0-64-04 है श्रीगरी इन्दु बालिया आदि मालमान की  
मलमोयरी श्री है जिनमें श्रीगरी इन्दु बालिया के हिस्सा  
में 0-35-40 है व अन्य: मालमान के हिस्सा में  
0-28-64 है श्री है जिनमें से मौसा पर 0-22-84 है

श्री समतल है व खेबर / खेबरी नं 489 मि/ 637 मि  
न. ख. 2893 खेबरी नाडाई 0-43-01 है खेबर  
श्रीगरी इन्दु बालिया आदि मालमान की  
मलमोयरी श्री है जिनमें से श्रीगरी इन्दु बालिया  
के हिस्सा में 0-23-90 है व अन्य: मालमान के  
हिस्सा में 0-19-11 है श्री है जिनमें से 0-20-77  
है श्री मौसा पर समतल है। व मुताबिक खेबर /  
खेबरी नं 25 मि/ 30 मि नं ख. 3547/2894 खेबरी  
नाडाई 01-08-56 है खेबर नरेवर सिंह



08-34-50 है। मीन समतल है जिसे मीनारि इन्दुवालीया  
दुम्री मोहन लाल दुत वधावा मल के दिग्ग में 05-16-49  
है। मीन व अन्य: मालकान के दिग्ग में 06-80-49 है।  
मीन समतल माल में दर्ज है। उपरोक्त मीन खण्ड में  
कुल 03-62-48 है। मीन खंडल है व दही-गरी  
है।

2) मौसा पर उपरोक्त मीन खण्ड के पूर्व में  
स्थित न.ख. 2895 के साथ न.ख. 2596  
लगल है जिसे रक्का 0-46-30 है। खंडल है  
जो कि वोलर शा दुत कांशी दुत दसोंधी आदि  
मालकान की मलकीयती है व खाना मारत में  
इन्ड्रान कुल भाग (2) हमीरा दुत कुलमी दुत  
निदाला (1) भाग शमशेर सिंह, जगदीश सिंह दुत  
दसोंधी दुत मुशताक भाग बरावर (1) भाग  
स्थानीय बाधी गैर-मौरनोमान दर्ज है। मौसा पर  
न.ख. 2895 में पानी खड़ा हुआ प्रतीत होता है।

3) उपरोक्त मीन खण्ड के पश्चिम भाग में न.ख.  
2850 रक्का ताडाई 0-07-16 है। गैर मुशकिन चौकी  
व न.ख. 3156/2876 रक्का ताडाई 0-03-45 है। गैर मुशकिन  
चौकी व न.ख. 3155/2876 रक्का ताडाई 0-00-60 है।  
गैर मुशकिन नाला ही पानी की निकालती है।  
जिन्हे किसी भी प्रकार से बन्द न किया गया है।

4) RERA द्वारा प्राप्त हुए बारे अपर नं 544 है RERA  
दिनांक 24/07/2022 दर्ज करके सापबिंदत खण्ड  
के खाना विवरण में online अमल किया जा  
रुका है। इस समय के बाद जो मीन मीनारि  
है।

द्वारा कृपया को गेट्टे नं० 321 पर इलका कोर्ट में  
प्रभाव नहीं पड़ता है।

अतः रिपोर्ट आगामी कार्रवाई हेतु मद्यक  
को सेवा में प्रेषित है।

Ruandil  
29/8/2023  
(पटवारी)

पटवार हेतु: मल्लाह  
तहसील व जिला अफा  
(दि. प्र०)

श्रीमान जी, निवेदन कि रिपोर्ट पटवारी विस्तारपूर्वक है आगामी  
कार्रवाई हेतु प्रेषित है।  
DRC  
FK JT

Annexure - I

Original Application No. 807 of 2022 भारत सरकार के कृषि विभाग द्वारा  
 India Utkala

क्र.सं.	पंजीकरण संख्या	पंजीकृत तिथि	पंजीकृत स्थान	पंजीकृत क्षेत्र	पंजीकृत जिला	पंजीकृत तालुका
1.	3667/2858	0-44-99	सोनी	0-06-72	0-31-05	0-07-94
2.	2859	0-22-50	सोनी	0-08-32	—	0-22-50
3.	2860	0-15-34	सोनी	0-15-00	—	0-15-34
4.	2861	0-15-07	"	0-14-37	0-08-89	0-06-18
5.	2862	0-15-35	"	0-15-35	—	0-15-35
6.	2863	0-23-41	"	0-01-92	0-10-14	0-13-27
7.	2870	0-42-41	"	0-09-80	—	0-42-41
8.	2871	0-23-77	"	0-23-77	—	0-23-77
9.	2873/1	0-59-57	"	0-11-05	0-13-84	0-45-73
10.	3151/2874	0-44-36	"	0-44-36	—	0-44-36
11.	3152/2874	0-15-00	"	0-07-20	—	0-15-00
12.	3153/2874	0-43-24	"	0-43-24	0-09-12	0-43-12
13.	3154/2874	0-43-56	"	0-33-81	0-00-00	0-43-56 (43-56)
14.	3191/2875	0-26-10	"	0-06-90	0-26-10	—
15.	3422/2875	0-57-81	"	0-43-99	—	0-57-81
16.	3423/2875	0-71-56	"	0-71-56	0-19-40	0-52-16
17.	2878	0-29-60	"	0-29-60	—	0-29-60
18.	2879	0-64-04	"	0-22-84	0-35-40	0-28-64
19.	2893	0-43-01	"	0-20-77	0-23-90	0-19-11
20.	3547/2894	01-08-56	"	01-08-56	—	01-08-56
21.	3548/2894	01-08-44	"	0-40-75	01-08-44	—
22.	3842/3549/2894	01-00-61	"	01-00-61	01-00-61	—
23.	3843/3549/2894	01-16-51	"	01-16-51	01-12-67	0-63-84
24.	2895	0-62-17	"	0-37-50	0-19-93	0-42-24
	मी. नानं	11-96-98		08-34-50	05-26-49	06-80-49
		311-14		217-06	134-11	177-03
		फ-म		फ-म	फ-म	फ-म

Patwari Rajesh Moudgil  
 P.C. ....  
 Date: 29/8/23

To,

The Deputy Commissioner Una,  
Distt. Una Himachal Pradesh.

Subject: - Joint inspection dated 16-08-23.

Reference your mail dated 17-08-23, regarding joint inspection on 16/08/2023 in Original Application No. 807 of 2022 titled as Bhavak Parashar versus Smt. Indu Walia & Ors.

I thank you for your above referred mail and regret for delay in reply which was required to be sent within seven days.

I would request you to take note of my letter dated 03 August 2023 sent to your office as reply and consider the same as additional documents/information in support of my version as required by you.

Once again in the interest of true finding in inspection report I would insist upon to concerned authorities to procure the topographical images from Govt. Remote sensing agency of area 2018 onwards to access real time images of Topographical changes done by R-1 Smt. Indu Walia.

Importantly further Existence of Choe area may please be got investigated from revenue record of 1985. Since then lot of manipulation seem to have been done in recent years. As present records do not match actual status on ground.

It will further help the complainant if the copy of reply / findings of other concerned departments is shared with complainant to reach just decision in joint inspection.

Thanking you,

Yours Sincerely,

*Bhavak Parasher*

Bhavak Parasher 9418153692  
H.No 506 Zail singh Nager Roper 140001

*Copy to DFO una  
Resolution Central Board una*

To,

03 August 2023

The Deputy Commissioner Una,  
Distt. Una Himachal Pradesh.

Subject: - Regarding inspection on 4-08-2023 in compliance of NGT order dated 14-07-23 for submission of factual and action taken report to NGT in OA 807/2022.

Sir,

**I thank you** for allowing me to be present there at the time of joint inspection being undertaken for the compliance of NGT order.

Further I would like to convey following issues related to factual condition on ground to be taken into account while inspection is conducted.

1. Attached 4 Google images **(ANX A)** of year 2018,,20,21,22 Showing how the topography of land has been changed i.e. Hill tops to plain ground with pictures of heavy earth moving machines on work.  
These images reflect Change in topography of land of area around 7-7 Hectares belonging to Property dealer Smt Indu Walia w/o Ram Parkesh Singh Respondent No 1 in OA 807/2022. In the same context you are requested, to **precure the topographical images from Govt. Remote sensing agency** of area 2018 onwards to access real time images of Topographical changes done by R-1 Smt. Indu Walia  
A letter dated 2-07-2019 was sent to you with a request of spot inspection and immediate halt to the on-going levelling work.
2. A complete Topography of area shall reveal that entire area is an area for rain harvesting/water conservation/Rain catchment area very important to control floods.
3. Next attached 4 Google images (ANX1) pictures are of the mass scale deforestation done for which the complaint was made to you and DFO on 13-03-19 along with 22 photographs.
4. Attached **ANX B** is information collected through RTI of total 55.7 hectares Permanent pasture around this land of Indu Walia. This annexures is enclosed with 2-14 pages of Jamabandies mention of complete detail of Jamabandies of Permanent Pasture of 55.7 Hectares Total land comprising of Permanent pasture in surrounding are belong to Govt. is around 55.7 Hectares. Allowing any mass scale construction activity around permanent pasture will be fatal to environment. The impact of this shall be same as allowing wine shop in front of school/Temple.

5. Existence of Choe area is shown in attached Jamabandies and Tatimas is enclosed in ANX C need to be further explored as revenue record does not show exact position of existence of many other choe being filled up in the land property of Smt Indu Walia.
6. Attached ANX D few pages of HP HC order mentioning issue of mandatory NOC from Village Panchayat for any type of construction activity for NON Habitant property owners. Mrs. Indu Walia is non-habitant owner of the properties in malahat nager and Bhadolian Khurd, as detailed in attached HP HC order.

Issue of levelling of shiwalic foothills is already under serious consideration in the following courts.

Name of State & court	Case No	Subject matter	Next date
Double bench of HP High court	Kusam Bali Vs State of HP & Ors. CWPII No. 13 of 2021	Indiscriminate and haphazard constructions being carried out by CUTTING & CHOPPING OF HILL	27-09-22
Division Bench High Court of Uttarakhand	REENU PAUL Versus STATE OF UTTARAKHAND WPPII/219/2021	After a plea in the high court alleged that hillocks at several locations — which are part of the foothills of the Shivalik range — are being flattened to build cafes, dhabas, resorts, Maggi Points and housing in violation of environmental laws,	7-11-23
Principal bench NGT	Bhavak Parasher vs Smt. Indu Walia AO 807/2022	Felling of trees & Leveling of Hilltops in 7.7 Hecrares of land	

7. NGT court while ordering site inspection Has clearly stated that “Since the allegations are with regard to cutting and felling of the trees and levelling of hill tops in violation of the environmental rules **WITHOUT ANY AUTHORITY**, “therefore You are requested to consider above mention points in the interest of environment while inspecting the site.

Thanking You,

Yours Sincerely,

*Bhavak Parasher*

Bhavak Parasher 9418153692.  
H.No 506 Zail Singh Nager Roper Punjab

Copy to Polution control & DFO Una



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL NO 13/2021

Date of Order: 13.1.2023

---

Kusum Bali      Petitioner.

Versus

---

State of HP and others      Respondents.

*Coram:*

**The Hon'ble Mr. Justice A.A. Sayed, Chief Justice. The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.**

*Whether approved for reporting? Yes.*

---

For the petitioner:      Mr. Ankush Dass Sood, Sr. Advocate,  
with Ms. Leena Guleria and Mr. Gaurav Chaudhary, Advocates.

For the respondents: Mr. Anup Rattan, Advocate General  
with Mr. Rakesh Dhaulta, Additional Advocate General, for respondent Nos. 1 to 3 and 5 to 7State.

Mr. V.B. Verma, Advocate, for respondent No. 4.

Mr. Kamal Kant Saroch, Director, Town & Country Planning, Himachal Pradesh,

Present in Person.

A.A. Served, Chief Justice (oral)

The above PIL has been filed highlighting the in discriminate and haphazard constructions, including

*Bharat Farash*

- (ix) The applicant shall endeavor to develop the colony along the slopes of hill without much disturbance to the natural hill profile. In no case hill cut at any level shall not exceed 3.50 Metres.
- (x) Provision of Rain Water Harvesting structure @ 20 Liters per M<sup>2</sup> of roof area should be made.
- (xi) Septic Tank and Soak Pit should be constructed.
- (xii) Preference shall be given for Solar Passive Building Design.
- (xiii) Locational attributes, aesthetics, local building material, heritage and environmental aspects should also be taken into account. Remarks:

6. Remarks

(i) **The benefit of above exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas.**

(ii) **Any person intending to carry out development activities exempted under section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) shall give information on simple paper alongwith a copy of original jamabandi and original tatima to the concerned Panchayat before carrying out development activities. The concerned Panchayat after verifying the documents, shall grant No Objection Certificate for releasing Service Connections or Completion Certificate to the applicant under Section 83-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) for obtaining service connections.**

(iii) In case of any constraints as per the site conditions in maintaining setbacks, or any other regulations the Director or the concerned officer vested with the powers of the Director may relax the same. In case of any clarification with reference to any proviso or if there is

*Bhanak Parashar*

Annexure C-VII

To

The Deputy Commissioner Una,  
District Una (HP).

Sub: Reply in compliance of office letter dated 17.08.2023 bearing No. HPSPCB/RO/Una/OA No. 807 of 2022/2023: 1427-34.

Sir,

Reply in compliance of office letter detailed above on behalf of Indu Walia W/o Sh. Ram Parkash Singh.

It is humbly submitted that in compliance of original application No. 807/22 titled as Bhavak Prashar Versus Smt. Indu Walia & others pending before Ld. N.G.T. Principal Bench at Delhi, joint inspection committee under the Chairmanship of worthy D.C. Una visited the private land of mine on 16.8.2023 along with other members of the committee.

That on 17.08.2023, Indu Walia received an e-mail from your office vide which your goodself has been pleased to direct me to submit her version with regard to the said visit.

That on the day of visit by the committed headed by worthy D.C. Una, my husband Sh. Ram Parkash Singh submitted before the committee that my wife i.e. me has already applied for the codal permission from the T.C.P.

.2...

-2-

and RERA and at the relevant time she is not involved in sale/purchase of any land from her private land to any Individual. It is humbly submitted that there is already a stay in operation from RERA to sale the property without prior permission of concerned department. At the cost of repletion, it is again submitted that no sale has been taken place without approval from my land. The application form submitted to the relevant authority are annexed herewith as Annexure R-1.

That it is further submitted that while leveling my private land I have not destroyed /blocked any natural path way of water nor any water pathway ever exists on any land of mine. It is pertinent to mention here that my entire land is recorded as Kharetar which is already reflected in the Jamabandi Annexure R2. It is further submitted that no inlet or outlet of water was ever existing over my land which is seen by naked eyes at the spot, even by the joint committee which inspected the spot. In fact natural any path way of water (Choi) exists far away towards western side of my land and the same exists in Khasra No. 2876, 2850 etc. Revenue record of said Khasra Nos. (Choi) is attached herewith as Annexure R3.

.3..

-3-

That the replying respondent has never changed the topography of her land. It is pertinent to mention here that my land was in shape of uneven land and I have only leveled the said land to develop the same which was shown as Khadetar. It is further submitted that the land developed is below the level of N.H. which falls within the distance of 500 meters from N.H. and the work done/made by me had not affected any individual, public at large and not even against the public policy prevailing at the relevant time and even the same has not changed the topography of the land. I had taken care of all the norms made by the all concerned and leveled my land in a scientific manner.

I have not made any cutting of any hills as alleged by the complainant in his original application. As already submitted above, since my land was in a zig zag shape and uneven on the spot and I have only leveled the same as per norms . This way I have not flouted any norms issued by the different departments

It is further submitted that the original application filed by the complainant is outcome of the personal enmity and same was filed by the complainant just to settle his personal scores.

..4..

-4-

It is pertinent to mention here that the applicant/ complainant and my family are in litigation with each other. Even my husband had to face allegations of Section 302 IPC at the instance of complainant in which my husband was acquitted by the competent court of law, Copy of which is annexed as R-4.

Complainant was also accused in criminal case as the complainant along with his associates had mercilessly beaten my husband. Although the complainant was also acquitted by the Ld. Court.

At the cost of repetition, even the complainant has also filed an application U/s 319 Cr.P.C. to implead me as an accused which was rightly rejected by the Ld. Sessions Judge Una and the complainant had assailed the said order before the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P confirmed the order passed by the Ld. Sessions Judge Una. It is further submitted that original applicant has assailed the Judgment of acquittal of my husband passed by the Ld. Sessions Judge Una before the Hon'ble High Court of H.P. Shimla and the same is pending before the Hon'ble High Court of H.P. Shimla.

...5..

-5-

Besides aforesaid litigation, the wife of the complainant has also filed a civil suit against my husband which is presently pending before the Ld. Civil Judge, Court no. IV, Una, District Una HP).

It is therefore, humbly prayed that above said submission may kindly be considered after seeing the documents annexed with the present submissions before submitting the reply/<sup>report</sup> before N.G.T.

Thanking you,

Dated:28.08.2023

Submitted by

  
Indu Walia W/o Sh. Ram Parkash,  
R/o H. No. 108, Basant Vihar, VPO  
Jalgram Tabba, Tehsil and District  
Una (HP).

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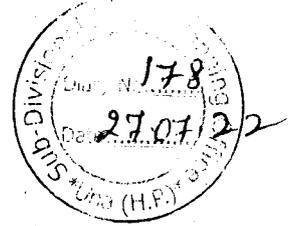
**REAL ESTATE REGULATORY AUTHORITY**  
Annexe Building, Majitha House near H.P. Sectt. Shimla-02  
Email : hp.rera2020@gmail.com , Phone : 0177-2629111, Fax : 0177-2627111

No. HPRERA2022003

Dated:- July, 2022

From:

The Chairperson  
HP Real Estate Regulatory Authority,  
Himachal Pradesh, Shimla-171002



To

Deputy Commissioner  
Una, District Una HP

Subject:- Regarding stay on sale of plots being raised by Smt. Indu Walia W/o Ram Parkash Singh, Prop. Group Colonizera Pvt. Ltd. R/o House No. 108, Ward No. 8, Rakkar Colony, Basant Vihar, Una HP

Sir,

Please find enclosed herewith an order dated 11.7.2022 passed by this Authority regarding barring/ restraining from advertising/ marketing, booking, selling or offering for sale or inviting persons to purchase in any manner any plot apartment or building owned by above respondent in Mauja Malahat, District Una HP without getting the project registered with the Authority as per section 3 of the Real Estate (Regulation and Development) Act, 2016.

You are, therefore, requested to direct the concerned Sub-Registrar not to register sale deed of land comprised in Khata / Khatauni no. 23/28 of khasra no. 2795 measuring 00-48-30, 3665/2858 measuring 00-06-48, khasra no. 3667/2858 measuring 00-44-99, khasra no. 2860 measuring 00-15-34, khasra no. 2862 measuring 00-15-35, khasra no. 3153/2874 measuring 00-43-24, khasra no. 3421/2875 measuring 00-26-10, khasra no. 3423/2875 measuring 00-71-56, Khasra no. 3548/2894 measuring 01-08-44. In khata khatauni no. 26/31 of khasra no. 3549/2894 measuring

ATTESTED

Superintendent Grade-I  
O/o the Deputy Commissioner,  
Una, Distt. Una (H.P.)

19/07/22  
अधिकारी  
अ/अ  
अ/अ

RR  
26-7-2022

APP  
27-7-22

PO  
27-7-22

JE

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02-13-25. In khata/ khatauni no. 318/419 of khasra no. 2804 measuring 00-03-24. In khata/ Khatauni no. 45/51 of khasra no. 2895 measuring 00-54-49. In khata/ khatauni no. 362/489 of khasra no. 2861 measuring 00-05-13. In khata/ Khatauni no .177/227 of khasra no. 2750 measuring 00-07-46. In khata/ Khatauni no. 289/380 of khasra no. 2857 measuring 00-07-42. In khata/ Khatauni no. 267/354 of khasra no. 2805, 2813 measuring 00-29-54. In khata/ Khatauni no. 484/683 of khasra no. 3305/2844 measuring 00-04-05. In khata/Khatauni no. 411/574 of khasra no. 2871 measuring 00-19-77. In khata/ Khatauni no. 367/499 of khasra no. 2863, 2864 measuring 00-19-54 total of all measuring 7-70-34 approximately 200.60 kánals in mauja Malahat, District Una, H.P. till further directions of the Authority

Yours faithfully,

Authorized Signatory  
HP Real Estate Regulatory Authority  
Shimla- 171002

Endst. No, As above- 785-86

Dated 22/07/22

Copy alongwith a copy of order dated 11.7.2022 is forwarded to :-

1. The Sub-Registrar-cum- Tehsildar, Una for immediate necessary action and compliance.
- ✓ 2. The Assistant Town and Country Planner, Una for information and necessary action.

Authorized Signatory  
HP Real Estate Regulatory Authority  
Shimla- 171002

**ATTESTED**

Superintendent Grade-I  
O/o the Deputy Commissioner,  
Una, Distt. Una (H.P.)

## हिमाचल प्रदेश सरकार

11.07.2022

Complaint no. - HPRERA2022003

Present: - Sh. Abhishek Banta Ld. Advocate alongwith Sh. Bhawak Prashar  
complainant

Sh. Ram Parkash Singh for Smt. Indu Walia, Respondent

### HEARING THROUGH WebEx.

In the present matter, in terms of the previous order, it has been appraised by the respondent that the process for registration has been initiated by the promoter after being assisted by the office of this Authority but the process for applying for registration is not yet complete. Once the applying process is completed the office of the Authority may grant registration in accordance with the Real Estate (Regulation and Development) Act, 2016 rules and regulation made there under.

Further an application has been filed by complainant for stay of construction, development and sale of land till the promoter complies with the mandate of Real Estate (Regulation and Development) Act, 2016. This application is registered as MA no. 17 of 2022. The Authority has heard the arguments on this application on behalf of both the parties.

It has been argued on behalf of the complainant that the respondent/promoter is owner in possession of land comprised in in khata/ khatauni no. 23/28 of khasra no. 2795 measuring 00-48-30, 3665/2858 measuring 00-06-48, khasra no. 3667/2858 measuring 00-44-99, khasra no. 2860 measuring 00-15-34, khasra no. 2862 measuring 00-15-35, khasra no. 3153/2874 measuring 00-43-24, khasra no. 3421/2875 measuring 00-26-10, khasra no. 3423/2875 measuring 00-71-56, Khasra no. 3548/2894 measuring 01-08-44. In khata khatauni no. 26/31 of khasra no. 3549/2894 measuring 02-13-25. In khata/ khatauni no. 318/419 of khasra no. 2804 measuring 00-03-24. In khata/ Khatauni no. 45/51 of khasra no. 2895 measuring 00-54-49. In khata/ khatauni no. 362/489 of khasra no. 2861 measuring 00-05-13. In khata/ Khatauni no .177/227 of khasra no. 2750 measuring 00-07-46. In khata/ Khatauni no. 289/380 of khasra no. 2857 measuring 00-07-42. In khata/ Khatauni no. 267/354 of khasra no. 2806, 2813 measuring 00-29-54. In khata/ Khatauni no. 484/683 of khasra no. 3305/2844 measuring 00-04-05. In khata/Khatauni no. 411/574 of khasra no. 2871 measuring 00-19-77. In khata/ Khatauni no. 367/499 of khasra no. 2863, 2864 measuring 00-19-54 total of all measuring 7-70-34 approximately 200.60 kanals in mauja Malahat, District Una, H.P.

Further by way of this application it has been alleged that respondent / promoter has sold 21 plots of different shapes and sizes in between the year 2016 and 2021. The details of mutations are 1628 dated 21.07.16, 1995 dated 24.02.2021, 1996 dated 24.2.2021, 2004 dated 24.02.2021.

**ATTESTED**



Superintendent Grade-I  
D/o the Deputy Commissioner,  
Jna, Distt. Una (H.P.)

## हिमाचल प्रदेश सरकार

1874 dated 17.04.2019, 1878 dated 01.05.2019, 1881 dated 01.05.2019, 1915 dated 09.10.2019, 1922 dated 09.10.2019, 1768 dated 24.4.2018, 1711 dated 01.09.2017, 1712 dated 01.09.2017, 1869 dated 01.01.2019, 1873 dated 27.03.2019, 1882 dated 01.05.2019, 1957 dated 03.07.2020, 1873 dated 27.03.2019, 1954 dated 12.01.2020, 1955 dated 29.09.2020, 1960 dated 13.08.2020, 1957 dated 03.07.2020. The corresponding Jamahandi's have been appended along with the application. It was further argued that the aforesaid sale deeds have been done in utter violation of the provisions of the Real Estate (Regulation and Development) Act, 2016 and therefore it was prayed that he may be restrained from further alienating or selling the plot, apartment or building in Mauja Malahat, District Una as per the mandate of Section 3 of the Act ibid.

The respondent has argued that the complainant has no locus standi to invoke the provisions of the Act ibid and therefore his complaint may kindly be dismissed. He further submitted that he was not aware of the provisions of the RERD Act and that he has to get the project registered with the Authority before entering into any sale transaction.

The Authority has heard both the parties and also gone through the record. The Authority is convinced from the record that the respondent is owner of more than 200 kanals of land in Mohal Malahat District Una and has sold 21 plots of different shapes and sizes in between the year 2016 to 2021

Section 3 of the RERD Act is as under:

"(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made there under, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

ATTESTED

↓

Superintendent Grade-I  
O/o the Deputy Commissioner,  
Una, Distt. Una (H.P.)

## हिमाचल प्रदेश सरकार

Provided that, if the appropriate Government considers it necessary, it may reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act:

- (b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;
- (c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately."

The provisions of section 3 of the Act *ibid* are very clear that no promoter shall advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot having area more than 500 sq. mtrs. or flats more than eight, in any planning area without registering the same with this Authority

In the present case the respondent has sold about twenty one plots having area more than 500 sq. mtrs. without obtaining registration from this Authority under the provision of Real Estate (Regulation and Development) Act, 2016. It is clear that the respondent has violated the aforesaid provisions and violations are writ large. As per his version he is in the process of getting the project registered with the Authority. Since he is in the process of registration therefore the issue of imposition of penalty under Section 61 of the Act for failure to comply with the provisions of the Act shall be decided at a later stage.

So far as the issue of locus standi raised by the respondent before the Authority is concerned it is pertinent to mention here that any person can apprise this Authority about any violations being caused of the provisions of the Act *ibid* because this Authority has suo moto powers under Section 31 (f) & (g) to deal with any of the violations under the Act and to ensure compliance of obligations cast upon various stakeholders under the Act. Further the well known legal maxim 'ignorantia juris non excusat' that has been approved by various courts of law means that ignorance of law is no excuse. Therefore the respondent cannot escape liability by merely saying that he was not aware of the legal provisions.

The Authority considering all the facts and circumstances of the case holds that respondent shall not advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building without first getting the project registered with this Authority as per the mandate of Real Estate (Regulation and Development) Act 2016. To conclude the respondent is barred/restrained from advertising, marketing, booking, selling or offering for sale or inviting persons to purchase in any manner any plot, apartment or building owned by

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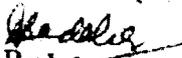
Superintendent Grade-I  
O/o the Deputy Commissioner,  
Una, Distt. Una (H.P.)

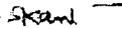
**हिमाचल प्रदेश सरकार**

respondent in Mauja Malahat, District Una, H.P. without getting the project registered with the Authority as per Section 3 of the Act ibid. Any violation of this order shall further entail per day penalty under Section 63 of the Act ibid.

The respondent is at liberty to file reply to this MA.

List the matter for hearing on 17.08.2022 at 11:00 AM through WebEx.

  
B.C. Badatta,  
MEMBER

  
Dr. Shrikant Baldi  
CHAIRPERSON

  
Rajeev Verma  
MEMBER

**ATTESTED**

  
Superintendent Grade-I  
O/o the Deputy Commissioner,  
Una, Distt. Una (H.P.)