

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 637/2018**

In the matter of :

Sher Singh

.....Applicant

Vs.

Government of Himachal Pradesh

.....Respondent(s)

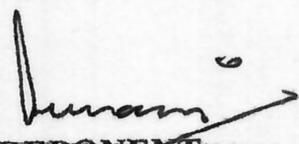
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Sr. No.	Particulars	Pages.
1.	Compliance Report of Chief Secretary to the Government of Himachal Pradesh in compliance of the order dated 24-02-2021 passed by the Hon'ble National Green Tribunal in the matter Original Application No. 637/2018 - titled as Sher Singh Vs. Government of Himachal Pradesh.	1-3
2.	Copy of letter No. KSN-Reader/2019-1238, dated 19 th April, 2021 (including enclosures) of Sub Divisional Officer (C), Kumarsain; enclosed as Annexure-I	4-7
3.	Copy of letter No. Ft.42-1595/2018(Mgt) NGT/Vol.I, dated 11th June, 2021 of Pr.CCF (HoFF), H.P.; enclosed as Annexure-II .	8-10

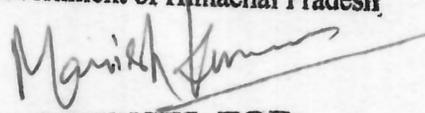
Place: Shimla

Dated: 01-07-2021

THROUGH


DEPONENT

Anil Khachi, IAS
Chief Secretary to the
Government of Himachal Pradesh


**LD. COUNSEL FOR
THE STATE OF H.P.**

Manish Kumar Adv.
Ph: 9971493975

S-138, LGF,
Greater Kailash - I
New Delhi - 48

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 637/2018

In the matter of :

Sher Singh

.....Applicant

Vs.

Government of Himachal Pradesh

.....Respondent(s)

COMPLIANCE REPORT OF CHIEF SECRETARY TO THE
GOVERNMENT OF HIMACHAL PRADESH IN COMPLIANCE OF
THE ORDER DATED 24-02-2021 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL.

RESPECTFULLY SHOWETH,

I, Anil Kumar Khachi S/o Sh. P.R. Khachi, aged 58 years
presently working as Chief Secretary to the Government of Himachal
Pradesh do hereby solemnly affirm and state as under:-

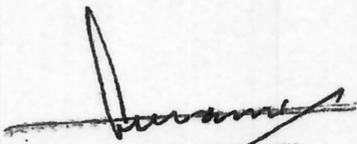
1. That the aforesaid case is pending adjudication before the
Hon'ble National Green Tribunal.

2. The aforesaid case was listed before the Hon'ble NGT on
24-02-2021 and the Hon'ble Tribunal has passed the following directions at
para-8 of the Order:-

*"8. In view of above, the matter needs to be looked into and
remedial action taken at the higher level in the State.
Accordingly, we direct the Chief Secretary, Himachal Pradesh
to look into the matter and ensure protection of public land in
the forest area, monitoring expeditious action against the law
violators, following due process and furnish compliance report
before the next date. The Chief Secretary may also have it
examined whether requisite remedial action by way of
prosecution and otherwise has been initiated in accordance
with the provisions of the Indian Forest Act, 1927 read with
Forest (Conservation) Act, 1980.*

List for further consideration on 08.07.2021."

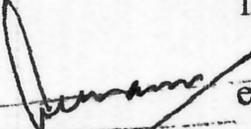
3. That in compliance of the aforesaid directions, the detailed facts
of the matter were sought from the Pr. Chief Conservator of Forests


Anil Khachi, IAS
Chief Secretary to the
Government of Himachal Pradesh

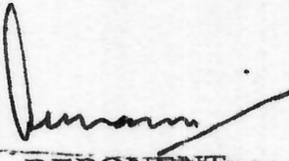
(HoFF), H.P. and Deputy Commissioner, Shimla in order to examine the matter.

4. That the matter was got inquired through the Sub Divisional Officer (C), Kumarsain who has reported that the land in question is **not a forest land**. As per revenue record, the land bearing Khasra No. 413/1 area measuring 45-75 Sq.Mtr is entered in the ownership of Smt. Banti Devi W/o Sh. Keshav Ram, VPO Narkanda, Tehsil Kumarsain vide Mutation No. 238 dated 24-09-2019 and Khasra No. 413/2 area measuring 292-72 Sq. Mtr is in the ownership of State of H.P. and in the possession of H.P. Public Works Department. The above said land is classified as "*Gair Mumkin Sadak*" in revenue papers (Copy of letter No. KSN-Reader/2019-1238, dated 19th April, 2021 of SDO(C), Kumarsain alongwith enclosures is at **Annexure-I**). The Pr.CCF (HoFF), H.P. has also confirmed in their report that the **land in question is Govt. non-forest land**. Thus the land in question does not attract the provisions of Forest (Conservation) Act, 1980 & Indian Forest Act, 1927 (Copy of letter No. Ft.42-1595/2018(Mgt) NGT/Vol.I, dated 11-06-2021 of PCCF (HoFF), H.P. is at **Annexure-II**).

5. That the necessary proceedings have been initiated for the eviction of un-authorized occupants from public premises under Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971. That the SDO (C) Kumarsain has also been directed to conclude the eviction proceedings under H.P. Public Premises Act, 1971 qua the land in


Anil Khachi, IAS
Chief Secretary to the Government of Himachal Pradesh
question at the earliest.

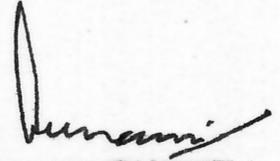
Keeping in view of aforesaid submissions, the compliance report may kindly be taken on record.


DEPONENT
Anil Khachi, IAS
Chief Secretary to the
Government of Himachal Pradesh

VERIFICATION:

I, the above named deponent do hereby solemnly affirm and verify that the contents of this compliance report from para 1 to 5 are true and correct to the best of my knowledge as derived from the official record and no part of it is incorrect and nothing material has been concealed therefrom.

Verified at Shimla on this 1st day of July, 2021.



DEPONENT

Anil Khachi, IAS
Chief Secretary to the
Government of Himachal Pradesh

No. KSN-Reader/2019- 1238
Office of the Sub Divisional Officer(C),
Kumarsain, District Shimla (HP)
Telephone No. 01782-241111

Dated: Kumarsain-172029, the 19 April, 2021

To

The Deputy Commissioner,
District Shimla,
Shimla-171001

Subject:-

O.A. No. 637/2018 titled as Sher Singh v/s Govt. of Himachal Pradesh

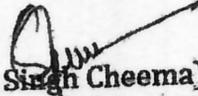
Sir,

Kindly refer to your office letter No. SML-LB-II(W-243/18)/2020-907 dated 17-04-2021 on the subject cited above.

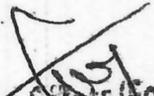
In this regard it is submitted that the requisite information in O.A. No. 637/2018 titled as Sher Singh v/s Govt. of Himachal Pradesh that the land in question is not a forest land. As per the revenue record the land bearing Khasra No, Khasra No, 413/1 area measuring 45-75 Sq. mtr is in the ownership of Smt, Banti Devi W/o Shri Keshav Ram VPO Narkanda Tehsil Kumarsain vide mutation No. 238 dated 24-09-2019 and Khasra No. 413/2 area measuring 292-72 Sq. mtr is in the ownership of State of Himachal Pradesh and in the possession of HPPWD department. The said land is classified as "gair mumkin sadak" in Revenue papers. Hence the report of Tehsildar Kumarsain along with two copies of Jamabandies and Tatima are enclosed herewith for your kind perusal and further necessary action please.

Encl : as above

Yours faithfully,


(Gunjeet Singh Cheema)
Sub Divisional Officer(C),
Kumarsain, District Shimla

Attested


Section Officer (Forests)
H.P. Govt. Sectt. Shimla-2

5

No. KSN-Reader/2019- 854
Office of the Tehsildar Kumarsain,
District Shimla (HP)

Telephone No. 01782-240033
Dated: Kumarsain-172029, the 19, April, 2021

To

The Sub-Divisional Officer (Civil),
Kumarsain, District Shimla,
Shimla-171001

Subject:-

O.A. No. 637/2018 titled as Sher Singh v/s Govt. of Himachal Pradesh

Sir,

Kindly refer to your office letter No. KSN-Reader (Misc)/2020-1212-13 dated 17-04-2021 on the subject cited above.

In this regard it is submitted that the requisite information in O.A. No. 637/2018 titled as Sher Singh v/s Govt. of Himachal Pradesh the land in question is not a forest land. As per the revenue record the land bearing Khasra No, 413/1 area measuring 45-75 Sq. mtr is the ownership of Smt. Banti Devi W/o Shri Keshav Ram VPO Narkanda Tehsil Kumarsain vide mutation No. 238 dated 24-09-2019 and Khasra No. 413/2 area measuring 292-72 Sq. mtr is in the ownership of State of Himachal Pradesh and in the possession of HPPWD department. The said land is classified as "gair mumkin sadak" in Revenue papers. Hence the report of in matter is enclosed along with two copies of Jamabandies and Tatima is herewith forwarded to your office for your kind perusal and further necessary action please. (copy enclosed).

Yours faithfully,

Encl : as above


Tehsildar Kumarsain,
District Shimla

Attested


Section Officer (Forests) B
H.P. Govt. Sectt. Shimla-2

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी
 जिला : शिमला
 तहसील : कुमरसैन
 कानूनगोदात : कुमरसैन
 पटवार वृत्त : नारकण्डा
 हुदबस्त नं. : 76
 रसीद संख्या : 0906211105
 नाम : -
 पिता/पति :-

नकल शुल्क : 1
 सेवा शुल्क : 10
 कुल शुल्क : 11

साल : 2013-2014		रकबा ईकाई: वर्ग-मीटर						
खतीनी नं.	नाम मालिक व एक्वाल	नाम चाह व दीगर वसायल आबपाशी	नम्बर खसरा हल	रकबा हर खेत व मिलान खाता मय किस्म अराजी नौदीक ईकाईयो में	हिस्सा या धमना इकीयत व तरीका बाड	कैफियत		
1	2	3	4	5	6	7	8	9
97 गिन	161 गिन	सरकार हिमाचल प्रदेश	काज्जा लोक निर्माण विभाग		413 चादी	338-47 नै.सु.राकक		
84	150							
वक्कर खेत नं.								
(1)								
0.00								
माल								
0.00								
स्वाई								
0.00								

नोट्स करार ईस्टम नं. 238 पेटवत गिति 24-9-19 वाका दुसरी ईस्टम द्वारा मीजरी करती देवी शली कियत राग युग दुगोनन्द के नाम खसरा नं. 413/2 रकबा नं. 45-75 वर्ग मीटर मलकियत करखर हुडे, जनपि खसरा विभागल प्रदेश काज्जा लोक निर्माण विभाग के नाम खसरा नं. 413/2 रकबा नं. 242-72 की मीटर मलकियत करखर हुडे। उक्त देवी खसरा नं. मीजरी का विभागल ईस्टम नई है।
 P. N. Narkanda
 VRO

no forest bar

Attested
 H.P. Govt. Sectt. Shimla-2

To Verify; enter the Copy No above Bar Code at <http://admis.hp.nic.in/himbhoomlink>
 Server- HP as accessed by Tehsil Operator TEHOPRKSEN on 19-April-2021 from Tehsil कुमरसैन For Validity Refer : Notific. No.Rev-C(FY)10-1/2009 dated 14-Feb-2011



दिनांक: 19-Apr-2021
 निलकट : हिमाचल प्रदेश - शिमला
 P. N. Narkanda Shimla (H.P.)



Office of
Principal Chief Conservator of Forests
(Head of Forest Force)

Himachal Pradesh Forest Department Headquarters, Talland, Shimla-171 001



एक कदम स्वच्छता की ओर

14/6/21
553/S036
16-6-2021

No. Ft. 42-1595/2018(Mgt) NGT/ Vol. I

Dated: Shimla-1, the 11 JUN 2021

To:

✓ The Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh, Shimla.

**Subject: Original Application No. 637/2018 - titled as Sher Singh Vs.
Government of Himachal Pradesh.**

Sir,

Kindly refer to your office letter No. FFE-B-F(3)-179/2018-I datd 5th June
2018 on the subject cited above.

2. As desired vide your letter under reference, the complete facts of the case
pertaining to Original Application No. 637/2018 - titled as Sher Singh Vs.
Government of Himachal Pradesh, as reported by CCF Rampur, are detailed as
under:

- i. The Original Application No. 637 of 2018 - titled as Sher Singh Vs. Government of Himachal Pradesh was registered by the Hon'ble National Green Tribunal based on a complaint made by Shri Sher Singh wherein it was alleged that Smt. Banti Devi W/o Shri Keshav Ram, R/o Ward No. 3, Nagar Panchayat Narkanda, Tehsil Kumarsain, Distt. Shimla, HP had encroached Govt. land by way of constructing Bhardwaj Building in Khasra No. 413 at Narkanda.
- ii. The disputed land falls in the notified area Narkanda within the jurisdiction of Nagar Panchayat Narkanda. It is recorded in the ownership of GoHP and in the possession of HP PWD in the revenue record as per Jamabandi for the year 1983-84, 1997 & 2013-14 (Annexure 1(i) to 1(iii)). It is non-forest land and thus, does not attract the provisions of the Indian Forest Act, 1927 and the Forest (Conservation) Act, 1980.
- iii. The Nagar Panchayat Narkanda initially challaned the encroachment case, registered as case No. 42-2/2017, against Smt. Banti Devi under Section 4 & 5 of HP Public Premises and Land (Eviction & Rent Recovery) Act, 1971 in the court of Ld. Sub Divisional Officer (Civil)-cum-Sub Divisional Collector, Rampur which was later transferred to the court of Ld. Sub Divisional Officer (Civil) cum-Sub Divisional Collector, Kumarsain, on creation of new sub-division at Kumarsain.
- iv. The Ld. Sub Divisional Officer (Civil) cum-Sub Divisional Collector, Kumarsain decided the matter, case No. 42-2/2017, on 03.08.2019 and passed following directions vide order dated 03.08.2019 (Annexure-2):

14/06/21
JS (Ft)
18

15/06/21
S0CFY
15/6
Sh-PK

Attached

Addl. Chief Secretary (Forests) B
I.P. Govt. Secy. Shimla-2

"I have heard the argument on behalf of the petitioner in length and perused the above said record minutely and after scrutinizing the entire record and statement of the petitioner as well as the witness produced I come to the conclusion that the respondent, Smt. Banti Devi having failed to put forth any document qua her status and title over the property involved whereupon the RCC structure as well as the parking place has been raised and created by the respondent over Khasra No. 413/1, 413/2 and 831/1. Therefore, the respondent is in unauthorised occupation of the public premises aforesaid without any right, title and interest of any kind. Therefore, in exercise of powers conferred on me by Sub-section (1) of Section 5 of HP Public Premises and Land (Eviction & Rent Recovery) Act, 1971, I hereby order the said Smt. Banti Devi wife of Sh. Keshav Ram Bhardwaj, resident of Ward No. 3, Nagar Panchayat Narkanda, Tehsil Kumarsain, District Shimla - HP and all persons who may be in occupation of the said premises or any part thereof to vacate said premises within 30 days of the date of publication of this order and will shift all materials/fixtures etc. constructed over the land at its own cost. In the event of refusal or failure to comply with the orders within the period referred above, the Assistant Engineer, National Highway No.-5 is directed to get the said premises vacated from the respondent Smt. Banti Devi. In case any assistance is required he may approach the concerned Executive Magistrate/Police for taking necessary action."

- v. Smt. Banti Devi W/o Shri Keshav Ram preferred Appeal No. 157/2019 in the Court of Divisional Commissioner, Shimla against the order dated 03.08.2019 passed in case No. 42-2/2017 by Ld. Collector, Sub Division, Kumarsain. The Divisional Commissioner, Shimla decided the appeal on 28.09.2020 setting aside the order dated 03.08.2019 passed in case No. 42-2/2017 and remanded the case back to Ld. Collector, Sub Division, Kumarsain with the directions to decide the case afresh by ensuring joinder of necessary party(s), framing the issues with respect to the defense and then passing a detailed, just and reasoned order after affording reasonable opportunity of being heard to all concerned as per law. The operative part of order dated 28.09.2020 (Annexure-3) passed in Appeal No. 157/2019 by the Ld. Divisional Commissioner, Shimla is as under:

"Moreover, Ld. Collector (Settlement), Shimla Division, Shimla-9 has passed an order dated 20.08.2019 in case No. 32/2019 titled Smt. Banti Devi Vs State of Himachal Pradesh on the matter of correction of revenue entry. Thus agreeing with the arguments/assertions put forward by the Ld. Counsel for the appellant and also in view of the order or correction passed by Ld. Collector (Settlement), Shimla on 20.08.2019 in case 32/2019, the appeal is allowed and the order dated 03.08.2019 passed in case No. 42-II/2017 is set aside and the case is remanded back to Ld. Collector, Sub Division, Kumarsain with the directions to decide the

Attested

Section Officer (Forests)-B
H.P. Govt. Sectt. Shimla-2

P.T.O.

case afresh by ensuring joinder of necessary party(s), framing the issues with respect to the defense and then passing a detailed, just and reasoned order after affording reasonable opportunity of being heard to all concerned as per law. Miscellaneous application(s), if any, shall stand disposed of accordingly."

vi. As per Spot Report dated 06.03.2021 of Assistant Collector Grade-I, Kumarsain, Distt. Shimla, the land under consideration comprising erstwhile Khasra No. 413, Khata Khatoni 97(min)/161(min) was in the ownership of HP Govt. and in the possession of HP Public Works Department till 24.09.2019. The Collector (Settlement), Shimla vide order dated 20.08.2019 passed in case No. 32/2019 pertaining to correction of entries decided to bifurcate Khasra No. 413 into two parts i.e. Khasra No. 413/1 and 413/2. The mutation of this order was implemented by Naib Tehsildar, Kumarsain on 27.09.2019. Hence, the present situation is that Khasra No. 413/1 is in the ownership of Smt. Banti Devi W/o Shri Keshav Ram and Khasra No. 413/2 in the ownership of HP Govt. under the possession of HP PWD. The Spot Report concludes that as it stands today, there is no encroachment by Smt. Banti Devi in Khasra No. 413 as was alleged in the complaint and building structure is in her own land comprising in new Khasra No. 413/1.

3. It is evident from above facts that the land in question is non-forest land and does not attract the provisions of the Indian Forest Act, 1927 and the Forest (Conservation) Act, 1980. However, the case remanded back by the Divisional Commissioner, Shimla for deciding afresh is pending with the Ld. Collector, Sub Division, Kumarsain for decision.

The report is submitted for favour of information and further action at your end please.

Encls: As above.

Yours faithfully
[Signature]
10/06/2021
Principal CCF (HoFF), HP

Attested

[Signature]
Section Officer (Forests)
H.P. Govt. Sectt. Shimla-2

Endst. No. As above/
Copy forwarded to:

- 1. Chief Conservator of Forests, Rampur with reference to his Memo. No. 804 dated 09.06.2021 for information.

Dated: Shimla-1, the

[Signature]
Principal CCF (HoFF), HP