

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

I N D E X

IN

COMPLIANCE AFFIDAVIT

(On behalf of Respondent No. 2 i.e. PCCF/HoFF, Uttarakhand)

IN

O.A. No. 305 OF 2022

Vipin Nayyar

.....Applicant

Versus

Union of India & Ors.

.....Respondents

S. No.	Particulars	P. Nos.
1.	Index	
2.	Compliance Affidavit	
3.	<u>ANNEXURE-1</u> True/photocopy of minutes of the meeting held on 05.01.2024	
4.	<u>ANNEXURE-2</u> True/photocopy of the Order dated 08.01.2021, passed by Asstt. Collector Grade-1 Rishikesh	
5.	<u>ANNEXURE-3</u> True/photocopy of the letter dated 15.02.2024	

Dated: 15/02/2024

Rahul Verma
Add. Advocate General
Government of Uttarakhand

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Affidavit of Anup Malik (Male), aged about 59 years, S/o Sh. Pratap Singh, presently posted as Principal Chief Conservator of Forests (HoFF), Uttarakhand.

(Deponent)

I, the above named deponent, do hereby solemnly affirm and state on as of:

1. That the deponent is presently posted as Principal Chief Conservator of Forests (HoFF), Uttarakhand, and has been arrayed as a respondent No.2 in the above noted application, as such he is fully conversant with the facts of the case.
2. That on 07.12.2023, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the deponent to file an affidavit in compliance thereof. The relevant



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paras of the said Order dated 07.12.2023 are being quoted here for kind perusal of this Hon'ble Tribunal:

"23. The PCCF (HoFF), Uttarakhand is directed to submit report with specific demarcation based on forest working plan, satellite imagery, survey of India Map and other relevant records to ensure scientific assessment of the issue under consideration and verify the factual position giving clear answers to questions raised in terms of order dated 24.05.2022 on or before 17.02.2024 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF".

That the relevant extracts of the Order dated 24.05.2023 (*erroneously typed 24.05.2022 in the above order*), passed by this Hon'ble Tribunal are being quoted here for kind perusal of this Hon'ble Tribunal:

"10. In view of the facts and circumstances of the case and also the reasons explained, I.A. No. 68/2023 is allowed and respondent no. 2 PCCF is directed to file affidavit explaining the factual situation of River Rambha as shown in the beat map of Veerbhadra Reserve Forest Sr. No. 1 and Sr. No. 2 and to confirm if River Rambha flows along the right side of the complete length of 'Moga Resort' and the same falls in reserve forest".

In compliance to the above directions, a meeting was held by the deponent on 5th of January, 2024, in order to place clear answers to questions raised by this Hon'ble Tribunal in terms of the order dated 24.5.2023. The minutes of meeting are also attached herewith as **ANNEXURE-1.** wherein clear directions were issued by the deponent to the Chief Conservator of Forests (CCF), Garhwal and his team. On the basis of report submitted by CCF, Garhwal, the detailed comments are mentioned below.



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3. The point of dispute here is location of Moga Resort, whether it falls in Birbhadra Forest Block, Compartment 2d or outside. Moga Resort is situated near the confluence of River Ganga and a small stream Rambha. For understanding the situation, it is pertinent to understand the history of Birbhadra Forest Block.

As per Government records, 2866 acres of Reserved Forest land of Birbhadra Block of Dehradun Forest Division was given on lease for 99 years to Pashulok Seva Mandal, Rishikesh vide Government Order No. 1510/132-1950, dated 26.05.1950. This land was given to Miraben, a disciple of Mahatma Gandhi Ji, Secretary of Pashulok Seva Mandal, for the care and service of sick animals.

In the year 1953, 750 acres of land was sublet by Pashu Lok Seva Mandal to Virbhadra Co-operative Society, this committee was formed by Miraben to help the landless families to establish an ideal village on the principles of Bapuji. Miraben suggested the government to leave 750 acres of forest land and take back the remaining forest land since she could not manage this large chunk of land due to economic reasons. By Government Order No. 4992/14.132.1950 dated 15.11.1954, out of the above 2866 acres of land, 750 acres of land was transferred to Virbhadra Co-operative Society and the remaining 2116 acres of land was transferred to the Animal Husbandry Department.

In the year 1954, out of the above 750 acres of land, 30 acres of land was given to the Animal Husbandry Department through Government Order No. 4070/14.132.1950 dated 03.11.1955. In this way now the Animal Husbandry Department had 2146 acres (2116+30) of land. Out of this 2146 acres, 590.43 acres was transferred to IDPL and out of the 720 acres of land now owned by Virbhadra Co-operative Society, 309.10 acres of land was given to IDPL by Government Order No. 4914/24/1950 dated 12.12.1969, after which a total of 899.53 acres of



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land was available with IDPL and 410.90 acres of land was left with Virbhadra Co-operative Society.

By Government Order No. 553;2/14.132.1950 dated 12.12.1962, 184 acres of forest land of Lalpani Block was given, thus a total of 594.90 (410.90+184) acres of land was available with Virbhadra Cooperative Society.

Virbhadra Cooperative Society had distributed this 594.90 acres of leased forest land to 39 lease holders as per the lease terms in the form of agriculture, housing, pasture, panghat and it was expected from the lease holders that the land in question should be used only for agricultural purposes. But day by day, the lease holders kept constructing permanent buildings and buying and selling land to outsiders.

As a result of the land not being used properly as per the purpose, the committee was dissolved in the year 1971. As a result of the process of sale and illegal occupation of this forest land, a letter was written to the District Assistant Registrar regarding getting the said land back to the Forest Department. As a result, this land was taken back in the records on 22.10.1984 and the land was reverted back to Forest Department formally, but the Department could not take the possession (ownership on ground) of the land. As a result, population kept increasing day by day and 594.90 acres (410.90 acres of Birbhadra block and 184 acres of Lalpani block) of forest land was encroached.

In the year 1990, the forest department vacated 16 acres of land from commercial motors in Lalpani Block and took it under its control. The remaining 578.90 acres of forest land is presently encroached. The encroachers have been secretly buying and selling the said land on stamp paper till date. Facilities like electricity, water, pucca road,



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school etc. have been provided by the government departments on this encroached land.

The said encroachment is spread over 578.90 acres of forest land in which a huge population is living with permanent houses and government facilities. This encroachment is now established as Bapugram, Shivaji Nagar, Meera Nagar, Geeta Nagar, Dudhupani, Amit Gram, Bees Bigha and Malviya Nagar.

Abstract of total land in Birbhadra Block and Lalpani Block which was given on lease to Pashulok Sewa Mandal available to different departments:

1. Animal Husbandry department: 530.73 acres (out of this, 100.815 acres has legally been transferred to AIIMS Rishikesh).
2. IDPL: 899.53 acres (out of this 65.28 acres has legally been transferred to PTCUL and 0.372 acres has legally been transferred to Post and Telegram Department in 1978. As a result, only 833.878 acres is presently under IDPL).
3. Veerbhadra Co-operative Society: 594.90 (out of this, 16 acres has been taken back by the department in 1990; presently 578.90 acres is encroached).
4. Other departments: 282.47 acres
 - (i) Hydro Electric project (THDC): 128.47 acres
 - (ii) PWD: 23.50 acres
 - (iii) Hydel: 26.00 acres
 - (iv) Kutkut Samiti: 10.00 acres
 - (v) Nagar Palika: 20.00 acres
 - (vi) Sehkari Kisan Samiti: 40.00 acres
5. Tehri Rehabilitation: 680.00 acres

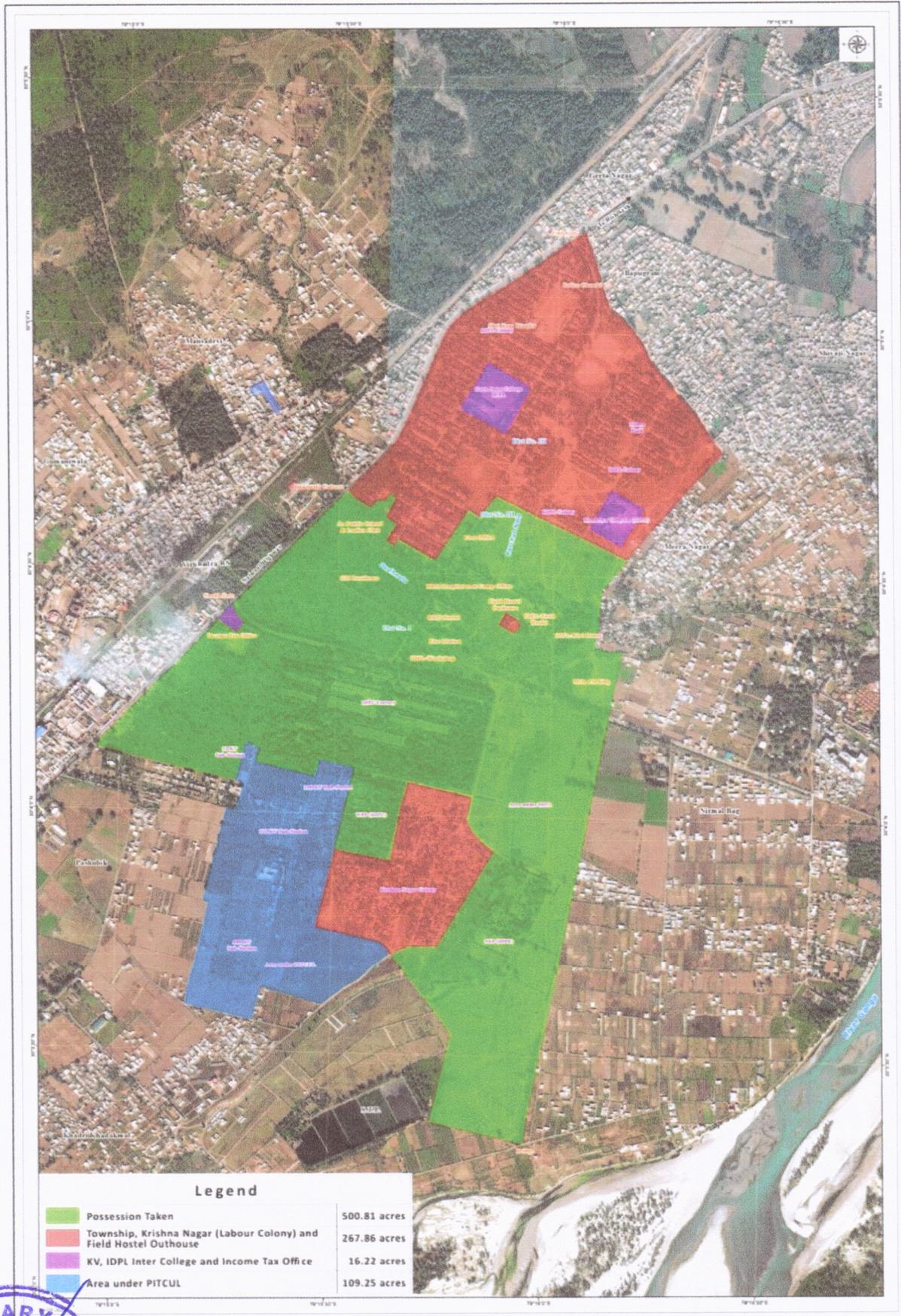


STATUS OF COURT CASES OF IDPL

- Total land under leased out to IDPL: 833.878 acres.
- Lease expired on: 27.11.2021
- Possession taken by Forest Department: 500.81 acres (google map annexed below).
- Rest 233 acres is part of IDPL Township, PTCUL, KV, IDPL Inter College, Income Tax Department and Krishna Nagar.
- A survey was conducted in which it was found that 1212 families are currently residing in IDPL premises. Inventory of the families was made, and eviction proceedings were initiated against them. They were served individual notices under section 61 (A) (1) of the Indian Forest (Uttaranchal Amendment) Act 2001.
- They were given individual opportunity of hearing in front of Prescribed Authority/Divisional Forest Officer, Dehradun. After hearing the unauthorized occupants who are residing in IDPL township, DFO Dehradun passed eviction orders against them as they were unable to present any relevant document/permission which could substantiate their stay inside the reserve forest area after the expiry of lease.
- In WPMS 2076 and WPMS 2468, there were 100 petitioners in total, for whom the Hon'ble Court had already stayed the eviction proceedings vide its order dated 29.09.2023. So, the eviction orders were served to rest 1112 individuals.
- At present, there are 13 litigations with 670 petitioners pending in Hon'ble High Court and the eviction orders of DFO Dehradun have been stayed by Hon'ble High Court of Uttarakhand.

On the basis of above details, it is clear that there is history of leases and resultant encroachments for not vacating the leased-out areas by the lease holders in Birbhadra reserved forest block.





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4. **Birbhadra 2d: The total area of the compartment is 24.2 ha. This is the compartment near which Moga Resort is situated.**

Birbhaddar forest block was declared as Reserve Forest vide Notification no. 540/XIV/137 dated 12.12.1910 under provisions of Indian Forest Act, 1878. The notification of this block has serious limitations in terms of demarcation of forest boundaries. The boundary pillars are physically missing on the ground. There are no forward bearing/backward bearing and chainage of the boundary pillars (distance from pillar to pillar) in the said notification and due to absence of reserve forest boundary pillars in the field, it was not possible to ascertain the boundaries of Birbhadra compartment 2d in field. As per the above notification, the total area of Birpur Khurd chak (Revenue Department Land) is 45 acres. This chak is situated adjacent to the Reserved Forest Block 2d. Though there are no official reports available regarding encroachment in Birbhadra 2d, but on the basis of ground situation, there seems to be an encroachment by the people of this chak into the reserved forest area. Moga resort is also situated near the same chak.

The said land where the resort is situated is in this Birpur Khurd chak (Revenue Department Land) as per the records of Revenue Department, which is falling in khasra no. 94 *gha* (0.0450 ha.) and 94 *gna* (0.0810 ha.) and 94 *kha* (0.0130 ha.) total (0.1390 ha.) of Khata number 260. Assistant Collector (1st grade), Rishikesh has allotted this land of 0.1390 ha. to Shri Surendra Kumar s/o Shri Paltu Ram as per section 122 b of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, vide order dated 08.01.2021, stating that the said piece of land has been under the occupation of the applicant since June 3, 1995. The said order is attached herewith as ANNEXURE-2.



The following records were available with Forest Department for conducting ground survey:

- Survey of India Toposheet no. 41 & 42 (Survey Year 1874-75 & 1874-1876)

Scale: 1mm = 15.8470 mtr.

- Working Plan Map (WP year 2020-21 to 2029-30)

Scale: 1mm = 15.0 mtr.

- Revenue Map (*Fasli* year 1904-05, *Fasli* year 1345 & *Fasli* year 1400 (year 1992-93))

Scale: 1mm = 4.0 mtr.

The Survey of India sheet no. 41 & 42 was used for verification of boundary of Birpur Khurd chak and for locating the Mogha resort. The area of chak named Birpur Khurd has been calculated using the survey sheet no. 41 & 42, which came out to be approx. 23.42 ha (57.87 acres). Also, on the basis of GPS location of Birpur Khurd chak pillar no. 4 (which was only available pillar on the ground), KML file for entire Birpur Khurd chak was created. The area of this chak on the basis of KML file came out to be approx. 24.3 ha (60 acre). It is pertinent to mention here that as per the forest gazette notification dated 12.12.1910, the area of Birpur Khurd chak is 45 acres. So, there is huge variation in the area of Birpur Khurd chak (revenue land) calculated on the basis of ground survey as per available records mentioned above and gazette notification dated 12.12.1910 of reserved forest of Birbhadra Block.

Survey of India has used sheet no. 53/J/8 S&N (survey year 1923) which was not available with forest department and neither the department was aware of availability of the said sheet. Department came to know about the existence of this sheet only after Survey of



India submitted the affidavit before Hon'ble NGT depicting the GPS co-ordinates of Moga resort (as mentioned in Hon'ble NGT Order dated 24.05.2022) inside the boundary of Reserve Forest Birbhaddar block. The sheet no. 53/J/8 S&N (survey year 1923) was obtained from Survey of India and as per this survey sheet, area of Chak Birpur Khurd was calculated, which came out to be approx. 19.90 ha (49.174 acres). Thus, there is huge variation in even the two topo-sheets of Survey of India. It is also pertinent to mention here that scale of Survey of India Sheet no. 53/J/8 S&N (survey year 1923) is higher (1:31,680) in which 1 mm is equals to 31.68 mtrs and is less accurate than Survey of India Sheet no. 41 and 42 (1:15,840) in which 1 mm is equals to 15.84 mtrs. (survey year 1874-75 and 1874-76).

Due to absence of forward bearing/backward bearing and chainage of the boundary pillars in the forest gazette notification as well as absence of actual boundary pillars in the field, the location of Moga resort could not be ascertained with accuracy only on the basis of Forest department records. Therefore, a joint inspection/ joint survey was carried out earlier with revenue department. In this joint inspection it was ascertained on the basis of revenue records that Mogha resort lies in Birpur Khurd Chak, which is under the jurisdiction of revenue department.

5. That since the calculated area of Chak Birpur Khurd is different as per different survey sheets and forest gazette notification of the said block, therefore, it is humbly prayed before the Hon'ble Tribunal that Survey of India may kindly be directed to carry out the survey on ground jointly with forest department and revenue department and verify the position of Moga resort vis a vis forest gazette notification and clearly delineate the area of the revenue Chak, Birpur Khurd. Once the area of



the Chak is delineated, (which is 45 acres according to forest notification), it will be possible to clearly establish whether Moga Resort falls in Reserved Forest, Birbhadra Block, Compartment 2d or not. The deponent vide his letter dated 15.02.2024 had requested the Survey of India to conduct a joint survey of land in question including Revenue and Forest Department so that appropriate facts can be placed before this Hon'ble Tribunal (ANNEXURE-3).

- 6. That the deponent is a responsible government servant having highest regards for the Hon'ble Law Court's and orders passed by them. The deponent cannot even imagine to flout or to disobey the orders passed by this Hon'ble Tribunal. He has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and also shall carry out in future as well.

I, the above named deponent, do hereby verify that the contents of Para nos. _____ of this affidavit are true to my personal knowledge, those of Para nos. _____ of this affidavit are based on records, those of Para nos. _____ of this affidavit are as per the legal advice received and those of Para nos. _____ of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

So help me God

[Signature]
DEPONENT

I, Avnish Gupta, Legal Assistant, Forest Department, Uttarakhand, Dehradun, do hereby identify the deponent who has produced the records of the case and his Aadhar card bearing No. 932372853294 before me and I am satisfied that he is the same person as alleged.

[Signature]
IDENTIFIER



[Signature]

Solemnly affirmed before me today, the 16 day of Feb., 2024 at 9.30 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY

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This affidavit is sworn before me by
Shri. Rajender Singh Negi
who is identified by Shri
at Dehradun on.....

Rajender Singh Negi
(Rajender Singh Negi)
Advocate & Notary, Dehradun



दिनांक 05 जनवरी, 2024 को प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड की अध्यक्षता में मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-305/2022 (I.A. No 751/2023) विपिन नय्यर बनाम यूनियन ऑफ इण्डिया में पारित आदेश दिनांक-07.12.2023 के अनुपालन हेतु आयोजित बैठक का कार्यवृत्त।

दिनांक 05-01-2024 को प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड के कार्यालय 85 राजपुर रोड, वन परिसर, देहरादून में मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-305/2022 (I.A. No 751/2023) विपिन नय्यर बनाम यूनियन ऑफ इण्डिया से सम्बन्धित बैठक बैठक का आयोजन किया गया, जिसमें निम्नलिखित अधिकारियों द्वारा प्रतिभाग किया गया :-

- श्री नरेश कुमार मुख्य वन संरक्षक, गढ़वाल, उत्तराखण्ड, पौड़ी।
- श्री राहुल मुख्य वन संरक्षक, सतर्कता एवं विधि प्रकोष्ठ, उत्तराखण्ड, देहरादून।
- श्री राजीव धीमान वन संरक्षक, शिवालिक वृत्त, देहरादून।
- श्री नीतीश मणि त्रिपाठी प्रभागीय वनाधिकारी, देहरादून वन प्रभाग, देहरादून।

बैठक में सर्वप्रथम मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक-07.12.2023 के निम्न मुख्य अंशों पर चर्चा की गयी-

22. *The affidavit filed does not explain the factual situation of River Rambha as shown in the beat map of Veerbhadra Reserve Forest at Sr. No. 1 and Sr. No. 2 and does not confirm if River Rambha flows along the right side of the complete length of 'Moga Resort'. Mr. Rajiv Dhiman, Chief Conservator of Forest, whose report has been relied by PCCF (HOFF), has appeared on behalf of the PCCF (HOFF) but in the course of interaction he has conceded that he has not looked into the relevant questions as mentioned in order dated 29.09.2023 as to whether the land underneath the Moga Resort falls within Veerbhadra Kaksh No. 1 and 2. Further, geo-coordinates of the forest land and the land underneath Moga Resort have not been mentioned in the report and copies of the relevant maps have not been enclosed with the same. Consequently, the report submitted by Chief Conservator of Forest does not deserve any credence as to its correctness as the relevant issues have not been addressed.*

23. *The PCCF (HoFF), Uttarakhand is directed to submit report with specific demarcation based on forest working plan, satellite imagery, survey of India Map and other relevant records to ensure scientific assessment of the issue under consideration and verify the factual O. A. No. 305/2022 Vipin Nayyar Vs. Union of India & Ors. -9- position giving clear answers to questions raised in terms of order dated 24.05.2022 on or before 17.02.2024 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.*



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बैठक में प्रमुख वन संरक्षक (HoFF) महोदय द्वारा मा0 राष्ट्रीय हरित अधिकरण द्वारा पारित ओदश दिनांक-07.12.2023 में दिये गये निर्देशों का अनुपालन सुनिश्चित करने हेतु निम्न निर्देश दिये गये :-

1. देहरादून वन प्रभाग की ऋषिकेश रेंज के अन्तर्गत वीरभद्र ब्लॉक के गजट नोटिफिकेशन तथा वर्तमान कार्ययोजना के अनुसार वीरभद्र ब्लॉक के अन्तर्गत स्थित समस्त आरक्षित वन कक्षाओं की संख्या एवं क्षेत्रफल एवं उक्त समस्त ब्लॉक के अन्तर्गत आवंटित लीजों आदि का सम्पूर्ण विवरण प्रस्तुत किया जाए।
2. ऋषिकेश रेंज के अन्तर्गत ग्राम वीरपुर खुर्द में स्थित मोगा रिजोर्ट, जो कि प्रभाग के द्वारा वीरभद्र कक्ष सं0-2डी के मिलान पर स्थित होना बताया गया है, की भौतिक स्थिति (Geographical location) का परीक्षण सर्वे ऑफ इण्डिया की टोपोशीट, कार्ययोजना मानचित्र, गजट नोटिफिकेशन आदि से करा लिया जाए। सर्वे के दौरान मोगा रिजोर्ट के समीप स्थित आरक्षित वन/चक के सीमा स्तम्भों की भौतिक स्थिति को स्पष्ट करते हुए मुनारे, यदि मौके पर मौजूद नहीं हैं तो उन्हें Reference Pillar की सहायता से स्थापित किया जाए।
3. उक्त सर्वेक्षण एवं मुनारों की स्थिति स्पष्ट होने के उपरान्त उसका to the scale नजरी नक्शा एवं KML file तैयार करते हुए, उसमें मोगा रिजोर्ट की वर्तमान स्थिति को भी दर्शाया जाए/स्पष्ट किया जाए कि उक्त संरचना आरक्षित वन क्षेत्र के अन्तर्गत स्थित है अथवा नहीं। तदोपरान्त इस तथ्य की पुष्टि राजस्व अभिलेखों से भी करा ली जाए।
4. वन विभाग एवं राजस्व अभिलेखों के परीक्षण एवं संयुक्त सर्वेक्षण की रिपोर्ट को Counter Verify करवाने हेतु प्रकरण भारतीय सर्वेक्षण संस्थान को संदर्भित करते हुए, उनसे भी आख्या प्राप्त कर ली जाए।
5. मुख्य वन संरक्षक, गढ़वाल भी उक्त क्षेत्र का स्थलीय निरीक्षण करना सुनिश्चित करें।
6. वन संरक्षक, शिवालिक वृत्त, देहरादून एवं प्रभागीय वनाधिकारी, देहरादून वन प्रभाग उपरोक्त निर्देशों के क्रम में सर्वेक्षण करवाकर अनुपालन आख्या मध्य समस्त अभिलेख मुख्य वन संरक्षक (गढ़वाल), उत्तराखण्ड पौड़ी के माध्यम से ससमय उपलब्ध कराना सुनिश्चित करेंगे ताकि मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिये गये निर्देशों का अनुपालन सुनिश्चित किया जा सके।
7. उल्लेखनीय है कि मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में रिपोर्ट दिनांक 17.02.2024 से पूर्व दाखिल की जानी अनिवार्य है।

किये जाए।

(अनूप मलिक)
प्रमुख वन संरक्षक (HoFF),
उत्तराखण्ड।





कार्यालय-प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड।

पत्रांक / , दिनांक, जनवरी, 2024

पत्रांक ~~752/29-3~~ ^{752/29-3} - दिनांकित + ~~10/01/24~~ ^{10/01/24}

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मुख्य वन संरक्षक, गढ़वाल, उत्तराखण्ड, पौड़ी।
2. मुख्य वन संरक्षक, सतर्कता एवं विधि प्रकोष्ठ, उत्तराखण्ड, देहरादून।
3. वन संरक्षक, शिवालिक वृत्त, देहरादून।
4. प्रभागीय वनाधिकारी, देहरादून वन प्रभाग, देहरादून।

[Handwritten signature]

[Handwritten signature]
(अनूप मलिक)

प्रमुख वन संरक्षक (HoFF),
उत्तराखण्ड।

788/24

This affidavit is sworn before me by
Shri.....
who is identified by Shri.....
at Dehradun on.....

Page 3 of 3



[Handwritten signature]
(Rajender Singh Negi)
Advocate & Notary, Dehradun

16/2/24

643

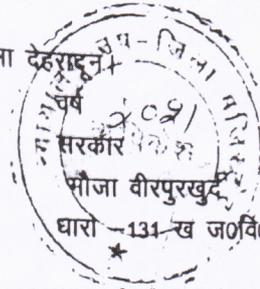
21/11/2024

न्यायालय सहायक कलेक्टर (प्रथम श्रेणी) ऋषिकेश जिला देहरादून

वाद सं० विविध

सुरेन्द्र कुमार मोघा

बनाम



धारा -131 ख ज०वि०अधि०

निर्णय

उपरोक्त वाद की कार्यवाही वादी के प्रार्थना पत्र के आधार पर प्रारम्भ हुयी। वादी के अनुसार ग्राम वीरपुरखुर्द परगना परवादन के खाता सं० 260 के खसरा नं० 94 घ रकबा 0.0450हे, 94 ड रकबा 0.0810 हे, 95 ख रकबा 0.0130 कुल रकबा 0.1390 हे० वादी उक्त भूमि को असंकमणीय से संकमणीय भूमिधरी में दर्ज कराने हेतु प्रार्थना की गयी है।

वादी के प्रार्थना पत्र पर तहसीलदार ऋषिकेश से जांच करायी गयी। तहसीलदार ऋषिकेश ने अपनी जांच आख्या में उल्लेख किया है कि ग्राम वीरपुरखुर्दके खाता सं० 260 के खसरा नं० 94 घ रकबा 0.0450हे, 94 ड रकबा 0.0810 हे, 95 ख रकबा 0.0130 कुल रकबा 0.1390 हे० भूमि नई परती श्रेणी 5 (1) में दर्ज है जिस पर प्रार्थी श्री सुरेन्द्र कुमार पुत्र पल्लूराम निवासी- वीरपुरखुर्द का 3 जून 1995 ई० से पूर्व का कब्जा है, शासनादेश सं० 341/एक-1-10 (2/13) दिनांक 14 सितम्बर 1995 एवं उत्तर प्रदेश जमिंदारी विनाश एवं भूमि व्यवस्था अधिनियम की धारा 122 क की उपधारा (4-च) के अनुसार प्रार्थी अनुसूचित जाति के परिवार का सदस्य है तथा प्रार्थी के पास समस्त उत्तराखण्ड में इस भूमि को शामिल करते हुए 1.260हे० से कम भूमि है, तथा प्रश्नगत भूमि उक्त अधिनियम की धारा 132 की भूमि नहीं है।

मेरे द्वारा पत्रावली पर उपलब्ध दस्तावेजों का परिशीलन किया गया। पत्रावली पर उपलब्ध आवंटन पत्रावली की सत्यप्रति के अवलोकन से विदित होता है कि प्रार्थी को खखाता सं० 260 के खसरा नं० 94 घ रकबा 0.0450हे, 94 ड रकबा 0.0810 हे, 95 ख रकबा 0.0130 कुल रकबा 0.1390 हे० भूमि परगनाधिकारी ऋषिकेश के अनुमोदन द्वारा 2 ख असंकमणीय भूमिधरी के रूप में आवंटित हुयी है जो वादी के कब्जे काश्त में है जिस कारण वादी का वाद धारा 131 ख की विधिक प्रविधानों की पूर्ति एवं शासनादेश सं० 341/एक-1-10 (2/13) दिनांक 14 सितम्बर 1995 की परिधि के अन्तर्गत आता है।

आदेश

वादी का वाद स्वीकार करते हुए ग्राम वीरपुरखुर्द परगना परवादन तहसील ऋषिकेश के खाता सं० 260 के खसरा नं० 94 घ रकबा 0.0450हे, 94 ड रकबा 0.0810 हे, 95 ख रकबा 0.0130 कुल रकबा 0.1390 हे० भूमि श्री सुरेन्द्र कुमार पुत्र पल्लूराम निवासी ग्राम (अनुसूचित जाति) को उ०प्र०ज०वि० एवं भू०व्य०अधि० 1950 की धारा 122 बी (4 च) के अनुसार विनियमितिकरण करते हुए संकमणीय अधिकार वाला भूमिधर राजस्व अभिलेखों में अंकित होवे, तदानुसार परवाना जारी होवे, वाद अमलदरामद पत्रावली राजस्व अभिलेखागार में संचति होवे।

सहायक कलेक्टर-प्रथम श्रेणी
ऋषिकेश

उक्त निर्णय/आदेश आज दिनांक 21/11/2024 को मेरे द्वारा खुले न्यायालय में उदघोषित एवं हस्ताक्षरित किये।

सहायक कलेक्टर-प्रथम श्रेणी
ऋषिकेश

न्यायालय सहायक कलेक्टर (प्रथम श्रेणी) ऋषिकेश जिला देहरादून

वाद सं० विविध/2015

सुरेन्द्र कुमार मोघा

बनाम

सरकार

मौजा वीरपुरखुर्द

धारा -131 ख

ज०वि०अधि०

परवाना अमलदस्तावेज

कार्यालय के आदेश दिनांक 8/1/2014 के अनुसार ग्राम वीरपुरखुर्द के खाता सं० 260 के खसरा नं० 94 घ रकबा 0.0450 हे, 94 ड रकबा 0.0810 हे०, 95 ख रकबा 0.0130 कुल रकबा 0.1390 हे, भूमि श्री सुरेन्द्र कुमार पुत्र पल्दूराम निवासी- ग्राम (अनुसूचित जाति) को उ० प्र० ज० वि० एं भू०व्य०आ० 1950 की धारा 122 बी (4 च) के अनुसार विनियमितिकरण करते हुए संकमणीय अधिकार वाला भूमिधर राजस्व अभिलेखों राजस्व अभिलेखों में अंकित होवे, वाद अमलदरामद परवाने की एक प्रति वापस पत्रावली हेतु भेजी जाए।

दिनांक 8/1/2014

सहायक कलेक्टर प्रथम श्रेणी
ऋषिकेश



788/24
This affidavit is sworn before me by
Shri. Rajender Singh Negi
who is identified by Shri. Rajender Singh Negi
at Dehradun on 8/1/2014

(Rajender Singh Negi)
Advocate & Notary, Dehradun

645



कार्यालय- प्रमुख वन संरक्षक (HoFF), उत्तराखण्ड, देहरादून।

दू0सं0 0135-2746934, 2741461, फैंक्स- एफ 2741630, 2741462 ईमेल: pccfuk@gmail.com

पत्रांक : P.O. / 86

देहरादून,

दिनांक 15 फरवरी, 2024

सेवा में,

निदेशक,
मानचित्र अभिलेख एवं प्रसार केन्द्र,
सर्वे ऑफ इण्डिया, देहरादून।

विषय :- मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या- 305/2022 (I.A.No. 751/2023) विपिन नय्यर बनाम यूनियन ऑफ इण्डिया व अन्य में ऋषिकेश स्थित मोगा रिसोर्ट का सर्वेक्षण किये जाने के संबंध में।

संदर्भ :- मुख्य वन संरक्षक (गढ़वाल), उत्तराखण्ड पौडी की पत्र सं0 1458/29-3(3) दिनांक 09.02.2024

महोदय,

उपरोक्त विषयक क्रम में अवगत कराना है कि मुख्य वन संरक्षक (गढ़वाल) द्वारा अपने उपरोक्त संदर्भित पत्र (संलग्नक-01) के माध्यम से सर्वे ऑफ इण्डिया से यह अनुरोध किया है कि उक्त प्रकरण में सर्वे ऑफ इण्डिया द्वारा द्वारा मौके पर जाकर उपलब्ध समस्त अभिलेखों का संज्ञान लेते हुए सर्वेक्षण का कार्य उनके पत्र में वर्णित परिस्थितियों के दृष्टिगत करने का कष्ट करें। इस पत्र के माध्यम से आपसे पुनः अनुरोध किया जा रहा है कि प्रकरण अत्यन्त महत्वपूर्ण है, इसलिए मुख्य वन संरक्षक (गढ़वाल) के उपरोक्त पत्र का संज्ञान लेते हुए सर्वेक्षण का कार्य शीघ्र प्रारम्भ कराने का कष्ट करें।

संलग्नक :- उपरोक्तानुसार।

भवदीय

(अनूप मलिक)

प्रमुख वन संरक्षक (HoFF)
उत्तराखण्ड, देहरादून।

पत्रांक - P.O. / 86 तददिनांकित।

प्रतिलिपि :- मुख्य वन संरक्षक (गढ़वाल), उत्तराखण्ड देहरादून को उनके उपरोक्त संदर्भित पत्र के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(अनूप मलिक)

प्रमुख वन संरक्षक (HoFF)
उत्तराखण्ड, देहरादून।



This affidavit is sworn before me by
Shri.
who is identified by Shri
at Dehradun on.....

(Rajender Singh Negi)
Advocate & Notary, Dehradun

78/24
2/6/24