

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI-110001

OA NO. 506/2023

IN THE MATTER OF:UNSCIENTIFIC CUTTING OF HILLS IN SAURABH VAN VIHAR IN
PALAMPUR CAUSING ENVIRONMENTAL DESTRUCTION AND
LAND SLIDE

APPLICANT

VERSUS

1. Member Secretary, Himachal Pradesh Pollution Control Board.
2. District Magistrate (Deputy Commissioner), Palampur, Kangra.
3. Divisional Forest Officer, Palampur, Kangra.

RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	Report of Joint Committee of H.P. State Pollution Control Board, Regional Office Dharamshala, Divisional Forest Officer, Palampur and Collector Palampur, Himachal Pradesh i.e. Respondent Nos. 2 and 3 as per order dated 18.08.2023 along with annexures.	1-2
2.	<u>ANNEXURE A</u> Notification dated 04.07.2001 mentioning revenue limits in Palampur along with maps specification.	3-5
3.	<u>ANNEXURE B</u> Report by Assistant Town Planner, Palampur.	6-9
4.	<u>ANNEXURE C</u> Statement by Assistant Engineer, Palampur.	10-11
5.	<u>ANNEXURE D</u> Reply by Respondent No. 3 along with Annexures.	12-33
6.	Vakalatnama	34

THROUGH COUNSEL

Sh. Sharma

ADV. SHIMPY SHARMA
ANAND SHARMA & ASSOCIATES
FOR RESPONDENT NOS. 2 & 3.
303 & 404, Anand Sharma & Associates,
22, Silver Arch Apartment,
Firozshah Road, Mandi House,
New Delhi-110001.
shimpy@anandsharmaassociats.com
9971550603

Report of Joint Committee of OA 506/2023

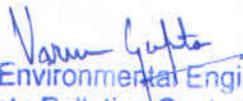
No. 1857/Reader-SDM

Dated: 29/09/2023

In pursuance of order of Hon'ble National Green Tribunal, New Delhi in original application no. 506/2023 dated 18.08.2023 in clause No. 6, this committee in consequence of such orders visited the site on 01-09-2023 and submits the report as follows:-

- a). Site in question is located in Patwar Circle Kandi Tehsil Palampur District Kangra HP at the coordinates of Latitude $32^{\circ} 7' 56''$ N Longitude $76^{\circ} 31' 53''$ E whose location on map is attached herewith (Annexure-1). Location is about 2 KMs away from the Head Quater of the nearest town Palampur. Site in question is 500 metres away from the last boundary of Municipal Corporation Palampur and 500 metres away from the nearest riverlet that is "Neugal Khad". The site in question is at the length of about 180 meters with an elevation of 1380 meters to 1560 metres from the mean sea level. Saurav Van Vihar is a low impact eco tourism site managed by Saurav Van Vihar Management Society registered under Society Registration Act, 1860 under the administrative and technical control of HP Forest Department. Saurav Van Vihar is at a average ariel distance of 300 meters from the site in question. The area site in question along with Saurav Van Vihar does not falls in any Planning /Special area and provisions of HP Town and Country Act, 1977 are not applicable in this area.
- b) Nature of Land is "Khadetar" as per revenue record and its neither a Forest area nor a Forest Land regarding residential/Non residential classification in Non TCP /Planning area there are no rules currently in State to govern such land use. The nearest habitation is village "Dhared" Tehsil Palampur which is located at 1.5 KMs from the site in question. As per the revenue record Shri Mukesh Kumar son of Bhagat Ram, Kiran Sharma w/o and Jatin Sharma s/o Mukesh Sharma is the land owners of the land in question in Khasra Nos. 30/1/1, 30/1/2, and 30/2 measuring 02-14-72 hectares in Mohal Dodan Khola Patwar Circle Kandi Tehsil Palampur.
- c) Construction of retaining cum toe walls have been done for the hill slope cutting and the muck has been used in cut & fill method for plot development. As per the information received during the site inspection from the civil contractor Sh Desh Raj s/o Balia r/o Bohal Mouza Bundla Tehsil Palampur, who has also been given a power of attorney by all the owners of the said land to represent them in case of any legal matters and as already conveyed by the owner of the said land i.e. Sh Mukesh Kumar, s/o Sh Bhagat Ram vide letter no. nil dated: 12.08.2023 through email to HP Pollution Control Board stating that they are constructing only surrounding boundary wall within their premises Further he has informed that they will obtain necessary approval & NOC from concerned authorities while planning any construction if any. The copy of reply is attached as Annexure - 2. Further this committee had requested Assistant Town and Country Planner, Town and Country Planning Officer, Palampur to intimate whether any permission for the construction of hotel/guest house is accorded by their office on the said land. In reply of that, it was informed


Dy Conservator of Forest
Palampur Forest Division
Palampur


Asstt. Environmental Engineer
HP State Pollution Control Board
Him Parivesh Bhawan, Dari
Dharamshala, Distt. Kangra (H.P.)


Collector
Sub Division Palampur
Distt. Kangra (H.P.)

By the Assistant Town Planner, Sub-Divisional Town Planning Office, Palampur, District Kangra, that the said area does not fall in any Planning/Special Area and provision of H.P. Town and Country Planning Act, 1977 are not applicable in this area (copies of the letters are enclosed as Annexure-B).

d) During the inspection it was found that no damage to any property has been done presently. However a motorable common village road passes through this land which has been constructed through the private property by HP PWD. During the plot development, the said road was damaged but now a new RCC road has been constructed and made operational again for the villagers passing through this private property by the land owners themselves. Total area affected by the site development is around 0-33-75 hectare out of the total area of 02-14-72 hectares of land in question. Total 4 Chir Pine trees have been found cut at the site in the private land. It is pertinent to mention that upto 5 trees of Chir Pine trees can be felled each year without permission for bonafide domestic use under Sec. 4 of HP Land Preservation Act, 1978.

e) The PWD road namely Bhagotla Dharer Rajnali road which was constructed by year 2012 facilitates the people residing in villages Rajnali, Dharer and Kali Chamb. There is no revenue record of such road and neither has been acquired/ NOC given by the private land owners of point B above. It is an established fact that the road portion which was earlier of black-top, on valley side was damaged upto land measuring 0-12-00 hectares and accordingly the notice was served to the private person concerned under HP Road Infrastructure Act, 2002 for restoring the road to its original condition, as per HP PWD and the same is being done by the private persons in from of concrete road.

f) A notice under section 133 of Cr.PC. was served by the Sub Divisional Magistrate on 08.08.2023. Such notice was issued on the suo moto report of Patwai Kandi that the land owners have obstructed the public path and such site development has obstructed the passage. It was also reported by Patwari that such cutting/side development may result into disaster. The nature of land was private in nature but the possible nuisance as a result of such development in the opinion of Sub Divisional Magistrate Palampur was public in nature and might have/had resulted inconvenience to the public of villages and same was recommended by Tehsildar Palampur. It is also further submitted that the next date of hearing in the court of Sub Divisional Magistrate Palampur is on 08-09-2023. Such damage is restricted to the area of development and as per the statement of the land owners there are no other legal proceedings against them (Annexure).

<p><i>Vaishu Gupta</i> HP State Pollution Control Board, Regional Officer, Dharamshala</p>	<p><i>S</i> Divisional Forest Officer, Palampur Dy Conservator of Forest</p>	<p><i>[Signature]</i> Collector, Palampur (HP) Sub Division Palampur Distt. Kangra (H.P.)</p>
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Asstt. Environmental Engineer
HP State Pollution Control Board
Him Parivesh Bhawan, Dari
Dharamshala, Distt. Kangra (H.P.)
Palampur Forest Division
Palampur

Authoritative English Text of this department Notification No. HIM/TP/PJT/DP-Palampur/2001-Volume-II, Shimla, dated 4/7/2001 as required under Article 348 of the Constitution of India.

GOVERNMENT OF HIMACHAL PRADESH
TOWN & COUNTRY PLANNING DEPARTMENT

No. HIM/TP/PJT/DP-Palampur/2001/Volume-II

Shimla, Dated :- 4/7/2001

NOTIFICATION

In exercise of the powers conferred by clause (a) of Section-2 of Section-13 of the H.P. Town & Country Planning Act, 1977 (Act No. 12 of 1977) the Governor of Himachal Pradesh is pleased to include the following revenue villages in Palampur Planning Area constituted vide Notification No. TCP-F(6)-2-29-96 dated 3.7.1998.

<u>Sr.No.</u>	<u>Name of Revenue Village</u>	<u>Hadbast No.</u>
1.	Bandla	215
2.	Chimbalhar	91
3.	Chowki	262
4.	Khalet	263
5.	Roudi	205
6.	Vanghiar	264
7.	Kasauti	265
8.	Bag Uprla	266
9.	Maranda	258
10.	Tanda Parla	257
11.	Banuri	229
12.	Holta	226
13.	Chornali	225
14.	Bharmat Upper	228

Consequent upon the inclusion of above villages, the Governor of Himachal Pradesh is further pleased to re-define the limits of Palampur Planning Area as per specification given below:-

Attested
for
copy
Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur

Contd.

Specifications

North: Upto northern boundary of Mohal Bandla Hadbast No.215, Kohli Hadbast No.223, Lohna Hadbast No.224, Chornali Hadbast No.225, Holta Hadbast No.226 and Bharmat Upper Hadbast No.228.

East: Upto eastern boundary of Mohal Bharmat Upper Hadbast No.228 and Mohal Banuri Hadbast No.229.

South: Upto southern boundary of Mohal Banuri Hadbast No.229, Tanda Parla Hadbast No.257, following eastern boundary of Maranda Hadbast No.258, eastern & southern boundary of Bag Upria Hadbast No.266, southern boundary of Kasauti Hadbast No.265, Vanghar Hadbast No.264 and Roudi Hadbast No.205.

West: Upto western boundary of Mohal Roudi Hadbast No.205, Khalet Hadbast No.263, Ghuggar Hadbast No.211, following southern boundary of Khilru Hadbast No.210, Bindravan Hadbast No.208, Chimbalthar Hadbast No.91 and further following western boundary of Chimbalthar Hadbast No.91, Differpat Hadbast No.87, Sughar Hadbast No.86, Har Hadbast No.214 and Bandla Hadbast No.215.

Total revenue villages included in the revised Palampur Planning Area shall now be as follows:-

<u>Sr.No.</u>	<u>Name of Revenue Village</u>	<u>Hadbast No.</u>	<u>Area in(Hectare)</u>
1.	M.C.Palampur	260	66
2.	Har	214	61
3.	Bandla Tea Estate	213	20
4.	Sughar	86	65
5.	Aima	212	58
6.	Differpat	87	65
7.	Bindravan	208	66
8.	Khilru	210	47
9.	Ghuggar	211	127
10.	Tanda	261	52
11.	Nihang	259	24
12.	Lohna	224	83
13.	Kohli	223	13
14.	Bandla	215	42
15.	Chimbalthar	91	94
16.	Chovki	262	162
17.	Khalet	263	149
18.	Roudi	205	134

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value

Contd.

NOTI22

Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur

19.	Vanghiar	264	89
20.	Kasauti	265	18
21.	Bag Uprla	266	44
22.	Maranda	258	43
23.	Tanda Parla	257	170
24.	Banuri	229	392
25.	Holta	226	365
26.	Chornali	225	19
27.	Bharmat Upper	228	104
Total			2570

By Order

Commr.-cum-Secretary(TCP) to the
Govt. of Himachal Pradesh, Shimla-2.

Shimla, Dated: 4/7/2001

Endst.No. As above

Copy forwarded to the following for favour of information and necessary action:-

1. All the Financial Commissioner-cum-Secretaries/Commissioners-cum-Secretaries/Special Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of Himachal Pradesh, Shimla-2.
2. All the Deputy Commissioner in Himachal Pradesh.
3. All Heads of Department in Himachal Pradesh.
4. Private Secretaries to the Chief Minister/State Ministers and Chief Parliamentary Secretary Himachal Pradesh, Shimla-2.
5. The Controller, Printing & Stationery Department, Himachal Pradesh, Shimla-5 for publication in the Rajpatra (Extra Ordinary).
6. Director, Town & Country Planning Department, Himachal Pradesh, Shimla-9 with 10 spare copies.
7. The Senior Law Officer, Law Department, H.P. Sectt., Shimla-2.
8. President, Municipal Council, Palampur, District Kangra, Himachal Pradesh.
9. The Town & Country Planner, Divisional Town Planning Office, Shimla, Solan, Nahan, Mandi, Kullu, Hamirpur and Dharamshala.
10. The Assistant Town Planner, Sub-Divisional Town Planning Office, Rampur Bushchar, Parwanoo, Bilaspur, Una and Chamba.
11. Guard file.

Attested
low
copy

Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur

[Signature]
Special Secretary(TCP) to the
Govt. of Himachal Pradesh,
Shimla-2. *[Signature]*

46

Annexure - B
6



HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT



No: PWD/GSD/Road /2023-24/ 478-479

Dated: 01.09.2023

To

✓ The Sub Divisional officer (C)

Palampur, Distt. Kangra, HP

Sub:

Regarding order dated 18-08-2023 passed by Hon'ble NGT in O.A. No. 506/2023 titled Unscientific Cutting of Hills in Saurab Van Vihar in Palampur Causing Environmental Destruction And Land Slide.

Reference:

Your office letter no.1723/SDP-R dated 01.09.2023

The information as desired vide your office letter quoted under reference is enclosed as Annexure-A for further necessary action in the matter please.

DA: As stated

Assistant Engineer

HPPWD Sub Division

Gopalpur

Copy to Executive Engineer, HPPWD Division, Palampur for information & necessary action please.

DA: As stated

Assistant Engineer

HPPWD Sub Division

Gopalpur

Attested
Law
Sanyal

Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur



**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

No. SDTP (PLP) T- 61 (Gen. Corres.) Vol.- III/2023 - 184

Dated: 2/9/2023

To,

✓
The Sub-Divisional Officer (Civil),
Palampur, Tehsil Palampur,
Distt. Kangra (H.P.)

Subject:- Regarding order dated 18-08-2023 passed by Hon'ble NGT in O.A. No. 506/2023 titled Unscientific Cutting of Hills in Saurab Van Vihar in Palampur Causing Environmental Destruction And Land Slide.

Reference:- Your office letter No. 1722/SDP-R/dated 01.09.2023.

Sir,

'Jai hind'

Kindly refer to your office letter quoted above on the subject cited above. In this regard, it is submitted that the desired information on the prescribed proforma is enclosed herewith as **Annexure -A**.

This is submitted for your information and further necessary action, please.

Enclosures: As above.

Yours faithfully,

Assistant Town Planner,
Sub-Divisional Town Planning Office,
Palampur, District Kangra, H.P.

Attested
Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur

Annexure-A

5	Clarification regarding the road constructed on private property. As per a letter dated 14th August 2023 from the office of Sub-Divisional Officer, Palampur,	
	5.1.What is the nature of this construction?	The nature of road is Village Road namely <i>Bhagotla Dharer Rajnali road</i> .
	5.2.How old is this construction?	The road construction work was started in the year 2006 and completed in the year 2012.
	5.3.Was this land purchased from the concerned private persons?	No such record is available with this office.
	5.4.Is this passage/road used by other persons residing in nearby areas?	This road facilitates the people residing in village Rajnali, Dharer and Kali Chamb.
	5.5.Was this road damaged during the construction activity done by Ms Kiran Sharma and others?	The road portion on the valley side was damaged at RD 0/650 on dated 03.06.2023 and accordingly the notice was served to the quarter concerned under HP Road Infrastructure Act, 2002 on the same day for restoring the road to its original condition. Consequent upon the receipt of the served notice, the work for restoration is being carried by the quarter concerned at their own cost.

Attested
 PAA
 X/1/1/1

Assistant Engineer
 to Executive Engineer
 Palampur Division
 H.P.P.W.D., Palampur

[Signature]
 Section In-charge
 H.P.P.W.D.

[Signature]
 Assistant Engineer
 Sub-Division H.P.P.W.D
 Gopalpur.

Annexure-A

Sr. No.	Query raised	Remark
1	1.6.1. Classification of Saurabh Van Vihar as per HP Town and Country Planning Act, 1977 and applicable Rules.	It is submitted that the Saurabh Van Vihar of Tehsil Palampur, District Kangra, Himachal Pradesh does not fall in any Planning/Special Area under jurisdiction of this office and provisions of the H. P. Town and Country Planning Act, 1977 are not applicable. The list of revenue mohals covered under the jurisdiction of this office is enclosed.

Attested



Assistant Engineer
to Executive Engineer
Palampur Division
H.P.P.W.D., Palampur



Assistant Town Planner,
Sub-Divisional Town Planning Office,
Palampur, District Kangra, H.P.

Date 12.08.2023

To,
Assistant Environmental Engineers
HP State Pollution Control Board
Regional Office

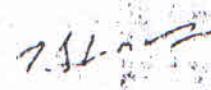
Dear Sir,

Please refer to the Khasra no 30|1|2 Rakba 1-83-95 and 30|2 Rakba 0-30-77 owned by Mukesh Kumar S/o Bhagat Ram , Kiran Sharma W/o Mukesh Kumar and Jatin Sharma S/o Mukesh Kumar. We here by inform you that we are making only surrounding boundary wall within our premises.

Whenever we will plan to construct any property then we shall obtain necessary NOC and approval from concerned authorities.

Again, we ensure you to not harm nature and environment

Your faithfully


Mukesh Kumar
S/o Bhagat Ram



Assistant Engineer
to Executive Engineer
Palampur Division
H.P.W.D., Palampur

01/09/2023

आत ही देव रत अ ७२ सत लुत्र एव० श्री वती
रत निवली टीका वोजन सीता व-दली रत नरररर
तदधीत पालम्युट रित वंगत री०१० ।

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Attested
[Signature]

Assistant Engineer
to Executive Engineer
Palampur Division
H.P.W.D., Palampur

मुजबूत रक्षा के अभाव में हमारे अपने खेतों के खेतों
 सीमेंट कांस्ट्रिक्ट से बना दीवारें हैं. और गादियों की
 आवश्यकता कुछ हो गई ।

ब) हमारे यहां भी बहुत ही कम अन्न शक्ति का
 अभाव है जो कि और भी अधिक बढ़ी जा रहा
 है । इसी कारण यहाँ व्याप्त है ।

RO & AC
Asst

Attested
 [Signature]

Assistant Engineer
 to Executive Engineer
 Palampur Division
 H.P.W.D., Palampur

[Signature]
 09/2023
TEHSILDAR
 PALAMPUR (Kangra) H.P.

**OFFICE OF THE DIVISIONAL FOREST
OFFICER, PALAMPUR**

In O.A No. 506/2023

To

The Deputy Registrar,
National Green Tribunal,
Principal Bench, New Delhi

No. 2304 /G, Dated: 11-08-2023

**Subject: Unscientific cutting of hills in Saurabh Van
Vihar in Palampur causing environmental
destruction and land slide.**

Sir/Madam,

In reference to the subject cited above, it is
humbly submitted as under:-

1. That telephonic information was received on dated 23.07.2023 in DFO Office, Palampur regarding the unscientific cutting of hill during the rainy season near Saurabh Van Vihar, Palampur.
2. That on receiving the information, the undersigned directed Range Forest officer, Palampur to inspect the site and take appropriate action.

Attested



Dy Conservator of Forest
Palampur Forest Division
Palampur

3. That Range Forest Officer, Palampur constituted a team of forest officials. The team visited the spot on 23.07.2023. It was found on the spot that land development work involving cutting of hills is being carried out by some private persons namely Smt. Kiran Sharma w/o Mukesh Kumar and others R/o Suggar Aima, Tehsil Palampur in Khasra no. 30 Mohal Dodan Khola near Saurabh Van Vihar, Palampur. As the land in question abuts the forest land, the work was stopped on the site so as to avoid any loss to the forest wealth.
4. That a notice vide RO Palampur office letter no. 1390 dated 24.07.2023 was issued w.r.t. stopping the work on the site which was received by Sh. Desh Raj, GPA holder of the land concerned. Copy of the notice is attached as **Annexure R-I** for the kind perusal of this Hon'ble Tribunal.
5. That a letter bearing no. 1391 dated 24.07.2023 was sent to Tehsildar, Palampur Tehsil to demarcate the land in question so as to know the exact location of forest land in order to ascertain whether any muck dumping or hill cutting on the forest land has taken place or not. Copy

Attested


Dy Conservator of Forest
Palampur Forest Division
Palampur, U.P.

of the letter is attached as **Annexure R-II** for the kind perusal of this Hon'ble Tribunal.

6. That on 11-08-2023 demarcation was conducted by revenue officials in presence of Tehsildar Palampur and Divisional Forest Officer, Palampur. The demarcation report is attached herewith as **Annexure R-III** for the kind perusal of this Hon'ble Tribunal.
7. That as per the report **Annexure R-III**, the land in question is situated in Patwar Circle Kandi, Tehsil Palampur. It is further submitted that land in question is in Khasra numbers 30/1/2 and 30/2 measuring 02-14-72 in ownership of Sh Mukesh Kumar s/o Bhagat and Smt Kiran w/o Mukesh Kumar, who are undertaking the construction activities in the said land. That the land in question is private land of the persons mentioned above and the said construction is not being carried in Government land/Forest department land.
8. That during the demarcation it was found that the debris of the excavation from such activities is being consumed by the landowner in the same land and not being dumped in forest department / government land. That

Attested


Dy Conservator of Forest
Palampur Forest Division
Palampur

the land is on the uphill side at an distance of 150 meters from the Neugal river and Saurav Van Vihar.

9. That the Sub-Divisional officer cum Sub Divisional Magistrate, Palampur, H.P. has sou motu given prohibitory notice under section 133 of Crpc to Mukesh Kumar S/O Bhagat Ram, Smt. Kiran Sharma W/O Mukesh Kumar and Atin Sharma S/O Mukesh Kumar all R/O Village Dhodhan Khola, Gram Panchayat Droганu, Patwar Circle Kandi, Tehsil Palampur, District Kangra, H.P, for obstructing the common path and damage to the PWD road passing through this land due to the ongoing land development work and directed them to appear in court on 08-09-2023 i.e. day fixed for hearing. The copy of the notice is attached as **Annexure R-IV** for the kind perusal of this Hon'ble Tribunal.
10. That as per the report of Assistant Town Planner, Sub Divisional Town Planning Office, Palampur, the said land in revenue Mohal Dodan Khola (Panchayat/Rural area) near Saurabh Van Vihar, Palampur does not falls in any Planning/Special Area and provisions of the H.P. Town and Country Planning Act,1977 are not

Attested


Dy Conservator of Forest
Palampur Forest Division
Palampur

applicable. The report is attached as **Annexure R-V** for the kind perusal of this Hon'ble Tribunal.

11. That the photographs of the site area attached as **Annexure R-VI** for the kind perusal of this Hon'ble Tribunal.

The detailed report is submitted for the kind perusal of the Hon'ble Tribunal.

Yours faithfully


Dr. Patil Nitin Kundalik, IFS
Deputy Conservator of Forests,
Palampur Forest Division,
Palampur

Attested


Dy Conservator of Forest
Palampur Forest Division
Palampur

No. 1390

Palampur Forest Range,

Dated 24.07.2023

17

From: RFO, Palampur.

To: Smt. Kiran Sharma w/o
Sh. Mukesh Kumar
R/o Guggar Aima
Tehsil Palampur.Subject: Notice regarding stopping of hill cutting work near Saurabh Van Vihar, Palampur.
Sir,

On the subject cited above, it has come to the notice of the undersigned that land development work involving cutting of hills is being carried out by you near Saurabh Van Vihar, Palampur. As the construction site is adjacent to Saurabh Van Vihar and forest land, a demarcation of the area in question needs to be carried out so as to avoid any kind of loss to the forest area.

It is pertinent to mention that as the Hon'ble HP High Court order dated 11.04.2018 in CWP No. 1093/2016 carrying out demarcation is responsibility of suspected encroacher.

It is therefore requested to carry out the demarcation of the said area from the competent authority at earliest. Till the demarcation carried out by competent authority no cutting work should be carried out from your side keeping in view of irreparable loss to nature.

This is for your information and further necessary action please.

C. P. A. Mehta

Poo Chit
Range Forest Officer,
Palampur Forest Range,
Palampur.

Devi
24.7.23

Devi Raj s/o Bali Ram
Vill - Bandla P.O - Nachhi Teh - Palampur
Distt - Kangra

Attested

06
Dy Conservator of Forest
Palampur Forest Division
Palampur

59

No. 1391
Palampur Forest Range,
Dated 24.07.2023

18

From: RFO, Palampur.

To: Tehsildar, Palampur.

Subject: Regarding cutting of hill near Saurabh Van Vihar, Palampur, demarcation thereof.

Sir,

On the subject cited above it is intimated that land development work involving cutting of hills is being carried out by some private persons namely Smt. Kiran Sharma w/o Mukesh Kumar and others R/o Suggar Aima, Tehsil Palampur in Khasra no. 30 Mohal Dodan Khola near Saurabh Van Vihar, Palampur. As the construction site is adjacent to Saurabh Van Vihar and forest land, a demarcation of the area in question needs to be carried out so as to avoid any kind of loss to the forest area.

It is therefore requested to carry out the demarcation of the said area at earliest.

This is for your information and further necessary action please.

Encl. A/A

D. C. S.
Range Forest Officer,
Palampur Forest Range,
Palampur.

Attested

✓
Dy Conservator of Forest
Palampur Forest Division
Palampur

No. 1461/P
 Palampur Forest Range,
 Dated 23.07.2023

19

From: RFO, Palampur.

To: DCF, Palampur.

Subject: Regarding stopping of hill cutting work near Saurabh Van Vihar, Palampur.
 Sir,

On the subject cited above, it is submitted that as per your direction a committee was constituted of the following members:

1. Sh. Vinod Kumar, BO Palampur
2. Sh. Deepak, FGD I/c Kandi Beat
3. Sh. Ashok Kumar, FGD I/c Khalet Beat with additional charge of Bandla Beat.
4. Smt. Swati, FGD I/c Saurabh Van Vihar.

The team visited the spot on dated 23.07.2023 and found out that work of land development involving cutting of hills was being carried by the labour employed by Smt. Kiran Sharma w/o Mukesh Kumar and others R/o Suggar Aima, Tehsil Palampur in Khasra no. 30 Mohal Dodan Khola near Saurabh Van Vihar, Palampur. The work was stopped on the spot. Further the person carrying out the work at the site has been directed to get the area demarcated so as to define the forest boundary in this area and not to carry out the work until then to avoid irreparable loss to nature.

This is for your information and further necessary action please.

File
3
28/7/23



Recd
 Range Forest Officer,
 Palampur Forest Range,
 Palampur.

Attested

[Signature]
 Dy Conservator of Forest
 Palampur Forest Division
 Palampur

रिपोर्ट - निशानदेही भूमि खाता नम्बर 3 खतौनी नम्बर 21 नम्बर खसरा 30/1/2-30/2
किता 2 रकवा 02-14-72 हैक्ट वाक्या महाल डोडन खौला मौजा कण्डी तहसील पालमपुर
जिला कोंगडा वमुजव जमातन्दी 2019-20

20

शीर्षक: नम्बर खसरा 30/1/2-30/2 किता 2 रकवा 02-14-72 हैक्ट वाक्या महाल डोडन खौला
की निशानदेही की रिपोर्ट ।

श्रीमान जी,

आमदा आदेश उप-मण्डल अधिकारी पालमपुर क्रमांक 1509/ SDP-R दिनांक 11-08-2023 की पालना में शीर्षक में उल्लेखित भूमि की निशानदेही के लिये पूर्व निर्धारित कार्यक्रम के अनुसार कुमारी मोनिका शर्मा पटवारी, पटवार वृत्त कण्डी, व राजस्व रिकार्ड सहित दिनांक 11-08-2023 को महाल डोडन खौला पहुंचा ।

पूर्व सूचना के अनुसार मौका पर वन विभाग पालमपुर की तरफ से श्री रमेश चन्द वन परिक्षेत्र अधिकारी पालमपुर व श्री दीपक भनियारी वन रक्षक प्रभारी कण्डी वीट व श्रीमति स्वाति कुमारी फोरेस्ट गार्ड शौरभ वन विहार हाजर मौका थे। प्रतिवादीगण देशराज पुत्र वल्लि राम मुख्तारखास मिनजानिव मुकेश कुमार पुत्र भंगत व श्रीमति किरण पत्नी मुकेश कुमार हाजर मौका था । इनके अतिरिक्त श्री सार्थक शर्मा तहसीलदार महोदय पालमपुर व श्री नितिन पाटिल D.F.O पालमपुर भी हाजर मौका थे । निशानदेही की प्रक्रिया सभी फीकैज व अफसरान की उपस्थिति व सहमति से आरम्भ की गई ।

सर्वप्रथम जरीव की लम्बाई की जाँच हाजर आमदा, वादी व प्रतिवादीगण के सामने फीता से पैमाइश करके की गई जो कि सही पाई गई। इसके बाद विवादग्रस्त भूमि का स्थल निरीक्षण किया गया तथा राजस्व अभिलेख का अवलोकन किया गया जिससे पाया गया कि नम्बर खसरा 30/1/2-30/2 किता 2 रकवा 02-14-72 हैक्ट व वन विभाग की आपसी सीमाओं का विवाद है व वन विभाग इन नम्बरान खसरा की निशानदेही करवाना चाहते हैं । निशानदेही से पूर्व वितायुक्त महोदय द्वारा जारी नवीनतम हिदायतों की पालना करते हुये त्रिभुजाकार प्रणाली द्वारा नकल अक्श मुसावी व शजरा लट्ठा की सहायता से वहाजरी दोनो पक्षां व दीगर हाजरीन के समक्ष वजिरिया जरीव अन्दाजी करते हुये तीन पक्के वन्दोवस्ती वन्ने कायम किये गये, प्रथम वन्ना नम्बर खसरा 64/31 की उत्तरी पूर्वी मीण्ड में रखा गया जिसे नकल मुसावी में विन्दू "A" दर्शाया गया है व दूसरा पक्का वन्दोवस्ती वन्ना नम्बर खसरा 64/31 की दक्षिणी पूर्वी मीण्ड में कायम किया गया जिसे नकल मुसावी में विन्दू "B" दर्शाया गया है, इन दोनो की सहायता से तीसरा पक्का वन्ना नम्बर खसरा 65/31 की पूर्वी मीण्ड में स्थापित किया गया जिसे मुसावी में विन्दू "C" दर्शाया गया है । जिन्हे दोनो पक्षां व हाजरीन ने सही व दुरुस्त माना तथा पक्का वन्नाजात के तौर पर तसब्बर किया। दोनो पक्षां व दीगर हाजरीन के समक्ष नकल अक्श शजरा किशतवार मुसावी व शजरा लट्ठा की सहायता से नम्बर खसरा 30/1/2-30/2 किता 2 रकवा 02-14-72 हैक्ट वाक्या महाल डोडन खौला मौजा कण्डी तहसील

Attested

Dy Conservator of Forest
Palam Forest Division
Palam

पालमपुर की निशानदेही वजिरिया जरीव अन्दाजी करते हुये मौका पर पक्के वन्नाजात से की गई जिसकी पुष्टी मौका विभिन्न खसरा नम्बरान व पक्के वन्नाजात विन्दू "A" "B" व "C" से वतर डाल कर की गई जो मौका पर व मुसावी पर सही पाई गई। मौका पर विवादित नम्बरान खसरा के कोनो पर वहाजरी दोनो पक्ष व दीगर हाजरीन के समक्ष पत्थर नस्व करवाये गये जिसे दोनो पक्षों व दीगर हाजरीन ने देख व समझ लिया है। मौका की स्थिति के अनुसार मुकेश कुमार पुत्र भगत व श्रीमति किरण पत्नी मुकेश कुमार ने जो निर्माण कार्य व खुदाई का कार्य शुरू किया है वो उसकी अपनी भूमि नम्बर खसरा नम्बर खसरा 30/1/2-30/2 किता 2 रकवा 02-14-72 हैक्ट पाया गया । इसके अतिरिक्त जो सडक लोक निर्माण विभाग ने बनाई है वो भी प्रतिवादीगण की मलकीयती भूमि में वनी है । हाजरीन मौका ने भी निशानदेही को सही व दरुस्त मान कर अपना व्यान दर्ज करवाया जिसमें उसने निशानदेही को स्वीकार किया है ।

निष्कर्ष -

मौका पर निशानदेही उपरान्त यह निष्कर्ष निकलता है कि प्रतिवादीगण की मलकीयती भूमि नम्बर खसरा 30/1/2-30/2 किता 2 रकवा 02-14-72 हैक्ट स्थित महाल डोडन खौला मौजा कण्डी तहसील पालमपुर मे है व जो खुदाई व निर्माण कार्य सुरु हुआ है वो प्रतिवादीगणों ने अपना मलकीयती भूमि में किया है ।

अतः रिपोर्ट निशानदेही करने के उपरान्त विस्तृत रिपोर्ट वमय व्यान प्रतिवादीगण व वन विभाग के अधिकारी व कर्मचारी साछ सलंगन कर दिये हैं।

क्षेत्रीय कानूनगा *K. J. Palamuru*
पालमपुर

Attested

K
Dy Conservator of Forest
Palampur Forest Division
Palampur

Office of the Sub -Divisional Officer , Palampur , Distt Kangra H.P

No. SDP/R - 1526

Dated : 14/03/2023

To ,
District Magistrate
Kangra at Dharamshala
176215

Sir ,

**Subject : Report regarding notice of hearing in Suo Motu matter in re :
News item published in the Tribune dated 29/07/2023 titled " Unscientific
cutting of hills in Saurab Van Vihar in Palampur causing environmental
destruction and land side " .**

With reference to your letter vide no. 910/LB dated 11-08-2023 regarding the suo motu matter being taken by Hon'ble National Green Tribunal based on news item being published in The Tribune newspaper , here is the detailed report regarding the same :

1. That the land in question is situated in Patwar Circle Kandi , Tehsil Palampur , which is above the Neugal river at an elevation of 150 metres from the river and Saurav Van Vihar .
2. That a detailed demarcation was conducted by revenue officials in presence of Tehsildar Palampur and DFO, Palampur on 11-08-2023 (Annexure 1) . Relevant points of the demarcation are as follows :
 - That land in question is in Khasra numbers 30/1/2 and 30/2 measuring 02-14-72 in ownership of Sh Mukesh Kumar s/o Bhagat and Smt Kiran w/o Mukesh Kumar , who are undertaking the construction activities in the said land . **Attested**

Subd. Officer
Palampur

Dy Conservator of Forest
Palampur Forest Division
Palampur

- That the land in question is private land of the persons mentioned above and the said construction is not being carried in Government land / Forest department land .
 - That the debris of the excavation from such activities and being consumed by the landowner in the same land and not being dumped in forest department / government land .
 - That there is a road built by the HPPWD department in the said land and due to excavation such road was damaged . HPPWD officials were called on site but remained non-present during demarcation , but were further contacted telephonically regarding the matter . It is further reported that HPPWD has built road within private land of the landowners and there is no revenue record to support that road has ever been acquired / consented from the landowners . This is also reported that the landowners have unilaterally restored the road by building a concrete road within their land (Photographs attached)
3. That an undersigned exercising powers as Sub-Divisional Magistrate has sou motu based on news article , has given prohibitory notice under section 133 of C.rPC (Annexure 2) and next date of hearing in court is on 08-09-2023 .

Yours Faithfully
 Sub-Divisional Officer (C)
 SDO (Civil), Palampur
 Palampur Dist. Kangra (H.P)

No. 1527/SDF-R dt. 14/08/2023

Copy to : Diviosnal Forest Officer , Palampur

Sub-Divisional Officer (C)
 SDO (Civil), Palampur

Attested

Dy Conservator of Forest
 Palampur Forest Division
 Palampur

ब. अधोहस्ताक्षरी जमादार वण्डाधिकारी पालमपुर जिला कांगडा हि0प्र0

आम जनता

यमांग

गुणेश कुमार आदि ।

मोहता

नं० 329/2023

पेशी तारीख 08-09-2023

साहित्य पत्रिका

1. श्री गुणेश कुमार पुत्र भगत राम, 2. विरुण शमी पत्नी मुकेश कुमार, 3. अतिनशमी पुत्र मुकेश कुमार निवासीयान शोडनायकीला ग्राम पंचायत दोनाणू घटवार तहसील कांगडी तहसील पालमपुर जिला कांगडा हि0प्र0।

इस कार्यालय में रिपोर्ट तहसीलदार पालमपुर के कार्यालय से प्राप्त हुई है जिसका भुगतान अधोहस्ताक्षरी की अदालत में चल रहा है। इस केस की अगली पेशी तारीख दिनांक 18-08-2023 है। रिपोर्ट के अयनोक्त में पाया गया कि भूमि खसरा नं० 30/1/2 रकबा 1-83-95 है 0-30/2 रकबा 0-30-77 है 0 कित्ता 2 कुल रकबा 2-14-72 है 0 मलकीयत मुकेश कुमार पुत्र भगत राम, विरुण शमी पत्नी व अतिन शमी पुत्र मुकेश कुमार पर जबरन रूप से निर्माण कार्य चल रहा है। इन खसरा नम्बरों पर पैदल चलने वाला रास्ता बना हुआ है जो कि मुताबिक पृष्ठताछ वशिन्दगान पाया गया कि रास्ता ग्राम पंचायत दोनाणू द्वारा पक्का करवाया गया है। परन्तु निर्माण कार्य के चलते यह रास्ता बन्द हो चुका है जिससे पैदल चलने वाले स्थानीय लोगों को मुश्किलों का सामना करना पड़ रहा है। इसके अतिरिक्त इस निर्माण कार्य द्वारा PWD रोड भी क्षतिग्रस्त हो गया है क्योंकि यह जमीन पहाड़ी पर है जिससे निरन्तर भूमि फटा का खतरा पता हुआ है।

अतः आपको आदेश दिया जाता है कि आप ठीक समस्या का हल कर लें अपना जवाब अधोहस्ताक्षरी की अदालत में दिनांक 08-09-2023 को दोपहर 2 बजे उपस्थित कर पेश करें। गैर हाजरी की सूरत में आपके खिलाफ नियमानुसार कार्यवाही अमल में लायेगी।

बजरिया जमादार तहसील पालमपुर ।

Sub-Divisional Magistrate
Palampur (Distt. Kangra) H.P. हि0प्र0

W 329/2023
M. K. S. / 2023

CH. P. A. Haldar

Attested
By Conservator of Forest
Palampur Forest Division
Palampur



**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

SDTPO (PLP)T-61(Gen. Corres.) Vol-III/2023-4 05

Dated: 11-08-2023

To

Er Varun Gupta
Asstt. Environmental Engineer
HPSPCB Dharamshala.

Subject: - Notice dated 09.08.2023 issued by Hon'ble NGT IN OA No. 506/2023 titled Unscientific Cutting of Hill in Sourabh Van Vihar in Palampur Causing Environmental Destruction And Land Slide.

Reference: - Your office letter No:PCB/Hon'ble NGT File/RO(D/sala)/23-3633-34 dated 11.08.2023.

Sir,

With reference to the subject cited above and reference quoted below, it is submitted that the Revenue Mohal Dodan Khola near Sourabh Van Vihar, Palampur Tehsil Palampur District Kangra Himachal Pradesh does not falls in any Planning/Special Area under jurisdiction of this office and provisions of the H.P. Town and Country Planning Act, 1977 are not applicable.

This is for your information and further necessary action, please.

Yours Faithfully,

Assistant Town Planner,
Sub - Divisional Town Planning Office,
Palampur, District Kangra, H. P.

Attested

Attested

Dy Conservator of Forest
Palampur Forest Division
Palampur

Attested

Dy Conservator of Forest
Palampur Forest Division
Palampur



1. Picture of the Site

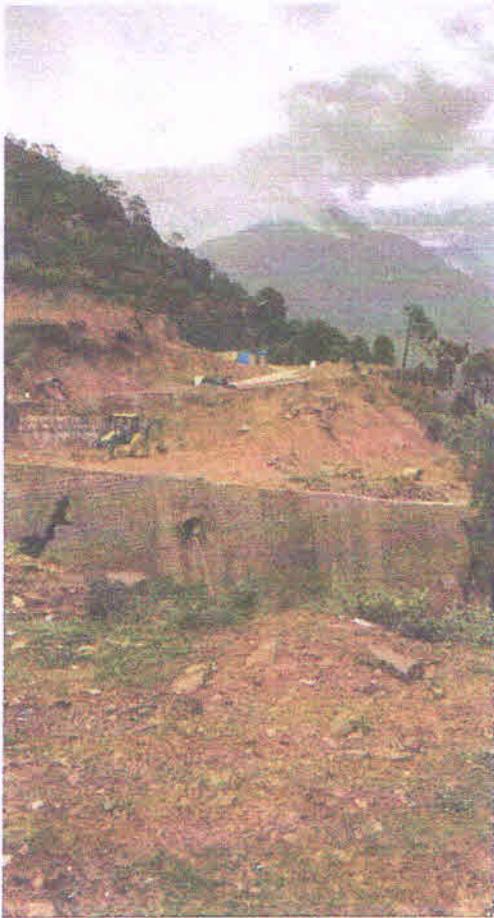


2. Picture of the Site

Attested

[Handwritten signature]

Dy Conservator of Forest
Palampu Forest Division
Palampu



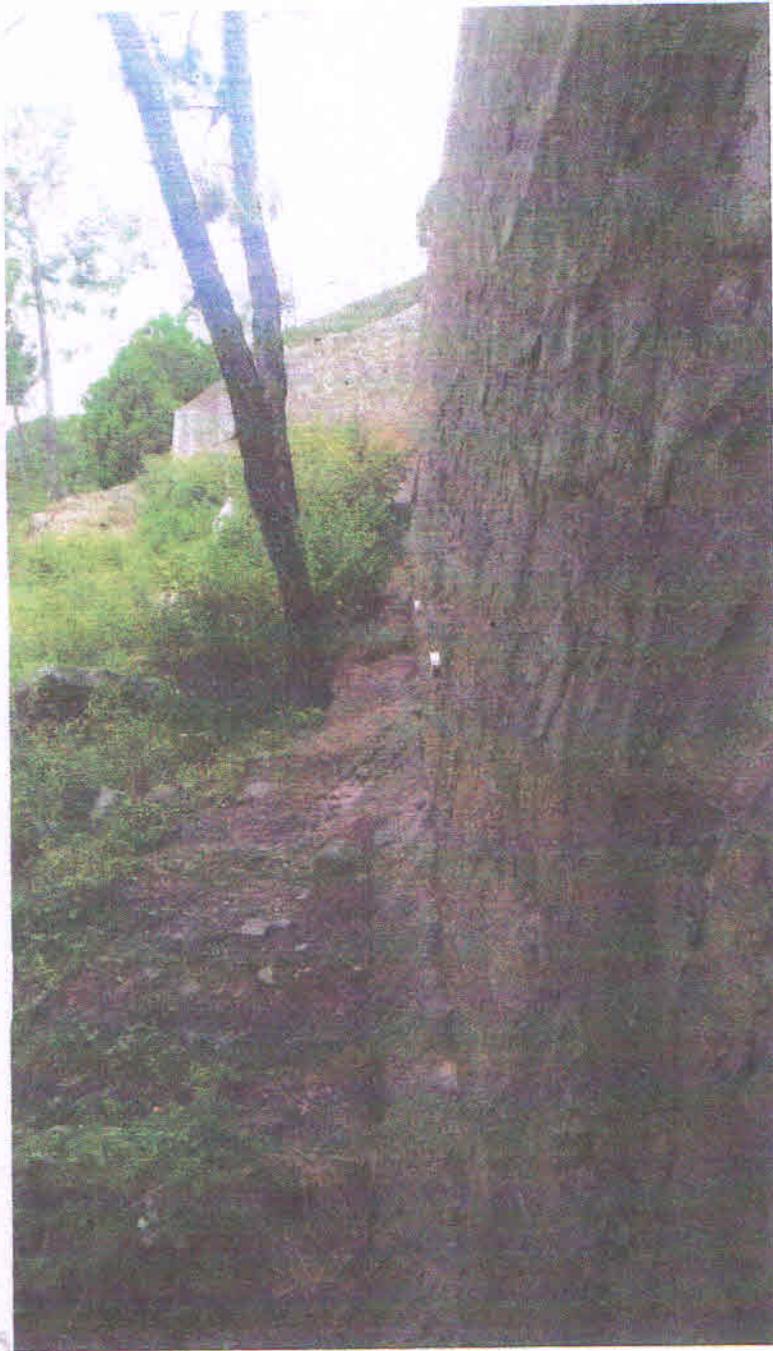
3. R/Wall



4. R/Wall and Culverts

Attested


Dy Conservator of Forest
Palampu Forest Division
Palam -



5. R/Wall in the Private Land

Attested

Dy Conservator of Forest
Palampu Forest Division
Palam - 01



6. R/Wall in the Private Land

Attested

Dy Conservator of Forest
Palampur Forest Division
Palampur

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO 506 OF 2023**

IN THE MATTER OF:

**Unscientific Cutting of Hills in Saurab Van Vihar in
Palampur Causing environmental destruction and land slide.**

↑

Applicant

Versus

1. Member Secretary, Himachal Pradesh Pollution Control Board.
2. District Magistrate (Deputy Commissioner), Palampur Kangra,
3. Divisional Forest Officer, Palampur Kangra.

Respondents

AFFIDAVIT

I Patil Nitin Kundalik aged about 34 years, S/o Sh. Patil Kundalik Pandurang presently posted as Divisional Forest Officer Palampur, R/o hereby solemnly affirm and declare as under:

That I am authorized signatory of respondent No.3 and in such capacity have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit in aforesaid capacity.

ATTESTED

↑
Distt Commissioner
Palampur Kangra

Attested

↑
Dy Conservator of Forest
Palampur Forest Division
Palampur

↑
Dy Conservator of Forest
Palampur Forest Division
Palampur

- 2. That the accompanying reply on behalf of respondent No. 3 has been drafted under my instructions. I have read and understood the same and contents are true and correct.
- 3. That I say that the contents of accompanying reply are true to my knowledge and all the Annexure filed along with the reply are true copy of their respective originals.

ATTESTED

[Signature]
 Dy. Commissioner
 PALAMPUR (H.P.)

VERIFICATION

Verified at Palampur on the day August 2023 that the contents of the above affidavit are true to my knowledge. Nothing materials has been concealed therefrom.

[Signature]
 DEPONENT
 Dy Conservator of Forest
 Palampur Forest Division
 Palampur

[Signature]
 DEPONENT
 Dy Conservator of Forest
 Palampur Forest Division
 Palampur

It is also that the affidavit has been read and explained to me
Patil Nitin Kundalik

Vijay Kumar

Signature of the deponent

[Signature]
 Dy. Commissioner
 PALAMPUR (H.P.)

Sr. No. 2028
 Certified that the above was read on
 Dy. Conservator of Forest Palampur (H.P.)
 this date 17/8/23 at 3 o'clock
 de, one Patil Nitin Kumar
 identified by Vijay Kumar
 shown to me

Dy. Commissioner
 PALAMPUR (H.P.)
 Date 17/8/23
 Time 4.00 pm

Attested

[Signature]
 Dy Conservator of Forest
 Palampur Forest Division
 Palampur



HIMACHAL PRADESH FOREST DEPARTMENT
OFFICE OF DEPUTY CONSERVATOR OF FORESTS,
PALAMPUR FOREST DIVISION, PALAMPUR, HP 176061

Phone 01894-232630, Fax No. 01894-232762 E-mail- nitin.patil22@hp.gov.in

No./DP/

2304/9.

Dated 11/8/2023.

From: -

Dy. Conservator of Forests,
 Palampur Forest Division,
 Palampur, Distt. Kangra, HP

To:-

District Attorney, Himachal Pradesh (Govt.)
 Legal Cell Himachal Bhawan
 New Delhi -110001

Subject:-

OA NO. 506/2023 Notice of hearing in Suo Motu matter In re: News item published in The Tribune India, dated 29.07.2023 entitled " Unscientific cutting of hills in Saurab Van Vihar in Palampur causing environmental destruction and land slide".

Respected Madam,

On the subject cited above, it is respectfully submitted that a notice in respect of OA No. 506/2023 titled as "Unscientific cutting of hills in Saurab Van Vihar in Palampur causing environmental destruction and land slide" has been received by the undersigned on dated 09.08.2023. (Copy attached) .The case is listed on 18th august 2023 before the Hon'ble Tribunal at Faridkot House, Copernicus Marg, New Delhi-110001.

The brief facts pertaining to this case are enclosed with this letter.

It is therefore, requested that a penal advocate may please be deputed on behalf of undersigned to appear before the Hon'ble court.

Encl: As above


 Dy. Conservator of Forests,
 Palampur Forest Division,
 Palampur
 Telephone: 01894-232630
 Mobile- 94109-92169
 E-mail: nitin.patil22@hp.gov.in

Endst. No. 2305/9 Dated Palampur, the/ 11.08.2023

Copy is forwarded to the C.C.F. Dharamshala for information please.


 Dy. Conservator of Forests,
 Palampur Forest Division,
 Palampur
 Telephone: 01894-232630
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o/c

By Email

NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
FARIDKOT HOUSE, COPERNICUS MARG
NEW DELHI- 110001

Date: - 09.08.2023

To,

1. Member Secretary, Himachal Pradesh Pollution Control Board,
(0177-2673766, [mspcb-hp@nic.in](mailto:mspb-hp@nic.in))
2. District Magistrate (Deputy Commissioner), (Palampur) Kangra,
(01892-222103, dc-kan-hp@nic.in)
3. Divisional Forest Office, (Palampur) Kangra,
(01894-232630, dfopal-hp@nic.in)

Subject: - Notice of hearing in Suo Motu matter In re: News item published in The Tribune India, dated 29.07.2023 entitled "Unscientific cutting of hills in Saurab Van Vihar in Palampur causing environmental destruction and land slide".

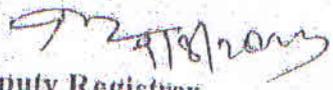
NOTICE

Take notice that OA No. 506/2023 (Copy enclosed) Titled "Unscientific cutting of hills in Saurab Van Vihar in Palampur causing environmental destruction and land slide" will be listed before the Hon'ble Tribunal at Faridkot House, Copernicus Marg, New Delhi- 110001 on 18th August, 2023 through Physical Hearing (With Hybrid Option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, with your report.

Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

Given under my hand and the seal of this Tribunal, on this 09th August, 2023.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)


Deputy Registrar
National Green Tribunal
Principal Bench, New Delhi

BEFORE THE HON'BLE COURT OF NATIONAL GREEN TRIBUNAL

NEW DELHI
ORIGINAL APPLICATION NO. 506/2023

IN THE MATTER OF:
Unscientific Cutting of Hills
in Saurabh van Vihar in Palampur
causing environmental destruction and land slide ... APPLICANT

VERSUS

Member secretary & Off.

RESPONDENT

KNOW ALL to whom these present shall come that I, Nitin Paul, Dy Forest Officer,
Kangra do hereby appoint:

(herein after called the advocate/s) to be my/our Advocate

in the above-noted case authorize him:-

997550 603

Shimpy Sharma (D/1761-A/03)
To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more that 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this day of 21...
Accepted subject to the terms of the fees

Sh. Sharma

Advocate

g

Client