

**Urgent/NGT Matter**

No. SML-LB-II(W- 70 /22)/2022- 2605  
Office of the District Magistrate, Shimla,  
District Shimla, Himachal Pradesh  
Dated : Shimla-171001, the 04, Nov, 2022

To

The Registrar General,  
Principal Bench,  
National Green Tribunal,  
New Delhi.

Sub:-

O.A No. 471/2022 titled as Kultar Singh V.s Forest  
Department & Revenue Department pending  
therein.

Sir ,

Please refer to the above mentioned subject .In this  
context, it is requested that the above case was listed before the Hon'ble  
National Green Tribunal on 23-09-2022 and has passed the following  
directions:

*“In the facts and circumstances of this case, presence of  
the Deputy Commissioner, Shimla before this Tribunal on the date of  
hearing fixed through video conferencing is also considered to be  
essential for assisting this Tribunal in effective and proper adjudication  
of questions relating to environment arising in this case and he is  
directed to remain present before this Tribunal with all relevant  
material on the date of hearing fixed.”*

The above case has been fixed for hearing on 10-  
11-2022. In this regard it is submitted that the Notification for Himachal  
Pradesh Assembly Elections 2022 has been issued by the Election  
Commission of India on 17-10-2022. The date for polling is scheduled on  
12-11-2022 and the counting has been fixed for 08-12-2022. Due to the  
Assembly Elections 2022, the undersigned is busy in smooth conduct of  
Assembly Elections, 2022 being District Election Officer Shimla. Further it  
is also submitted that the polling parties will move to different polling  
booths on 10-11-2022 and the presence of District Election Officer is  
required at different locations on 10-11-2022. During the State Assembly

Election, undersigned has to perform duties as a District Election Officer. The State Assembly Election is a very sensitive issue for each District Election Officer in his/her District. In view of the submissions made herein above it is humbly prayed that the undersigned be exempted to remain present in the above case through video conferencing on 10-11-2022 and the next date after the 08-12-2022 the date fixed for counting of votes in assembly election, 2022 may kindly be given.

It is also submitted that the Hon'ble NGT on 23-09-2022 has also passed the following directions:

*"We find from the report that Government land comprising Khsara No. 188, Charagah Drakhtaan at Patwar Circle Khara Pather, Tehsil Jubbal, District Shimla (H.P.) having an area of 45-54-29 (bighas) ( 3 hectare) has been identified for plantation in collaboration with NGO of the petitioner without handing over/ transferring possession of the land. A question of permissibility of diversion of grazing land completely for afforestation without permitting its use for grazing of cattle arise"*

In compliance to the directions issued by the Hon'ble National Green Tribunal on 23-09-2012 , the Sub Divisional Officer, (Civil) Jubbal, Distt. Shimla, H.P. was directed vide letter No. SML-LB-II (W/70/2022)/2022-2335 30-09-2022 to go through the contents of the orders passed by the Hon'ble National Green Tribunal and send the detailed status report alongwith relevant record to this office within a two weeks time.

In compliance to the directions issued by the undersigned, the Sub Divisional Officer (Civil) Jubbal, Distt. Shimla, H.P. has reported that the most of the Government land situated in District Shimla is Forest land and this forest land has also been classified as "Charagah Darkhan" & Charagah Billa Darkhtan" after Settlement operations amongst other classifications. As far as the question of handing over/ transferring this land to the applicant is concerned, the title of land cannot be transferred in favour of the NGO of the applicant, without

approval of the competent authority under Forest Conservation Act, 1980. So far as the question of grazing of cattle is concerned, proposed land is situated at an altitude of about 2800 meters above from sea level and is fit for plantation of specific species of trees. The report of Sub- Divisional Officer (C) Jubbal alongwith detail of government land available in Tehsil Jubbal is also enclosed herewith.

In view of the submissions made herein above, it is humbly prayed that the above report submitted by the Sub- Divisional Officer ( C) may kindly be taken on record and due to the ensuing Assembly Elections 2022, the undersigned be exempted to remain present in the above case through video conferencing on 10-11-2022 and the next date after the 08-12-2022 the date fixed for counting of votes for Assembly Elections, 2022 may kindly be given.

Encl:- As above

Yours faithfully,

Deputy Commissioner,  
Shimla Distt- Shimla ( H.P.)

No. SDO(C) JBL/MC/2022- 798  
Office of the Sub-Divisional Officer (Civil),  
Jubbal, District Shimla, HP, PIN- 171205.

12<sup>th</sup> October, 2022.

474465  
18/10/22

ADM(L)

LA

Dated Jubbal

To

The Deputy Commissioner,  
District Shimla, H.P.

Subject:-

OA No. 471/2022 titled as Kultar Singh V/S Forest Department and Revenue  
Department pending therein for 10.11.2022 before Hon'ble NGT.

17/10/22

Sir,

I have the honour to refer to your office letter No. SML-LB-II(W-70/22)/2022-2355 dated 30.09.2022 on the above cited subject. In this behalf, the gist of the order passed by the Hon'ble NGT in OA No. 471/2022 on 07.07.2022 is as under:-

*"The grievances of the applicant Jaiprakash Shodh Sansthan with its Head office at Ghezta Niwas (Near Hari Mandir) Jubbal, District Shimla (HP) are that illegal encroachments have been made on forest land, initially eviction proceedings were initiated for removal of such illegal encroachments under orders of Hon'ble High Court of Himachal Pradesh but subsequently on passing of some further orders drive has been dropped. The applicant is willing to undertake afforestation in such forest land but no land is being made available to the applicant by the Forest Department due to such illegal encroachments. The applicant has prayed for taking action for protection of forests and afforestation.*

*In view of the above averments made in the application, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Joint Committee comprising of representative of Principal Secretary Forests, GoHP, State PCB and District Magistrate, Shimla, H.P. and direct the same to undertake site visits, look into the grievance of the applicant, verify the factual position and take remedial action in accordance with law by following due process. "*

In this behalf it is stated that in compliance of the directions received from your office vide letter No. SML-LB-II(W-70/22)/2022-2000 dated 29.08.2022, a meeting was held in the office of undersigned with the applicant in the presence of representatives of forest and H.P. State Pollution Control Board on 30-08-2022. The applicant told the Committee that his intention is to get suitable land

so that his NGO could undertake afforestation activities in the area. During this meeting, the Chief Conservator of Forest, Shimla apprised the applicant and other present, that the Forest Department has sufficient land available in Patwar Circle Kharapathar, Tehsil Jubbal, District Shimla, which is tree free and suitable for plantation and the same can be handed over to the applicant and his NGO for the purpose. During this meeting, the applicant also agreed to the proposal of the CCF, Shimla.

Thereafter, the Committee, along with the applicant, moved to the spot. The applicant, on the spot, agreed to accept the proposed land for plantation in collaboration with the Forest Department in part of Khasra No.188, area measuring 45-54-28 Hectares in Mohal Jachli, PC Kharapathar, Tehsil Jubbal. Accordingly, the statement of the applicant was also recorded and a report was jointly prepared by the Committee. A copy of the report is enclosed herewith for your ready reference please.

On receipt of the above report, the crux of the order passed by Hon'ble NGT on 23.09.2022 is as under:-

*"We find from the report that Government land comprising Khasra No. 188, Charagah Drakhtaan at Patwar Circle Khara Pather, Tehsil Jubbal, District Shimla (HP) having an area of 45-54-29 (bighas) (3 hectare) has been identified for plantation in collaboration with NGO of the petitioner without handing over/transferring possession of the land. A question of permissibility of diversion of grazing land completely for afforestation without permitting its use for grazing of cattle arises."*

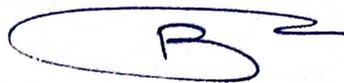
In this behalf it is submitted that most of the Government land situated in District Shimla is Forest land and this forest land has also been classified as "Charagah Darkhtan" & "Charagah Villa Darkhtan" after Settlement Operations amongst other classifications.

As far as the question of handing over/transferring this land to the applicant is concerned, the title of land cannot be transferred in favour of the NGO of the applicant, without approval of the competent authority under Forest Conservation Act, 1980. So far as the question of grazing of cattle is concerned, the proposed land is situated at the altitude of about 2800 meters from sea level and is fit for plantation of specific species of trees, however, not fit for grazing of cattle due to cold weather.

The detail of government land available in Tehsil Jubbal is also enclosed herewith please.

Yours faithfully,

Encl. As above.



Sub-Divisional Officer (Civil),  
Jubbal, District Shimla, H.P.

**Joint Inspection Report of the Committee Constituted in Compliance to Order Passed By Hon'ble National Green Tribunal in OA No. 471 Of 2022, titled as Kultar Singh V/s Forest Department & Revenue Department on dated 07.07.2022.**

**Background Note:-** Hon'ble National Green Tribunal passed the following orders on 07.07.2022 in the matter of O.A. No. 471 of 2022, titled as Kultar Sing Vs. Forest Department and Revenue Department.

*"1. .... The applicant is willing to undertake afforestation in such forest land but no land is being made available to the applicant by the Forest Department....."*

*2. In view of the averments made in the application, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Joint Committee comprising of representative of Principal Secretary Forests, Government of Himachal Pradesh, State PCB, and District Magistrate, Shimla, Himachal Pradesh and direct the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. The State PCB will be the Nodal agency for coordination and compliance....."*

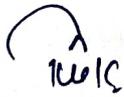
In compliance to the orders passed by Hon'ble National Green Tribunal dated 07.07.2022, Principal Secretary, Forests further authorized Chief Conservator of Forests Shimla, District Magistrate Shimla authorized Sub Divisional Officer (Civil) Jubbal and Member Secretary, HPSPCB Shimla authorized Regional Officer, Shimla to carry out joint inspection. The committee of authorized officers carried out the joint inspection of Jubbal & Kharapathar area on 30.08.2022 along with petitioner Sh. Kultar Singh Ghezta.

- The Chief Conservator of Forest, Shimla apprised the petitioner and other committee members that, Forest department has identified a Govt. land comprising of Khasra No. 188, Charagah Drakhtaan at Patwaar Circle Khara Pather, Tehsil Jubbal, Distt. Shimla (HP) having an area of 45-54-29 bighas (3 hectare) which is suitable for plantation. He added that Forest department agrees for collaborating with NGO of the petitioner for carrying out plantation on identified forest land without handing over/transferring possession of the land.
- He further informed that the matter of illegal encroachment of forest land is already under the consideration of Hon'ble High Court of HP in CWP No. 1093 of 2016 & other related petitions. The Forest department is implementing the

directions passed by Hon'ble High Court and filing the progress report of the same from time to time. Latest quarterly progress report of Rohru Forest Division in encroachment cases for the quarter ending on 30.06.2022 submitted by Divisional Forest Officer, Rohru is annexed as **Annexure-I**.

- Thereafter, the committee visited the spot identified by the Forest department along with the petitioner at Kharapathar. The petitioner found the identified area suitable for plantation through his NGO. He further requested Forest department to provide such land to his NGO in future also so that he can continue his mission to carry out plantation in Jubbal area.

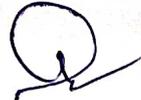
It is pertinent to mention here that the petitioner, Sh. Kultar Singh Ghezta expressed his satisfaction with the action taken by the Forest department. He apprised that as the Forest department has provided suitable land to his NGO to carry out plantation, his purpose to file petition in the Hon'ble National Green Tribunal has been fulfilled and he is ready to withdraw the case. The statement of petitioner was recorded and is enclosed as **Annexure-II**.



Lalit Kumar  
Regional Officer,  
HPSPCB, Shimla



Rajeev K Sankhyan  
Sub-Divisional Officer (C),  
Jubbal



S.D. Sharma (IFS)  
Chief Conservator of Forest,  
Shimla



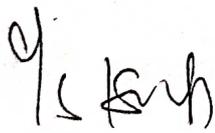
पूर्णा : सम्बन्ध हैं व राष्ट्रीय दलील प्राप्तिप्रणाली में  
पात्र अपना फॉर्म (Copy) वापस लेना चाहता हूँ  
यही मेरा ध्यान है पदवार सुना सही पात्रा  
20/11/22

  
अ. स. सिंह

CS

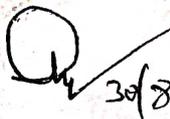
 अ. स. सिंह

SDM, Jubbil



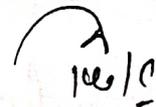
Tehsil

CS

 अ. स. सिंह  
CCF Shimla

  
DCF Rohru

CS



EE 7PS/CS Shimla

सरकारी भूमि पटवार सर्कल वार सूची तहसील जुब्बल, जिला शिमला, हि०प्र०।

क्रम संख्या	पटवार वृत्	बाखल अब्बल	बगीचा फलदार	बगीचा विला फलदार	कराली	क्यार	बाखल दोयम	खासणी / बंजर कदीम	चरागाह द्रख्तान	चरागाह विला द्रख्तान	बणी	गैर मुमकिन
1.	पराली	-	11-48-34	-	-	-	2-43-38	0-92-68	35-70-40	7-18-06	-	22-25-18
	नगर पंचायत जुब्बल	-	2934-38 वर्ग मीटर	-	-	-	159-36 वर्ग मीटर	1916-54 वर्ग मीटर	17818-35 वर्ग मीटर	21755-81 वर्ग मीटर	-	91831-88 वर्ग मीटर
2.	शिल्ली	2-31-98	17-54-08	17-19-80	6-07-62	-	1-42-75	0-05-88	102-50-26	5-85-77	0-02-38	49-43-35
3.	खड़ापत्थर	36-45-92	327-63-04	5-52-67	62-20-24	-	10-96-67	18-95-10	580-16-56	14-37-43	1-59-50	157-38-31
4.	मण्डोल	16-12-81	34-37-41	30-56-64	3-87-89	-	1-64-02	0-02-87	99-82-81	123-61-61	-	33-46-49
5.	पटसारी	-	17-59-07	10-75-92	-	0-03-58	15-00-00	0-20-35	80-85-20	89-79-49	0-62-02	42-43-81
6.	मिहाना	11-04-87	28-19-75	32-45-42	-	0-82-35	0-38-85	0-40-38	337-92-73	15-34-25	-	48-08-10
7.	पौटा	2-14-36	15-74-57	19-37-12	07-06-57	-	0-50-14	0-07-95	103-59-15	12-69-96	0-04-65	20-59-95
8.	बटाङ्गलू	-	82-66-95	30-96-51	-	-	-	0-05-37	425-34-18	123-52-33	-	38-52-90
	कुल	68-09-94	535-52-55	146-84-08	79-22-32	0-85-93	32-37-40	20-89-74	1767-69-47	394-56-45	2-28-55	421-36-46

  
तहसीलदार जुब्बल,  
जिला शिमला, हि०प्र०।