

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

Original Application No.785/2024

Mr. Jatinder Kumar Chabba ..Applicant

Versus

State of Punjab

...Respondent

I N D E X

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1.	Compliance Report by way of Short affidavit of -Harbhajan Singh, Divisional Forest Officer, Garhshanker, of the order dated 07.08.2024 passed in Original Application bearing No.785/2024 titled as Mr. Jatinder Kumar Chabba Vs. State of Punjab.		

Deponent

Place: Garhshanker

Dated: 05 .10.2024

(Harbhajan Singh)
Divisional Forest Officer,
Garhshankar.

Item No.05

Court No.2

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Compliance Report by way of Short affidavit of – Harbhajan Singh, Divisional Forest Officer, Garhshanker, of the order dated 07.08.2024 passed in Original Application bearing No.785/2024 titled as Mr. Jatinder Kumar Chabba Vs. State of Punjab.

RESPECTFULLY SHOWETH:-

I the above named deponent do hereby solemnly affirm and declare as under :-

1. That, at the very outset, it would be important to mention here that the area in question falls i.e. under the jurisdiction of Forest Division SBS Nagar, not within the jurisdiction of Forest Division, Hoshiarpur. And the deponent being the Divisional

Forest Officer, SBS Nagar, is fully aware of the facts of the present case, as such is competent to file this status report by way of affidavit.

2. That, the deponent wants to bring into the notice of this Hon'ble Tribunal that the gurudwara namely Sri Guru Ravidash Historical Shrine-Charan Chhoh Ganga Amritkund Sachkhand Sri Khuralgarh Sahib situated in the place in question is a historical religious shrine of Adhidharma Samaj. At this place, Satguru Ravidash ji Maharaj stayed here for more than four years and blessed the Sangat with Namdan. At this religious place/gurudwara sahib, the birthdays of all the Gurus, Massya, Punia, Sangranad, Jetha Sunday etc. are celebrated with great devotion. Sangat reaches here at this gurudwara sahib in large numbers. Apart from the above, hundreds of people are reaching at this place of Gurudwara Sahib to pay obeisance.
3. That the brief facts of this case are that on 23-09-2023 one application/complaint was moved by one Sh. Jatinder Kumar Chabba, r/o Madhuban Cropper Road North Blackpool Kancashire England United kinddome, before the Chairman, National Green Tribunal Faridkot House, Copernicus Marg Near India

Gate New Delhi-110001, alleging therein blatant violation of the Indian Forest Act, section 4 and 5 of PLPA 1900. And on his application/complaint letter petition dated 23.09.2023, the Original Application bearing No.785/2024 titled as Mr. Jatinder Kumar Chabba Vs. State of Punjab (herein after referred to as 'OA') in exercise of suo moto jurisdiction has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (herein after referred to as NGT Act, 2010). This Original Application bearing No.785/2024 titled as Mr. Jatinder Kumar Chabba Vs. State of Punjab came up for hearing before the Hon'ble National Green Tribunal Principal Bench, New Delhi, on 7.8.2024 and this Hon'ble Tribunal while disposing of this O.A was pleased to pass the following order. The operative part of which is produced as under:-

“2. Complainant has said that in Hadbast 485 bearing Khasra Nos 279, 280, 307 and 308/2, trees are being cut illegally though the area falls within the jurisdiction of Punjab Land and Preservation Act, 1900 (hereinafter referred to as 'PLP Act, 1900) and without permission of competent forest authorities there cannot be cutting of any trees.

3. In our view, complaint made in this application, at the instance, can be looked into by the Local Authorities including officials of Forest Department.

4. We accordingly constitute a Joint Committee comprising District Magistrate, Hoshiarpur, Divisional Forest Officer, Hoshiarpur and Punjab State Pollution Control Board.

5. Divisional Forest Officer, Hoshiarpur shall be the Nodal Agency co-ordination and compliance of this order.

6. Said Committee shall visit the site, collect relevant information and if finds any violation of environmental laws as also cutting of trees illegally, in an unauthorized manner, would take appropriate pre and remedial action in accordance with law within three month to submit a Compliance Report with Registrar General of this Tribunal which may place the mater before the Bench it finds any further necessary.

7. With the above objections, this OA is disposed of.”

4. That in compliance of this order dated 7.8.2024 of this Hon'ble Tribunal, Deputy Commissioner Hoshiarpur

written letter to sub divisional Magistrate Garhshankar to Demarcation the land in question jointly on dated 11.09.2024 in presence of divisional Forest Officer Garhshankar and Executive Engineer, Punjab State Pollution Control Board Hoshiarpur, it is respectfully submitted that in order to know the factual position of the illegal cutting from the land in question bearing Khasra Nos. 279, 280, 307 and 308/2 and to conduct the demarcation of this land the deponent while performing the duty as Nodal Officer (due to the land in question falls under the jurisdiction of the deponent), in place of DFO, Hoshiarpur, who was appointed as Nodal Officer by the Hon'ble Tribunal, Tehsildar, Vinod Kumar, Ex-Sarpanch, Bhag Singh son of Bishna, Gurmail son of Bakshi, Ranjit Singh son of Saglia, Sunil Kumar, Jaspreet Singh Forest. Guard, Subhash Chand, Block Officer, Vinod Kumar, Forest Guard, Harvinder Singh, Block Officer, Balkar Singh Forest Guard, Sunny Forest Chadha, Vicky Charam Surveyor Geo Global, Phase No.-II, Mohali, Jatinder Kumar in presence of Pollution Control Board came and inspected the spot. The Halqa Patwari namely Harpreet Singh alongwith the measurement means/tools also came present at

the spot. After perusing the revenue record, information pertaining to the land was given by the revenue department at the spot in their presence. The demarcation of the above Khasra numbers was got started by the Forest Department through Bajria DGPS. The demarcation was started by DGPS Surveyor Vicky from the points given by the revenue department at the spot. After conducting demarcation the site plan/map pertaining to the land/khasra numbers was prepared. According to which the total violated area is of 84662.97 Square feet, wherein the shops are situated in khasra Nos.280-307 and whatever latrines are there, the same are in Khasra 307, these khasra Nos. are included in the PLPA 1900 under section 4. It is also pertinent to mention here that as the above khasra numbers included in the PLPA 1900 under Section 4, due to that a notice was also issued by the deponent to the encroachers mentioned above.

5. That, as is clear from the above demarcation report, the shops and latrines have been constructed in the land bearing khasra No.280-307, which included in the PLPA 1900 under Section 4, due to that a notice No.5499 dated 24.10.2024, regarding committing

gross violations of PLPA, 1900, the Indian Forest Protection Act 1927 & Forest protection Act, 1980 and the order of the Hon'ble Supreme Court dated 12.12.1996, by constructing Guru Ravidas Historical Shrine Charan Chhoh Ganga and Gurdwara Sahib along with other structures like rooms, Ravidas Guru Sarovar, Toilet, Madan, Langar Hall, Shopping Complex etc. in the area closed under Section 4 of Punjab Land Preservation Act, 1900, to remove the illegal construction and to submit documents regarding entitlement pertaining to this land, was also issued by the deponent to the Sant Surinder Dass Trustees Guru Ravidas Historical Shrine Charan Chhoh Ganga and (Amrit Kund) Khuralgarh Sahib, village Khurali Tehsil Garhshankar District Hoshiarpur. The reply of which is still awaited and further action would be taken as and when any response is received.

6. That so far as the question of illegal cutting of trees from the area in question concerned, in this regard, it is submitted that no such illegal cutting was found in the area in question because there were no roots of trees were standing there. It would also be relevant to mention here that, as per information given by the committee members of Gurudwara, respectable

persons of that area as well as the surrounding area these constructions have been existing for the last about 10 to 12 years.

7. That, in so far as the question of not taking any strict action against the Trustee of this Gurdwara is concerned, in this regard, it is respectfully submitted that as mentioned above, this Gurdwara is a historic religious place of the Adhidharma Samaj where Sangats come from all over the country, with great devotion, and if any action was taken to remove the illegal construction without following any legal procedure, it would have hurt the sentiments of the devotees, leading to the risk of law and order problem and loss of life and property further could also be a risk of loss. So in order to avoid any such type of critical condition of law and order, no strict action was not taken and now a notice has been issued to the trustees, to explain their position regarding their illegal act.
8. That in compliance of above said order dated 07.08.2024 of this Hon'ble Tribunal, this report by way of short affidavit is being filed.

It is, therefore, respectfully prayed that the present compliance report by way of short affidavit may kindly be taken on record, in the interest of justice.

Deponent

Place: Garhshanker
Dated: 05.11.2024



(Harbhajan Singh)
Divisional Forest Officer,
Garhshankar

VERIFICATION:-

Verified that the contents of para no.1 to 8 of my above compliance report by way of affidavit are true and correct to the best of my knowledge and information as derived from official record. No part of it is false and nothing has been kept concealed therein.

Deponent

Place: Garhshankar
Dated:05.11.2024



(Harbhajan Singh)
Divisional Forest Officer,
Garhshankar.