

Resd.

NO.SML-LB-II(W- 243/18)/2019- 2083
Office of the Deputy Commissioner, Shimla
District Shimla, H.P.

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Dated Shimla 02 August, 2019

To

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

Sub:- O.A No. 637/2018 titled as Sher Singh V.s Govt. of Himachal Pradesh.

Sir,

The above case was listed before the Hon'ble National Green Tribunal on 16-5-2019 and Hon'ble Tribunal has directed the undersigned to file Action Taken Report qua the proceedings initiated to remove the encroachment on the land bearing Khasra No. 413 at Mauza Narkanda, Tehsil-Kumarsain, Distt- Shimla. The status report is submitted as under:-

1. That in compliance to the order dated 16-5-2019 passed by the Hon'ble National Green Tribunal, the Ld. Divisional Commissioner, Shimla was requested vide letter No (W-243 /18-1333 dated 28-5-2019 to take further action in the matter as per the directions issued by Hon'ble National Green Tribunal as the record of the encroachment case had been requisitioned by him from the Sub-Divisional Officer (C), Kumarsain. The Sub-Divisional Magistrate, Kumarsain was also directed to conclude the proceedings at the earliest on priority after receipt of record of the case from the Ld. Divisional Commissioner Shimla. The copy of letter No -1333 dated 28-5-2019 is Annexed as **Annexure R-I**
2. That in compliance to the directions issued by the undersigned, the Sub- Divisional Officer (C), Kumarsain vide letter No.585 dated 01-08-2019 has reported that the proceedings initiated against encroacher Smt. Banti Devi under H.P. Public Premises Act, 1971 are going on and the respondent has filed an appeal before the Ld. Divisional Commissioner, Shimla challenged the interim order dated 19-03-2019 passed by the Collector, Sub-Division Kumarsain on the application filed by the respondent under Section 10 of CPC to stay the present proceedings. The case file was requisitioned by the Ld. Divisional Commissioner, Shimla and the same remained in his office w.e.f 22-04-2019 to 20-06-2019, hence, the proceedings were kept in abeyance during this period.
3. That the proceedings for eviction of respondent Smt. Banti Devi from the encroached Government land have again been taken up under Public Premises Act, after receiving the file from the Ld Divisional Commissioner, Shimla. The PWs in the present proceedings have been

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TJ

27/8/19
JD

Prachi
A637/18
08/08/19

LDAR
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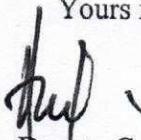
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examined by the Collector, Sub-Division Kumarsain and now, the case has been fixed for final orders. Hence, the status report is submitted for the kind perusal of the Hon'ble National Green Tribunal.

Yours faithfully,


Deputy Commissioner,
Shimla, H.P.
e

Endst. No. As above:-
Copy forwarded to:-

Dated:

August, 2019

1. The District Attorney, H.P. Govt. Legal Cell, Himachal Bhawan Sikendra Road, New Delhi, Chanakya Puri 110001 for information and he is also requested to supply the copy of the above compliance report to the concerned, Penal Advocate for NGT.
2. The Sub-Divisional Officer (C), Kumarsain w.r.t her letter No. KSN – Reader/2019-585 dated 01-08-2019 for information with the direction to conclude the proceedings in question immediately.


Deputy Commissioner,
Shimla, H.P.
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6-8-2019 74

Personal Attention
Urgent National Green Tribunal Matter

NO.SML-LB-II(W- 243 /18)/2019- 1333
Office of the Deputy Commissioner, Shimla
District Shimla, H.P.
Dated Shimla 28 May, 2019

To

The Divisional Commissioner,
Shimla- Division, Shimla-2

Sub:-

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

Sir,

Please refer to letter No.KSN-Reader/2019-226-229 dated 22-5-2019 received from the office of the Sub-Divisional Officer (C), Kumarsain addressed to your office and copy endorsed to this office on the subject cited above.

In this context, it is requested that the above OA was listed before the Hon'ble National Green Tribunal on 16-05-2019 and the Hon'ble NGT has passed the following directions:-

"1. The issue relates to alleged illegal encroachment of the Government land in forest area. On 28.09.2018, this Tribunal sought a report from the Deputy Commissioner, Shimla and the Principal Chief Conservator of Forest, Himachal Pradesh.

2. Report dated 27.12.2018 was received from the Deputy Commissioner, Shimla that as per the report received from the Sub-Divisional Officer (C), Kumarsain and the Divisional Forest Officer, Kotgarh, Khasra No. 413 area measuring 2 338.47 square meters at Mauza NAC Narkanda, Tehsil Kumarsain was in the ownership of Government of Himachal Pradesh and in the possession of HPPWD Department as per revenue record. The same has been encroached upon by construction of a building. A part of it continues to be utilized for parking. Proceedings of removal of encroachments have been initiated on a complaint filed by the Nagar Panchayat, Narkanda under Sections 4 and 5 of the H.P. Public Premises Act, 1971.

3. In view of the above report, this Tribunal directed that the pending proceeding be concluded at the earliest and a report furnished to this Tribunal. According to report dated 10.05.2019 received from the Deputy Commissioner, Shimla, proceedings could not be concluded as the record has been requisitioned by the Divisional Commissioner. Having regard to the allegations that there is encroachment of public land and in view of report of the Deputy Commissioner referred to above, we are of the view that the proceedings must be concluded expeditiously. Let a further action taken report be filed before the next date by e-mail at ngt.filing@gmail.com."

In this context, you are kindly requested to take further action accordingly so that the Hon'ble National Green Tribunal could be informed within the stipulated period. Now, the case has been fixed for 06-08-2019 please.

Encl:- Copy of order dated 16-05-2019

Yours faithfully,

[Signature]
Deputy Commissioner,
Shimla, H.P.

Endst. No. As above:- 1334-35

Dated: 28 May, 2019

Copy forwarded to:-

1. The District Attorney, H.P. Govt. Legal Cell, Himachal Bhawan Sikendra Road, New Delhi, Chanakya Puri 110001 for information please.
2. The Sub-Divisional Officer (C), Kumarsain alongwith copy of order dated 16-05-2019 passed by the Hon'ble NGT in the above mentioned case for information and necessary action so that the Hon'ble National Green Tribunal could be apprised accordingly.

[Signature]
Deputy Commissioner,
Shimla, H.P.