

833

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA No. 446/2022

IN THE MATTER OF:

Balwinder Kumar

Applicant

Versus

State of Haryana and others

Respondents

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FILED BY: -


Regional Officer
Yamuna Nagar

Place: Yamuna Nagar
Dated: 02/07/2024

PRINCIPAL BENCH, NEW DELHI.

OA No.446/2022

IN THE MATTER OF :

Balwinder Kumar

Applicant

Versus

State of Haryana and others

Respondents

Reply on behalf of Haryana State Pollution Control Board.**MOST RESPECTFULLY SHOWETH**

1. The Hon'ble NGT vide orders dated 19.04.2024(**Annexure-R/1**) passed the following directions:-

"6. Respondent no.1-State of Haryana is directed to file response mentioning in detail (1) steps taken for prevention of illegal mining; (2) reclamation of the illegally mined land; (3) utilization of the common land vesting in the Gram Panchayat, Bhudkalan; and (4) status of all khasra numbers of land with details regarding encroachments made, steps taken for removal of the encroachments; (5) litigations pending regarding the same with all relevant details regarding present status/pendency of the litigation and (6) details regarding the criminal cases pending with present status..

"7. Respondent no. 13 is also directed to file separate response mentioning in detail resolutions passed by the Gram Panchayat, Bhudkalan regarding utilization of the land, action taken regarding illegal mining, reclamation of land illegally mined and recovery of compensation from the violators".

"8. Respondent no. 4-HSPCB is directed to look into the matter of imposition and realization of environmental compensation from the violators against whom FIR has been registered and also reclamation/restoration and appropriate utilization of land illegally mined.

2. That in compliance of order dated 19.04.2024 passed by the Hon'ble Tribunal, Regional Officer, Yamunanagar region has written to District Development and Panchayat Officer, Yamunanagar, The Mining officer, Mines and Geology Department, Yamunanagar and SHO, Partap Nagar Vide letter No. HSPCB/YR/2024/SPL-01-03 dated 27.06.2024 for providing the details on the aforesaid points mentioned in Para no. 6.of Hon'ble NGT is attached as **Annexure-R/2**.

3. In response to that letter DDPO, Distt Yamunanagar has submitted reply in point no. 2,3,4 & 5 vide letter no. 4170 dated 28.06.2024 are attached as **Annexure-R/3**.

4. The Mining officer, Mines and Geology Department, Yamunanagar has submitted reply in point No. 1 & 6 of Para no.6 vide Memo no. Mining/Ynr/2146 dated 28.06.2024 is attached as **Annexure-R/4**.

5. That the Regional Officer, Yamunanagar Region has written letter to Mining Officer, Yamunanagar vide No. HSPCN/YR/2024/683 dated 02/07/2024 attached as **Annexure-R/5** for providing details of persons/units involved in illegal mining, quantity of illegal mining, rate of illegal mined material etc. along with the request to put up the matter in DLTF Meeting so that the environmental compensation may be levied against the defaulters as per the procedure in the SOPs for imposition of Environmental Compensation against persons/units involved in illegal mining and HSPCB order dated 30.04.2024 (copy of Policy order attached as **Annexure-R/6**).

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This status report is being submitted for kind consideration please. It is undertaken to comply with the directions passed by the Hon'ble Tribunal.


Regional Officer
Yamuna Nagar

Place: Yamuna Nagar

Dated: 02/07/2024

Item No. 6

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.446/2022

Balwinder Kumar

.Applicant

Versus

State of Haryana& Ors.

...Respondents

Date of hearing: 19.04.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in Person.

Respondents: Mr. Rahul Khurana, Advocates for Respondent No. 1 to 6.
Mr. Narender Pal Singh and Ms. Anjali Advocates for Respondent No. 7, 8 & 11.
Mr. Rajesh Punia, SDM Chhachhroli, Mr. Virender Singh, DFO, Yamunanagar.
Mr. Narender Singh, DDPO, Yamuna Nagar and Mr. Vikas Kumar Panchayat Officer.

Application is registered based on a letter petition received by Post.

ORDER

1. Replies have been filed by respondents no. 5 (DC, Yamuna Nagar) and 13 (DDPO, Yamuna Nagar) vide email dated 18.04.2024.
2. Replies have also been filed by respondents no. 7, 8 and 11 (Project Proponents) vide separate emails dated 18.04.2024.
3. Written request for exemption from personal appearance has been made on behalf of the Deputy Commissioner, Yamuna Nagar. In view of the reasons mentioned the request is allowed.

-2-

4. We have gone through the reply filed by respondents no. 5 and 13 and we find that the information given in the same suffers from contradictions and ambiguities.

5. Learned Counsels for respondents no. 1 to 6 seeks time to file additional reply on behalf of respondents no. 5 and 13.

6. Respondent no.1-State of Haryana is directed to file response mentioning in detail (1) steps taken for prevention of illegal mining; (2) reclamation of the illegally mined land; (3) utilization of the common land vesting in the Gram Panchayat, Bhudkalan; and (4) status of all khasra numbers of land with details regarding encroachments made, steps taken for removal of the encroachments; (5) litigations pending regarding the same with all relevant details regarding present status/pendency of the litigation and (6) details regarding the criminal cases pending with present status.

7. Respondent no. 13 is also directed to file separate response mentioning in detail resolutions passed by the Gram Panchayat, Bhudkalan regarding utilization of the land, action taken regarding illegal mining, reclamation of land illegally mined and recovery of compensation from the violators.

8. Respondent no. 4-HSPCB is directed to look into the matter of imposition and realization of environmental compensation from the violators against whom FIR has been registered and also reclamation/restoration and appropriate utilization of land illegally mined.

9. Responses as directed above be filed by respondents no. 1, 4 and 13 within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. List for further consideration on 04.07.2024.

11. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorized by the Director Mining and Geology, Haryana and the Deputy Commissioner, Yamuna Nagar as well as the Divisional Forest Officer and the District Development and Panchayat Officer, Yamuna Nagar, Haryana through VC before this Tribunal on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal physically.

12. A copy of this order be sent to the Director, Mining and Geology, Haryana, the Deputy Commissioner, the Divisional Forest Officer and the District Development and Panchayat Officer, Yamuna Nagar, Haryana by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

April 19th, 2024
n

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Regional Office,
Haryana State Pollution Control Board

S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
hspcbroyr@gmail.com

Annexure- R2

No. HSPCB/YR/2024/ Spl 01-03

Dated: 27/06/2024

To

1. The District Development and Panchayat Officer,
Yamunanagar.
2. The Mining Officer,
Mines & Geology Department, Yamunanagar.
3. The SHO, Partap Nagar,
District Yamunanagar.

Sub: Report in OA No. 446 of 2022 titled as Balwinder Kumar Vs State of Haryana & ors.

Ref:- NGT order dated 19.04.2024

In this connection, it is intimated that Hon'ble NGT has directed vide order dated 19.04.2024 that :-

"6. Respondent no.1-State of Haryana is directed to file response mentioning in detail (1) steps taken for prevention of illegal mining; (2) reclamation of the illegally mined land; (3) utilization of the common land vesting in the Gram Panchayat, Bhudkalan; and (4) status of all khasra numbers of land with details regarding encroachments made, steps taken for removal of the encroachments; (5) litigations pending regarding the same with all relevant details regarding present status/pendency of the litigation and (6) details regarding the criminal cases pending with present status.

7. Respondent no. 13 is also directed to file separate response mentioning in detail resolutions passed by the Gram Panchayat, Bhudkalan regarding utilization of the land, action taken regarding illegal mining, reclamation of land illegally mined and recovery of compensation from the violators."

Therefore DDPO, Yamunanagar is requested to provide report on following points within 02 days:-

- a. Reclamation of the illegally mined land.

- b. Utilization of the common land vesting in the Gram Panchayat, Bhudkalan; and.
- c. Status of all khasra numbers of land with details regarding encroachments made, steps taken for removal of the encroachments.
- d. Litigations pending regarding the same with all relevant details regarding present status/pendency of the litigation and.
- e. Provide status/details resolution passed by the Gram Panchyat, Bhudkalan.

Further DDPO, Yamunanagar is also requested to file separate response mentioning in detail resolutions passed by the Gram Panchayat, Bhudkalan regarding utilization of the land, action taken regarding illegal mining, reclamation of land illegally mined and recovery of compensation from the violators directly to Hon'ble NGT as per order dated 19.04.2024

Mining officer, Yamunanagar is requested to provide report on following points within 02 days:-

- a. Steps taken for prevention of illegal mining.
- b. Reclamation of the illegally mined land.
- c. Details regarding the criminal cases pending with present status.

SHO, Partap Nagar is requested to provide report on following points within 02 day:-

- a. Details regarding the criminal cases pending with present status.

Received by
28/06/24

VIRENDER
SINGH
PUNIA
Digitally signed by
VIRENDER
PUNIA
Date: 2024.06.28 10:53:30
Regional Officer
Yamuna Nagar Region

सेवा में

खण्ड विकास एवं पंचायत अधिकारी,
प्रतापनगर।जिला विकास एवं पंचायत अधिकारी,
यमुनानगर।

क्रमांक 5365 / पंचायत दिनांक 28-06-2024

विषय:-

Original Application No. 446/2022 titled as Balwinder Kumar Vs State of Haryana Pending before Hon'ble NGT, New Delhi.

सन्दर्भ:-

आपके कार्यालय के पत्र क्रमांक 4120 / पंचायत दिनांक 27.06.2024.

उपरोक्त विषय बारे उक्त सन्दर्भित पत्र व माननीय एन0जी0टी0, नई दिल्ली द्वारा पारित आदेश दिनांक 19.04.2024 की पालना में रिपोर्ट भेजने बारे निर्देश प्राप्त हुए हैं। जिसकी पालना में आपकी सेवा में अवगत करवाया जाता है कि ग्राम पंचायत भूडकलां द्वारा पंचायती भूमि की निशानदेही करवाई गई है। जिसकी रिपोर्ट अनुसार ग्राम पंचायत की भूमि का विवरण निम्न प्रकार से है।

| क्र० सं० | भूमि का विवरण | कुल रकबा | | |
|----------|--|----------|------|------|
| | | एकड़ | कनाल | मरले |
| 01 | पंचायती भूमि जिस पर पुराने खाली खदान है | 25 | 0 | 10 |
| 02 | पुराने खदानों में खेती का रकबा | 82 | 1 | 17 |
| 03 | पुराने खदानों में पेड़ | 16 | 7 | 3 |
| 04 | खेती वाली चाही भूमि | 35 | 1 | 14 |
| 05 | भूमि जिस पर पेड़ खड़े हैं | 55 | 3 | 10 |
| 06 | कुल गैर मुमकिन भूमि (रास्ते, हड्डा रोड़ी, गढ़ा खाद, स्कूल, शमशानघाट, कब्रिस्तान इत्यादि) | 129 | 6 | 16 |
| | ग्राम पंचायत की कुल भूमि | 344 | 5 | 10 |

उक्त मामले बारे आप द्वारा मांगी गई वाछिंत सूचना निम्नानुसार आपकी सेवा में भेजी जाती है:-

- ग्राम पंचायत की कुल 344 एकड़ 5 कनाल 10 मरले भूमि में से 129 एकड़ 6 कनाल 16 मरले भूमि में गैर मुमकिन रास्ते, हड्डा रोड़ी, गढ़ा खाद, बरसाती पानी की निकासी, स्कूल, शमशानघाट व कब्रिस्तान इत्यादि हेतु रिजर्व है तथा ग्राम पंचायत द्वारा 6 एकड़ 2 मरले भूमि को खेती हेतु पट्टा पर दिया जा रहा है व 12 एकड़ 4 कनाल 6 मरले भूमि पर वन विभाग के माध्यम से पौधा रोपण करवाया गया है तथा ग्राम पंचायत द्वारा प्रस्ताव न0 01 दिनांक 12.06.2024 के माध्यम से पंचायती भूमि जिस पर पुराने खदान दर्ज है पर पौधा रोपण या बायों-डार्डवरस्टी पार्क बनाने बारे प्रस्ताव पारित कर वन विभाग को भेजा गया है।
- यूटिलाईजेशन प्लान की प्रति इस पत्र के साथ सलंगन करके आपकी सेवा में भेजी जा रही है।
- ग्राम पंचायत की 116 एकड़ 1 कनाल 10 मरले भूमि पर नाजायज कब्जा है जिसमें से 111 एकड़ 3 कनाल 9 मरले पर लोगों द्वारा खेती की जा रही है व 4 एकड़ 6 कनाल 2 मरले पर झुग्गी झोपड़ियां आदि बनी हुई हैं। जिसमें ग्राम पंचायत भूडकलां के गांव माण्डेवाला के खसरा न0 23//9, 17//13, 9//17, 16//8, 24//3, 8//11, 9//15/23/1,23/2, 23, 16//18/6, 9//16/1, 16/2, 24//3, 16//18/2, 24, 17//4, 24//2, 6//5/3, 23//8, 17//18, 31, 7//10, 11, 9//18/2, 23//22, 2//1, 2, 10/1, 19//1, 2, 24//10, 25//5, 6//5/2, 5/3, 6, 16//3/2, 4, 5, 6, 23//20/1, 20/2, 21, 16//18/3, 16//18/5, 3//25, 6//5/1, 5/2, 5/3, 7//1/1,7//1/2, 22//15, 23//11, 9//24, 25/1, 25/2, 24//13, 1//22, 23//18, 2//9, 10, 11, 3//15, 24//8, 6//15, 23//19, 16//18/8, 16//18/7, 13//5, 6, 7, 14//1, 16//7, 23//12, 12, 13, 17//12, 17//13, 19, 22, 19//10, 11/1, 23//9, 10, 9//24, 25/2, 25/3, 23//23, 9//17, 23//22, 2//20, 21, 3//16, 24//9, 6//16, 17, 24, 25, 7//11, 20, 21, 8//1, 9//4, 5, 17//23, 19//2, 3/1, 9/2, 23//1/1,

23//1/2, 2, 3, 16//17/1, 24, 24//1, 20//5/2, 23//19, 16//18/4, 16//13, 14, 15/1, 15/2, 22//6, 23//3, 11, 16//17/2, 18/1 लोगों के कब्जा में है। गांव बेलीभूड(बेचिराग मौजा) के खसरा न० 20//14/3, 15/1, 23/2, 24/2, 25/2, 18//12, 18/2, 19, 21, 22, 23, 26, 19//1, 8/2, 9, 10, 25, 20//5/2, 6/1, 24//2/2, 3/1, 4, 5, 6, 7, 8/2, 14/1, 18/1, 19/2, 22/2, 25//1/1, 2/1, 3/1, 18/1, 23/1, 29//11/1, 23//15/2, 20//5/1 लोगों के कब्जा में है। ग्राम पंचायत भूडकला के गांव कोहलीवाला के खसरा न० 13//12/2, 13, 14, 16, 17, 18 व खसरा न० 13//11, 12/1, 19, 20, 14//15, 16 लोगों के कब्जा में है। उक्त भूमि जो लोगों के कब्जा में है उनका कब्जा हटवाने के लिए कोर्ट केस विभिन्न न्यायालयों में दायर किये गये हैं।

| न्यायालय का नाम | एरिया A-K-M | रिमाकर्स |
|--|----------------|---|
| सुप्रीम कोर्ट ऑफ इण्डिया, न्यू दिल्ली | 71-4-1 | केस दिनांक 23.08.2024 के लिए सुनवाई हेतु निश्चित है। |
| आयुक्त, अम्बाला मण्डल, अम्बाला | 10-6-6 | यह केस ग्राम पंचायत के विरुद्ध दिनांक 05.03.2024 को हो गया है। इस बारे सरपंच ग्राम पंचायत को अपील करने के निर्देश दे दिए गए हैं। |
| सहायक कलेक्टर प्रथम श्रेणी, यमुनानगर | 31-6-16 | केस दिनांक 17.07.2024 के लिए सुनवाई हेतु निश्चित है। |
| | 114-1-3 | |

- ग्राम पंचायत की पंचायती भूमि पर पिछले दो वर्षों से कोई अवैध खनन नहीं हुआ है और समय-समय पर ग्राम पंचायत द्वारा पंचायती भूमि में अवैध खनन को रोकने के लिए पंचायती भूमि में जाने वाले रास्तों पर खाईयां खोद कर रास्ता को अवरुद्ध किया गया है (फोटों सलंगन-1)। इसके अतिरिक्त पूर्व में जो पंचायती भूमि में अवैध खनन बारे शिकायत मिलती थी उस पर ग्राम पंचायत द्वारा तुरन्त प्रस्ताव पारित कर नियमानुसार कार्यवाही हेतु खनन व पुलिस विभाग से पत्राचार किया गया है।
- ग्राम पंचायत भूडकला द्वारा प्रस्ताव पारित कर वन विभाग को पौधा रोपण हेतु लिखा गया था, जिसमें वन विभाग द्वारा ग्राम पंचायत की खदान वाली भूमि में 12 एकड़ 4 कनाल 6 मरले भूमि पर पौधा रोपण किया हुआ है तथा अब ग्राम पंचायत द्वारा प्रस्ताव न० 01 दिनांक 18.06.2024(प्रति सलंगन-2) के माध्यम से पंचायती भूमि जिस पर पुराने खदान दर्ज है पर पौधा रोपण या बायों-डाईवरस्टी पार्क बनाने बारे प्रस्ताव पारित कर वन विभाग को भेजा गया है, (प्रति सलंगन-3)। इसके अतिरिक्त 6 एकड़ 2 मरले भूमि को ग्राम पंचायत द्वारा पट्टा पर दिया जा रहा है जिस पर पट्टेदार द्वारा फसल की विजाई कर खेती की जा रही है।

यहां यह भी व्यक्त किया जाता है कि गांव कोहलीवाला की पंचायती/शामलात भूमि बारे एक अपील नम्बर 73/2019 माननीय न्यायालय मण्डल आयुक्त अम्बाला मण्डल में दायर की गई थी जिसका फैसला दिनांक 05.03.2024 को ग्राम पंचायत के विरुद्ध आया है और अब सरपंच ग्राम पंचायत भूडकला को इस कार्यालय के पत्र क्रमांक 5293 दिनांक 11.06.2024 के माध्यम से माननीय न्यायालय से सम्पूर्ण केस की नकल लेकर माननीय FCR Haryana में उक्त फैसले के विरुद्ध अपील दायर करने बारे लिखा गया है (प्रति सलंगन-5)।
सलंगन:- उक्तानुसार।

खण्ड विकास एवं पंचायत अधिकारी,
प्रताप नगर।

ग्राम कौली वाला H.B.N.
68

ग्राम पंचायत भूड कौली

खण्ड प्रतापनगर (यमुनानगर)

शामलात देह / पंचायत देह

यूटिलाइजेशन प्लान

कुल शामलात देह अकड़ कालम मरम
84 - 00 - 16

बाराही
अकड़ कालम मरम
3 - 7 - 2

बजर कदीम
अकड़ कालम मरम
0 - 4 - 18

गैर मुनाफन
अकड़ कालम मरम
79 - 4 - 16



प्रस्ताव ग्राम कोलीवाला पंचायत भूडकलांहदबस्त नम्बर 68, खण्ड प्रतानगर, जिला यमुनानगर।

माननीय पंजाब एवं हरियाणा उच्च न्यायलय ने सी0डब्ल्यू0पी0 13652/ 2009 मे सरकार को आदेश जारी किये है।

पास प्रस्ताव न0 2

दिनांक 10-6-24

ग्राम कोलीवाला पंचायत भूडकलांकी पंचायती भूमि का लैण्ड यूटिलाईजेशन प्लान तैयार किया जाना है। इस प्लान मे पंजाब विलेज कॉमन लैण्ड (रेगुलेशन) रूलज 1964. के तहत रूल 3 व सैक्शन 5 के तहत निर्धारित हिदायत के अनुसार तैयार किया जाना है इस कार्य हेतू सर्वसम्मति से फैसला लिया गया कमेटी गठन प्रस्ताव नं0 1..... दिनांक 25-5-24. के द्वारा पांच सदस्यो की कमेटी का गठन किया गया, जो ग्राम पंचायत की समस्त भूमि से सम्बन्धित जमाबन्दी प्राप्त करके जमाबन्दी अनुसार सर्वे करेगे कि शामिलत देह व ग्राम पंचायत मुस्तरका मालकांन व दीगर हकदारान आदि की भूमि किस उदेश्य के लिए प्रयोग मे लाई जा रही है यह कमेटी अपनी रिपोर्ट 15 दिन मे अन्दर-अन्दर पंचायत को देगी।

ग्राम स्तर की कमेटी के नाम वा पद निम्न प्रकार से है:-

1. श्री/श्रीमति बालेश देवी सरपंच जसवीर सिंह.....ग्राम सचिव श्री
2. पंच श्री रविश..... ⑤. कामूल पंच
3. पंच श्री रवि..... ⑥. इन्द्र देवी पंच
4. पंच श्री श्रीपति.....

उक्त कमेटी अनुसार ग्राम पंचायत की भूमि का लैण्ड यूटिलाईजेशन प्लान तैयार किया गया जिसका विवरण निम्न प्रकार से है।

| क्रमांक | किस्म | खसरा नं0 | रकबा ए0क0म0 | विवरण क0म0 |
|---------|---|---|----------------|---|
| 1. | पशु चरगाह/ बैसक मवेशियान व चरान्द | - | - | - |
| 2. | पौधारोपण या बाग | <u>21//24-25 23//21-22 24//1-2-9-10-20-21</u> <u>25//16-17-18-19-20-22-23-24-25</u> <u>26//4-15 नं0 27//3-4-5-6 28//1-10-11</u> | <u>23-1-5</u> | <u>185-5</u> <u>जैर हुं रकबा</u> <u>पौधारोपण/बाग</u> <u>इला 12-4-6</u> |

तथा 10-4-19
रबानी रबदान

| क्रमांक | किस्म | खसरा नं० | रकबा ए०क०म० | विवरण क०म० |
|---------|---|---|----------------|--|
| 2/2 | वानिकी से सम्बन्धित अन्य प्रयोजना व जंगल Bio-Diversity Park जैव विविधता पार्क | 22// 21-22-23-24-25 24// 11 25// 1-2-3-4-5-6-7-8-9-10-11 25// 12-13-14-15 26// 5-6-15 ⁰ ₁₀₀ | 24-0-4 | 192-04 गैलरी खदान जैव विविधता पार्क बाबत प्रस्तावित प्लान |
| 3. | धर्मशाला कुम्हारान व गडमिजान | 42-64 | 0-0-8 | 0-8 ⁰ ₁₀₀ चौपाल |
| 4. | चमडे या खालां की रंगाई हरिजनान तथा शोधन/हडडा रोडी | 32 | 0-1-1 | 1-1 ⁰ ₁₀₀ हडडा रोडी |
| 4/1 | हरिजनान धर्मशाला | 105 | 0-5-17 | 2-0 ⁰ ₁₀₀ अशाला 3-17 ⁰ ₁₀₀ कदीम 5-17 |
| 5. | श्मशानघाट | 30 | 0-2-0 | 2-0 ⁰ ₁₀₀ श्मशान ग्राह |
| 6 | खाद गढडा 9// 10/2-10/3-10/4-10/5-10/7-10/8-10/9-10/10 9// 17/2-17/3-17/4-17/5-17/6-17/7-17/8-17/9-17/10-17/11 9// 17/12 5// 3/4-3/5-3/6-3/7-3/8-3/9 | | 0-1-5 | 1-5 ⁰ ₁₀₀ गढडा खदान |
| 7 | जन शौचालय और पेशाबघर | — | — | — |

| क्र० | किस्म | खसरा न० | रकबा ए० क० म० | विवरण क० म० |
|------|--|--------------|---------------------|---|
| 8 | नलिया नहर अन्य जलमार्ग कूल आदि | 33/2 34/2 | 5-2-7 | 4-10 गी. भूमि कुल 37-17 गी. भूमि डिस्पैन्सरी <u>42-7</u> गी. भूमि |
| 9 | खेल के मैदान | — | — | — |
| 10 | राजकीय स्कूल भवन तथा इसका पुस्तकालय | — | — | — |
| 11 | राजकीय हस्पताल या डिस्पैन्सरी, पशु हस्पताल | — | — | — |
| 12 | शहीद स्मारक व वाहन पार्किंग व योगशाला | — | — | — |
| 13 | पंचायत घर व धर्मशाला व व बारात घर | 53/9 | 0-0-10 | 0-10 गी. भूमि पंचायत घर |
| 14 | तालब व मछली केन्द्र जोहड | 31-35 | 0-4-4 | 3-12 गी. भूमि जोहड 0-12 गी. भूमि <u>4-4</u> गी. भूमि |
| 15 | अन्य जल स्रोत घर | — | — | — |

| क्र० | किस्म | खसरा न० | रकबा ए० क० म० | विवरण क० म० |
|------|--|---|--------------------------|--|
| 16 | खलिहान | 36 | ०-०-10 | ०-10 बगैर कर्तव्य |
| 17 | कोल्हू | 54 | ०-०-11 | ०-11 बगैर कर्तव्य |
| 18 | कृषि भूमि | 13//14-16 14//15-16 | 3-7-2 | 31-2 बागवानी |
| 19 | खाली गैर मुमकिन भूमि व अन्य बागवानी प्रयोजन | 13//11-12-12/2-13-19-20-17-18 14//10/2-20 15//6-15-16-17-25 21//14-15-16-17 22//17-18-19-20 | 18-7-13 | 151-13 गैर कर्तव्य स्वदान |
| 20 | खाद्य पदार्थ व चारा फसलों की पैदावार | — | — | — |
| 21 | मिट्टी के बर्तन या ईंट भट्टा व खनिज उत्खनन | — | — | — |
| 22 | विशेष आर्थिक जोन परियोजनाएं | — | — | — |
| 23 | सड़के रास्ते, गलियां तथा उपविधिकाएं | 40-49-53/8-59-61-70 74-80-82-83-84/2-85 99-107-108-109-110-111- 112-113 | 5-5-7 | 45-7 गैर कर्तव्य रास्ते जाह |
| 24 | पैलेस पार्क स्टेडियम आदि | — | — | — |
| 25 | रिहायशी बाड़ाजात व अन्य प्लॉट मकान | 38-78-79-8 14//11 | ०-५-1 ० ५-५ ०१-०-5 | ५-1 गैर कर्तव्य वाडा जात मकान ५-५ गैर कर्तव्य बाबादी 8-5 गैर कर्तव्य विद्यालय |

हस्ताक्षर ग्राम सभा के मौजिज व्यक्ति व अन्य सदस्यगण।

| नाम | हस्ताक्षर | नाम | हस्ताक्षर |
|-----|-----------|-----|-----------|
|-----|-----------|-----|-----------|

ग्राम कोलीवाला पंचायत भूडकलां के अन्य पंचायत मैम्बर

हस्ताक्षर पंचायत मैम्बर

Ravis

हस्ताक्षर पंचायत मैम्बर

KOMAL

हस्ताक्षर पंचायत मैम्बर

Kinku

हस्ताक्षर पंचायत मैम्बर

शोपाल

हस्ताक्षर पंचायत मैम्बर

सुनी देवी

हस्ताक्षर पंचायत मैम्बर

Raj Rani
हस्ताक्षर पंचायत मैम्बर

हस्ताक्षर पंचायत मैम्बर

राजपाल

हस्ताक्षर पंचायत मैम्बर

Rasni

Amit

कृपाली

~~Ravi~~

सोनी कुमार

Vipin

पुष्पमान

Rehikumar

Amit

Seth Lal

राजपाल

विमल कुमार

Banti

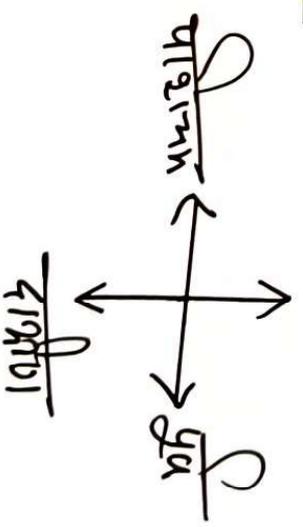
विकास कुमार

शुद्ध चाल मिला अभिलेखि ए० व० न० ६६ २००५ मधील शिवाजी

| | | | | | | |
|---------------|----|----|---------------------|----|----|---------------------|
| | 21 | 22 | 22 23 | 24 | 25 | |
| 5 | 1 | 2 | 3 | 4 | 5 | |
| 26 | 10 | 9 | 25 8 | 7 | 6 | |
| 15 | 11 | 12 | 13 | 14 | 15 | |
| | | | | | | 24 11 |

शुद्ध चाल मिला
शुद्ध चाल मिला

A - K - M
24 - 0 - 4



3-12



ग्राम पंचायत भूडकला

खण्ड प्रतापनगर, जिला यमुनानगर (हरियाणा)

क्रमांक... 1

दिनांक... 12-6-24

आज की मीटिंग में पास किया कि ग्राम पंचायत भूडकला के कोहलीवाला की पंचायती भूमि खसरा नं० 22

22, 22, 23, 24, 25, 24, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

26, 26 भूमा में से 24-0-4 (A-K-M)

5, 6, 13 भूमि जिसमें मौका पर पुराने खसरा है उन भूमि पर

ग्राम पंचायत पौधरोपण (Plantation) या Bio-Diversity Park बनवाना चाहिए प्रस्ताव की परी BDPo प्रतापनगर की मार्केट अमान Dfo YNR. की सेवा में प्रेषित है सर्वश्री/श्रीमान

- 1. वाल्मीकि सरपंच ए० अग्रणी 2. सोपान पंच ए० सिधी
- 3. शीकुं पंच ए० अग्रणी 4. कोमल पंच ए० अग्रणी
- 5. कृष्णा पंच ए० सिधी 6. रविदा पंच ए० अग्रणी
- 7. राजनी पंच ए० अग्रणी

प्रस्तावित किया जाता है कि नकला मुसकर अमान के द्वारा रखे

[Handwritten signature]

Balash Dair
ग्राम पंचायत भूडकला
खण्ड प्रतापनगर (यमुनानगर)

वन विभाग हरियाणा

कार्यालय : वन मण्डल अधिकारी, यमुनानगर वन मण्डल यमुनानगर ।

दूरभाष नं० 01732-237821

email:-dfo_tynr@rediffmail.com, dfo.ynr-hry@nic.in

क्रमांक 1034

दिनांक 18/8/2024

सेवा में,

उपायुक्त
यमुनानगरDDPO - J. N. Y. L.
PC Iविषय:- Original application No 446 of 2022 titled case as Balwinder Kumar Vs State of Haryana & Others .
सन्दर्भ:- आपका पत्र क्रमांक 3850-55/पंचायत दिनांक 13.06.2024

उपरोक्त विषय के सम्बन्ध में आपको अवगत करवाया जाता है कि ग्राम पंचायत कोहलीवाला का Balwinder kumar v/s state of Haryana केस माननीय राष्ट्रीय हरित न्यायाधिकरण न्यू दिल्ली में चल रहा है। इस केस में माननीय राष्ट्रीय हरित न्यायाधिकरण न्यू दिल्ली द्वारा आदेश दिए गए हैं कि उक्त पंचायत भूमि पर पौधारोपण करवाया जाये। खण्ड विकास एवं पंचायत अधिकारी प्रताप नगर ने अपने पत्र क्रमांक 5070 दिनांक 14.06.2024 द्वारा भूड कलां ग्राम पंचायत का प्रस्ताव इस कार्यालय को भेजा है। उक्त प्रस्ताव अनुसार गांव कोहलीवाला की 24 एकड भूमि पौधारोपण के लिए प्रस्तावित की गई है। इस कार्यालय के पत्र क्रमांक 1028 दिनांक 14.06.2024 द्वारा सदस्य सचिव हरि० जैव विविधता बोर्ड पंचकूला को Biodiversity Park का प्लान बनाने हेतु अनुरोध किया गया। सदस्य सचिव हरि० जैव विविधता बोर्ड पंचकूला ने अपने पत्र क्रमांक 246 दिनांक 18.06.2024 द्वारा Biodiversity Park का प्लान इस कार्यालय को भेजा है। उक्त प्लान आपको सलग्न भेजते हुए अनुरोध किया जाता है कि प्लान अनुसार आगामी कार्यवाही करने का कष्ट करे।

सलग्न प्लान


उप वन सरक्षक
यमुनानगर

पृ०क्रमांक

दिनांक

एक प्रति निम्न को

1. जिला विकास एवं पंचायत अधिकारी यमुनानगर
2. खण्ड विकास एवं पंचायत अधिकारी प्रताप नगर को उनके पत्र क्रमांक 5070 दिनांक 14.06.2024 के सन्दर्भ में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।


उप वन सरक्षक
यमुनानगर

Detailed Project Report for Biodiversity Park at Village Kohliwalan, Gram Panchayat Bhoodkalan, Yamunanagar District, Haryana

Project Overview The Haryana State Biodiversity Board, in collaboration with the Forest Department, proposes the establishment of a Biodiversity Park on 24 acres of land at Village Kohliwalan, Gram Panchayat Bhoodkalan, in the Yamunanagar District of Haryana. The project aims to create a thriving ecosystem by planting native species and restoring mining-affected areas, contributing to biodiversity conservation and environmental sustainability.

Present Site Condition-



Objectives

- Conservation of Native Flora:** To plant native species like Khair, Shissam, Bargad, Peepal, Acacia, Kadam, Jamun, Mango, Neem, and other Shivalik species.
- Restoration of Mining-Affected Areas:** To undertake soil and moisture conservation works to restore areas affected by sand mining. Bio-reclamation of degraded mined areas
- Promotion of Biodiversity:** To create a rich and diverse habitat for flora and fauna.
- Environmental Education:** To serve as an educational resource for the community, promoting awareness about biodiversity and conservation.

Project Components

- Site Demarcation and Fencing**
 - Demarcation:** The 24-acre area will be clearly demarcated using modern surveying techniques to define the boundaries.

- o **Fencing:** Chain-link fencing will be installed around the entire perimeter to protect the area from encroachments and grazing.
2. **Soil and Moisture Conservation-** Soil and moisture conservation activities are critical for the successful restoration of the 24-acre mining area in Yamunanagar, which includes both plain and undulating land. Key techniques such as contour trenching and bunding will be employed on the undulating land to control soil erosion and enhance water retention. On the plain areas, the creation of small check dams and percolation ponds will help in groundwater recharge and moisture conservation. Additionally, mulching around newly planted saplings will help retain soil moisture and reduce water evaporation. Planting grass strips and cover crops will further stabilize the soil, prevent erosion, and improve soil fertility. These integrated soil and moisture conservation practices will create a conducive environment for the growth of native vegetation, ensuring the long-term sustainability of the restoration efforts.

3. Plantation Activities

Tree Species Selection:

Plant native species such as Khair (*Acacia catechu*), Shissam (*Dalbergia sissoo*), Bargad (*Ficus benghalensis*), Peepal (*Ficus religiosa*), Acacia (*Acacia* spp.), Kadam (*Neolamarckia cadamba*), Jamun (*Syzygium cumini*), Mango (*Mangifera indica*), Neem (*Azadirachta indica*), and other Shivalik species.

Dalbergia sissoo (Sheesham) is valued for its hardwood and soil-binding properties, suitable for stabilizing soil and preventing erosion. **Azadirachta indica (Neem)** is known for its resilience and medicinal properties, improving soil quality and providing shade. **Albizia lebeck (Siris)** is a fast-growing, nitrogen-fixing tree that enhances soil fertility and provides shade and fodder. **Tamarindus indica (Tamarind)** can grow in poor soils and is valued for its fruit, shade, and soil-stabilizing properties. **Ficus religiosa (Peepal), Bargad (Ficus benghalensis), & Jamun (Syzygium cumini)** is a hardy tree that grows well in various soil types, providing shade and habitat for wildlife. **Moringa oleifera (Drumstick Tree)** is known for its fast growth and nutritional value, improving soil quality and providing food resources. **Khair & Madhuca longifolia (Mahua)** is a native tree that grows well in poor soils, **Melia azedarach (Persian Lilac)** is a hardy tree that grows well in degraded soils, providing shade and ornamental value. **Terminalia arjuna (Arjun) & Kadamb** is known for its medicinal properties, growing well in degraded soils and helping stabilize riverbanks and soil. **Cassia fistula (Golden Shower Tree)** is an ornamental tree that grows well in degraded soils, providing shade and aesthetic value. **Bauhinia variegata (Kachnar)** is a hardy tree that grows in poor soils, providing flowers and leaves used in traditional medicine and cuisine. **Ziziphus mauritiana (Indian Jujube)** is suitable for arid conditions, helping in soil stabilization and providing fruit and fodder. **Acacia nilotica (Babool)** is a nitrogen-fixing tree that improves soil fertility and is drought-resistant, making it ideal for degraded lands.

Herbs- Among the commonly used herbs, Vetiver (*Chrysopogon zizanioides*) stands out for its deep root system, which aids in soil stabilization and prevents erosion. Lemon Grass (*Cymbopogon citratus*) is another hardy grass that thrives in poor soil conditions and assists in stabilizing the soil. Sida (*Sida cordifolia*), a medicinal herb, is resilient and can grow in disturbed soils, making it ideal for restoration projects. Cenchrus ciliaris (Buffel Grass) is a drought-resistant grass that helps in binding the soil and improving soil fertility, while *Achyranthes aspera* (Prickly Chaff Flower) is known for its ability to grow in degraded soils and aid in soil regeneration.

Shrubs-For shrubs, *Cassia siamea* (*Senna siamea*) is favored for its fast growth, soil stabilization, and nitrogen fixation properties. *Leptadenia pyrotechnica* is a hardy shrub excellent for binding loose soils and preventing erosion. *Carissa carandas* (**Karonda**) is a drought-resistant shrub that thrives in poor soils and aids in soil conservation. *Adhatoda vasica* (**Malabar Nut**), a medicinal shrub, is resilient and improves soil quality. **Additionally, *Calotropis procera* (Milkweed)** is known for its hardiness and ability to grow in arid conditions, helping in preventing soil erosion. *Dodonaea viscosa* (Hopbush) thrives in poor soils and contributes to soil stabilization. *Capparis decidua* (Caper Bush) can thrive in dry and degraded soils, aiding in soil regeneration. *Ziziphus mauritiana* (Indian Jujube) is a resilient shrub that grows in poor soils and aids in soil conservation.

Theme based Biodiversity cultural Spot-the proposed biodiversity park will feature several theme-based gardens designed to promote spiritual well-being and connect visitors with nature in unique and meaningful ways. These gardens will include the *Panchvati*, *Rashi Van*, *Nakshatra Van*, *Navgraha Van*, *Arogya Van*, *Lakshmi Van*, *Saptarishi Van*, *Ficus Walk*. Each garden will be meticulously curated to reflect its respective theme, offering a harmonious blend of natural beauty and spiritual significance. For instance, the *Panchvati* will recreate the mythical forest grove from Indian epics, while the *Nakshatra Van* and *Rashi Van* will be designed based on astrological principles, featuring plants associated with different constellations and zodiac signs. The *Navgraha Van* will focus on plants related to the nine celestial bodies in Vedic astrology, and the *Arogya Van* will showcase medicinal plants, highlighting their traditional healing properties. Together, these themed gardens will not only enhance the ecological and aesthetic value of the park but also provide a tranquil sanctuary for visitors to experience peace, rejuvenation, and a deeper connection to the natural world.

Navgraha Van- PLANTS



| Planet | Associated plant | Botanical Name |
|---------|------------------|-----------------------------|
| Surya | Aak | <i>Calotropis procera</i> |
| Chandra | Palas | <i>Butea monosperma</i> |
| Margal | Khair | <i>Acacia catechu</i> |
| Budh | Chichida | <i>Achyranthes aspera</i> |
| Guru | Pipal | <i>Ficus religiosa</i> |
| Shukra | Gular | <i>Ficus glomerata</i> |
| Shani | Kantikhair | <i>Acacia ferruginea</i> |
| Rahu | Doob | <i>Cynodom dactylon</i> |
| Ketu | Darbhe | <i>Saccharum spontaneum</i> |



PANCHVATI - PLANTS



| Common Name | Botanical Name |
|-------------|---------------------------|
| Banyan | <i>Ficus Bengalensis</i> |
| Peepal | <i>Ficus religiosa</i> |
| Fig | <i>Ficus glomerata</i> |
| Bilva | <i>Aegel marmelos</i> |
| Amla | <i>Emblca officinalis</i> |



Nakshatra Van- PLANTS



Groups of stars known as constellations appear to be fixed in the sky. Each of the 27 constellations (Nakshatras) that the Sun travels through is given its own tree in the Hindu Panchanga. When they pass through these 27 constellations, celestial bodies like the Sun and Moon are said to have distinct effects on people.

| SN | Nakshatra | Associated Plants | Botanical Name |
|----|----------------|--------------------|-------------------------------|
| 1 | Ashwini | Zer Kochelu | <i>Strychnos nuxvomica</i> |
| 2 | Bharini | Amla | <i>Emblca officinalis</i> |
| 3 | Krittika | Umara | <i>Ficus glomerata</i> |
| 4 | Rohini | Jamun | <i>Syzygium cumini</i> |
| 5 | Mrigshira | Khar | <i>Acacia catechu</i> |
| 6 | Ardra | Krishnajurn (Ager) | <i>Aquilaria agallocha</i> |
| 7 | Punarvasu | Bans | <i>Dendrocalamus strictus</i> |
| 8 | Pushya | Pipal | <i>Ficus religiosa</i> |
| 9 | Ashleha | Nagkesar | <i>Mesua ferrea</i> |
| 10 | Magha | Vad | <i>Ficus benghalensis</i> |
| 11 | Purva Falguni | Palas | <i>Butea monosperma</i> |
| 12 | Uttara Falguni | Pipadi | <i>Ficus rumphii</i> |
| 13 | Hasta | Juhi | <i>Jasminum auriculatum</i> |
| 14 | Chitra | Bil | <i>Aegle marmelos</i> |



Plantation Techniques: Use a mix of forestry techniques including Miyawaki method for rapid afforestation, especially in designated areas. Pitting involves digging pits of appropriate sizes, to plant saplings, ensuring proper spacing to allow for growth and root expansion. Contouring and terracing are essential on slopes to reduce soil erosion and enhance water retention. Contouring involves shaping the land to follow the natural topography, while terracing creates step-like levels on slopes to slow down water runoff and increase infiltration. **Maintenance:** Regular watering, mulching, and protection from pests and diseases.

4 Mining Restoration

To restore the mining-affected land in Kohliwalan village, Yamunanagar, a comprehensive strategy encompassing land reclamation, vegetation cover development, and continuous monitoring and maintenance will be implemented. Initially, the mined area will undergo land reclamation by grading to restore its original topography and filling pits with soil amendments to improve fertility. Continuous monitoring will ensure the success of these efforts, with regular inspections assessing plant growth, soil stability, and ecosystem health. Maintenance activities, such as irrigation, weeding, and pest control, will be conducted as necessary.

5 Infrastructure Development

The proposed biodiversity park will be meticulously designed to provide a comprehensive and enriching experience for visitors, with a focus on both infrastructure and ecological sustainability. At the entrance and arrival point, visitors will be greeted with a welcoming and informative Interpretation Centre, offering insights into the park's diverse ecosystems and the significance of its conservation efforts. To enhance visitor convenience and comfort, the park will feature well-maintained public conveniences strategically located throughout the area. A viewing deck will be constructed to offer panoramic views of the park's stunning landscapes. Bird enthusiasts will particularly enjoy the birdwatching tower, designed to offer unobstructed views of avian species in their natural habitat. A dedicated selfie point will provide a picturesque backdrop for visitors to capture memorable moments. The development of walkways will ensure easy and enjoyable navigation through the park, allowing visitors to explore its various attractions. For security and monitoring purposes, a security tower will be erected, ensuring the safety of both visitors and the park's wildlife.

6 Community Engagement and Education

Community engagement will be a cornerstone of the biodiversity park's initiatives, fostering a deep connection between local residents and the natural environment. Regular workshops, educational programs, and guided tours will be organized to raise awareness about the importance of biodiversity and conservation. The park will collaborate with schools, colleges, and local organizations to involve students and volunteers in plantation drives and maintenance activities. Special events, such as nature festivals and eco-friendly fairs, will be held to celebrate the local culture and environment. By actively involving the community, the biodiversity park aims to create a sense of ownership and stewardship, ensuring its preservation for future generations.

Implementation Plan

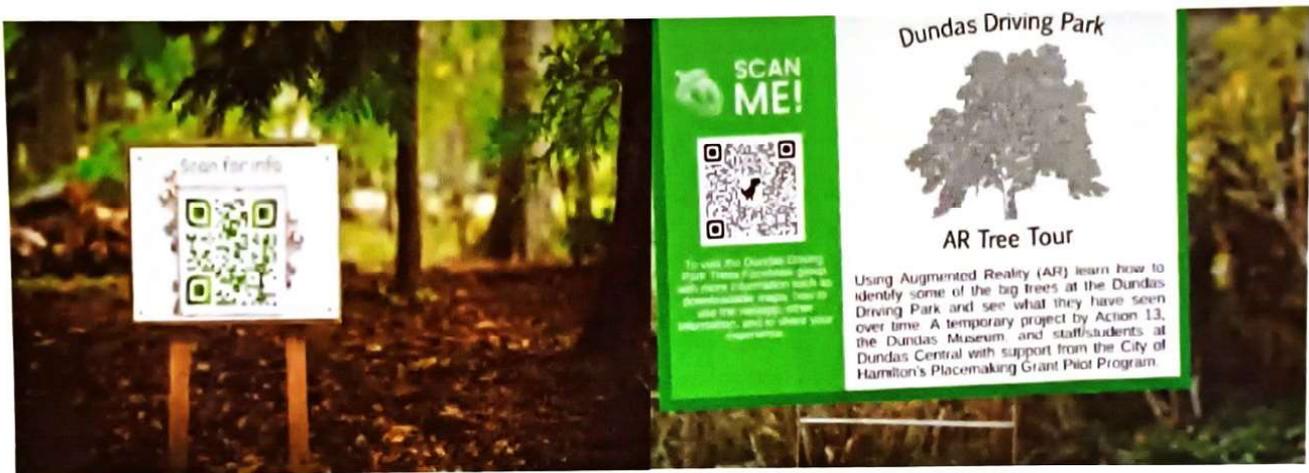
1. Phase 1: Planning and Demarcation
 - o Survey and demarcate the area.
 - o Install chainlink fencing around the perimeter.
2. Phase 2: Soil and Moisture Conservation
 - o Implement terracing, contour bunding, and construct check dams.
 - o Plant grass and cover crops.
3. Phase 3: Plantation Activities
 - o Select and procure native plant species.
 - o Prepare the land and carry out plantation using different techniques.
4. Phase 4: Mining Restoration
 - o Reclaim mined areas and establish a vegetative cover.
5. Phase 5: Infrastructure Development
 - o Develop pathways, trails, and visitor amenities.
6. Phase 6: Community Engagement and Education
 - o Conduct awareness programs and organize educational tours.

Budget Estimate

| Component | Cost (INR) |
|------------------------------------|--------------------|
| Site Demarcation and Fencing | 40,00,000 |
| Soil and Moisture Conservation | 15,00,000 |
| Plantation Activities | 20,00,000 |
| Mining Restoration | 20,00,000 |
| Infrastructure Development | 30,00,000 |
| Community Engagement and Education | 5,00,000 |
| Total | 1,30,00,000 |

Monitoring and Evaluation A monitoring committee will be established to oversee the progress of the project. Regular evaluations will be conducted to ensure that the objectives are being met, and necessary adjustments will be made based on the feedback and observations.

SMART ELEMENTS- QR code To identify the plants and other information



Conclusion The establishment of a Biodiversity Park at Village Kohliwalan will significantly contribute to the conservation of native species, restoration of mining-affected areas, and promotion of biodiversity. The involvement of the local community and the creation of educational opportunities will further enhance the environmental and social benefits of the project.

प्रेषक

खण्ड विकास एवं पंचायत अधिकारी,
प्रतापनगर।

सेवा में,

सरपंच,
ग्राम पंचायत भूडकलां।

क्रमांक 5293

दिनांक 11/06/2024

विषय:-

अपील सं० 73 ऑफ 2019 ग्राम पंचायत बनाम पृथ्वी व अन्य के आदेशों के विरुद्ध अपील करने बारे।

उपरोक्त विषय बारे आपको लिखा जाता है कि गांव कोहलीवाला की पंचायती/शामलात भूमि पर लोगो का कब्जा हटवाने बारे ग्राम पंचायत द्वारा एक अपील नं० 73 ऑफ 2019 माननीय न्यायालय मण्डल आयुक्त, अम्बाला मण्डल में दायर की गई थी जिसका फैसला दिनांक 05.03.2024 को ग्राम पंचायत के विरुद्ध हो चुका है।

अतः आपको आदेश दिए जाते है कि माननीय न्यायालय से सम्पूर्ण केस की नकल निकलवा कर माननीय FCR Haryana में अपील दायर करने बारे कार्यवाही करना सुनिश्चित करे ताकि पंचायत भूमि को कब्जा मुक्त करवाया जा सके।

खण्ड विकास एवं पंचायत अधिकारी,
प्रतापनगर।

Diary number

| | | | | |
|--------------|-------------|----------|------------|-------|
| Diary Number | Case Number | Aor Code | Party Name | Court |
|--------------|-------------|----------|------------|-------|

Back

DIARY NO. - 32189/2023

THE STATE OF HARYANA VS. BHAMBOOL SINGH

| | |
|--|--|
| Case Details | - |
| DIARY NO. - 32189/2023 | |
| THE STATE OF HARYANA VS. BHAMBOOL SINGH | |
| Case Details | - |
| Diary Number | 32189/2023 Filed on 08-08-2023 04:12 PM [SECTION: IV-B] PENDING |
| Case Number | SLP(C) No. 026878 - / 2023 Registered on 05-12-2023 (Verified On 20-09-2023) |
| Present/Last Listed On | 06-05-2024 [HON'BLE MR. JUSTICE C.T. RAVIKUMAR and HON'BLE MR. JUSTICE RAJESH BINDAL] |
| Status/Stage | Pending (Motion Hearing [AFTER NOTICE (FOR ADMISSION) - CIVIL CASES]) List On (Date) (23-08-2024), Not taken up/ Not Today-Ord dt:06-05-2024 |
| Category | 3505-Land Laws And Agricultural Tenancies : Others |

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Petitioner(s) 1 THE STATE OF HARYANA
 2 FINANCIAL COMMISSIONER CUM SECRETARY
 3 DEPUTY COMMISSIONER
 4 TEHSILDAR PANCHKULA

Respondent(s) 1 BHAMBOOL SINGH
 2 RAVINDER SINGH
 3 BHIM SINGH RANA
 4 GRAM PANCHAYAT VILLAGE BATAUR

Petitioner Advocate(s) B. K. SATIJA

Respondent Advocate(s)

Argument Transcripts

+

Indexing

+

Earlier Court Details

+

Tagged Matters

+

Listing Dates

+

Interlocutory Application Documents

+

Court Fees

+

Case No. 18/2024/KZ
 6/8/24 1st

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न्यायालय श्रीमान् सहायक कलेक्टर, प्रथम श्रेणी, यमुनानगर।

.....

म.स.प. 17/7/24

17/7/24

for Secy

ग्राम पंचायत भूडकलां (वैली भूड), खण्ड प्रताप नगर, जिला यमुनानगर।

..प्रार्थी

बनाम

1. अश्वनी कुमार
2. हरविन्द्र
3. सुनील कुमार पुत्रान सन्त राम पुत्र गोकल चन्द
4. कमलेश पत्नी अश्वनी कुमार पुत्र सन्त राम
5. सोनिया पत्नी हरविन्द्र पुत्र सन्त राम
6. गोरी पत्नी सुनील कुमार पुत्र सन्त राम

निवासीगण ग्राम वैली भूड/भूडकलां, खण्ड प्रताप नगर, जिला यमुनानगर।

...उत्तरवादीगण

दरखास्त अर्न्तगत धारा 7(2) हरियाणा ग्राम शामलात भूमि अधिनियम 1961 बाबत वेदखली उत्तरवादीगण बाबत भूमि खेबट नं0 20//20, खतीनी नं0 21, खसरा नं0 18//12,18/2, 19, 21, 22, 23, 26, 19//1, 8/2, 9, 10, 25, 20//5/2, 6/1, 24//2/2, 3/1, 4, 5, 6, 7, 8/2, 14/1, 18/1, 19/2, 22/2, 25//1/1, 2/1, 3/1, 18/1, 23/1, 29//11/1, 30//15/2, तादादी 180 कनाल 05 मरले, स्थित ग्राम वैली भूड, हदयसत नं0 63, खण्ड प्रताप नगर, जिला यमुनानगर अनुसार जमाबन्दी वर्ष 2020-21

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श्रीमान् जी,

प्रार्थी ग्राम पंचायत निम्नलिखित निवेदन करती है :-

1. यह कि ग्राम भूडकलां व ग्राम वैली भूड की इक्ट्टी ग्राम पंचायत भूडकलां के नाम से है। इसलिए इस दरखारत को दायर करने व इसकी पैरवी करने का अधिकार ग्राम पंचायत भूडकलां ने अपने प्रस्ताव क्रमांक ..., दिनांक द्वारा सरपंच, ग्राम पंचायत भूडकलां को दिया हुआ है। प्रस्ताव की प्रति साथ संलग्न है।
2. यह कि भूमि मुतनाजा राजस्व रिकार्ड जमावन्दी वर्ष 2020-21 के अनुसार शामलात देह है, जो कि नियमानुसार ग्राम पंचायत की मलकियती भूमि है। भूमि मुतनाजा सभी ग्रामवासियों के साझे कार्यों के लिए प्रयोग हो रही है, जिसका प्रवन्ध व नियंत्रण शुरू से ही ग्राम पंचायत के पास चला आ रहा है। इस प्रकार भूमि मुतनाजा शामलात देह की परिभाषा में आती है और पंचायत में निहित करती है।
3. यह कि उत्तरवादीगण ने भूमि मुतनाजा पर नाजायज कब्जा करके काशत करते चले आ रहे हैं तथा ग्राम पंचायत को आर्थिक नुकसान पहुँचा रहे हैं। जबकि ग्राम पंचायत की भूमि सरैआम बोली द्वारा पट्टे पर दी जानी होती है, लेकिन उत्तरवादीगण की भूमि मुतनाजा पर नाजायज कब्जा करने की वजह ग्राम पंचायत को भूमि मुतनाजा को पट्टे पर देने के लिये काफी दिक्कत पेश आ रही है। इसलिए ग्राम पंचायत को यह दरखारत देने की आवश्यकता पड़ी है।
4. यह कि ग्राम पंचायत ने उत्तरवादीगण को भूमि मुतनाजा को खाली करने वारे कई वार प्रार्थना की, परन्तु उत्तरवादीगण पहले टाल मटौल करते रहे और अब अपना नाजायज कब्जा हटाने से साफ इन्कार कर दिया है। इसलिए ग्राम पंचायत को यह दरखारत देने की आवश्यकता पड़ी है।



- 3 -

5. यह कि भूमि मुतनाजा ग्राम बैली भूड, खण्ड प्रताप नगर, जिला यमुनानगर में स्थित है, जो इस न्यायालय के क्षेत्राधिकार में आती है। अतः इस न्यायालय को यह दरखास्त सुनने तथा इस पर अपना निर्णय करने का पूरा हक हासिल है।
6. यह कि दरखास्त के साथ नकल पंचायत प्रस्ताव, नकल जमावन्दी वर्ष 2020-21 व अन्य सभी आवश्यक कागजात संलग्न है।
7. यह कि दरखास्त पर उचित कोर्ट फीस चसपा कर दी है।

अन्त में जनाव से प्रार्थना है कि उत्तरवादीगण को भूमि मुतनाजा से वेदखल किया जाए तथा भूमि मुतनाजा का कब्जा खड़े पौधों सहित उत्तरवादीगण से ग्राम पंचायत को दिलाया जाए और पंचायत को हुए नुकसान की पूर्ति के लिए वर्ष 2020 से लेकर कब्जा वापिस ग्राम पंचायत को देने तक मुबलिंग 10,000/-रुपये प्रति एकड़ प्रतिवर्ष के हिसाब से उत्तरवादीगण पर पेनेल्टी भी डाली जाए। आपकी अति कृपा होगी।

तसदीक :

... प्रार्थी

तसदीक किया जाता है कि दरखास्त के सभी तथ्य मेरे ज्ञान और विश्वास से ठीक व सत्य हैं, इसमें कुछ गलत नहीं लिखा गया है।
आज दिनांक 6/6/21 को तसदीक किया गया।

.... प्रार्थी

Case No. 19/2001/AR0
6/6/2021

24

न्यायालय श्रीमान् राहायक कलैक्टर, प्रथम श्रेणी, यमुनानगर।

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ग्राम पंचायत भूइकलां (वैली भूड), खण्ड प्रताप नगर, जिला यमुनानगर।

..प्रार्थी

यनाम

1. नगीना
2. घसीटा
3. लीला पुत्रान छजू पुत्र मीरा सिंह

निवासीगण ग्राम वैली भूड/भूइकलां, खण्ड प्रताप नगर, जिला यमुनानगर।

...उत्तरवादीगण

दरखारत अर्न्तगत धारा 7(2) हरियाणा ग्राम शामलात भूमि अधिनियम 1961 बाबत वेदखली उत्तरवादीगण बाबत भूमि खेवट नं0 20//20, खतीनी नं0 20, खसरा नं0 20//14/3, 15/1,23/2, 24/2,25/2, तादादी 22 कनाल 13 मरले, स्थित ग्राम वैली भूड, हदवस्त नं0 63, खण्ड प्रताप नगर, जिला यमुनानगर अनुसार जमाबन्दी वर्ष 2020-21

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श्रीमान् जी,

प्रार्थी ग्राम पंचायत निम्नलिखित निवेदन करती है :-

1. यह कि ग्राम भूइकलां व ग्राम वैली भूड की इपट्टी ग्राम पंचायत भूइकलां के नाम से है। इसलिए इस दरखारत को दायर करने व इसकी पैरवी करने का अधिकार ग्राम पंचायत भूइकलां ने अपने प्रस्ताव क्रमांक ..., दिनांक

द्वारा सरपंच, ग्राम पंचायत भूडकलां को दिया हुआ है। प्रस्ताव की प्रति साथ संलग्न है।

2. यह कि भूमि मुतनाजा राजस्व रिकार्ड जमावन्दी वर्ष 2020-21 के अनुसार शामिलता देह है, जो कि नियमानुसार ग्राम पंचायत की मलकियती भूमि है। भूमि मुतनाजा सभी ग्रामवासियों के सांझे कार्यों के लिए प्रयोग हो रही है, जिसका प्रबन्ध व नियंत्रण शुरू से ही ग्राम पंचायत के पास चला आ रहा है। इस प्रकार भूमि मुतनाजा शामिलता देह की परिभाषा में आती है और पंचायत में निहित करती है।

3. यह कि उत्तरवादीगण ने भूमि मुतनाजा पर नाजायज कब्जा करके काश्त करते चले आ रहे हैं तथा ग्राम पंचायत को आर्थिक नुकसान पहुँचा रहे हैं। जबकि ग्राम पंचायत की भूमि सरैआम बोली द्वारा पट्टे पर दी जानी होती है, लेकिन उत्तरवादीगण की भूमि मुतनाजा पर नाजायज कब्जा करने की वजह ग्राम पंचायत को भूमि मुतनाजा को पट्टे पर देने के लिये काफी दिक्कत पेश आ रही है। इसलिए ग्राम पंचायत को यह दरखारत देने की आवश्यकता पड़ी है।

4. यह कि ग्राम पंचायत ने उत्तरवादीगण को भूमि मुतनाजा को खाली करने वारे कई वार प्रार्थना की, परन्तु उत्तरवादीगण पहले टाल मटील करते रहे और अब अपना नाजायज कब्जा हटाने से साफ इन्कार कर दिया है। इसलिए ग्राम पंचायत को यह दरखारत देने की आवश्यकता पड़ी है।

5. यह कि भूमि मुतनाजा ग्राम वैली भूड, खण्ड प्रताप नगर, जिला यमुनानगर में स्थित है, जो इस न्यायालय के क्षेत्राधिकार में आती है। अतः इस न्यायालय को यह दरखारत सुनने तथा इस पर अपना निर्णय करने का पूरा हक हासिल है।

6. यह कि दरखारत के साथ नकल पंचायत प्रस्ताव, नकल जमावन्दी वर्ष 2020-21 व अन्य सभी आवश्यक कागजात संलग्न है।

7. यह कि दरखारत पर उचित कोर्ट फीस चसपा कर दी है।

(26)

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अन्त में जनाव से प्रार्थना है कि उत्तरवादीगण को भूमि मुतनाजा से वेदखल किया जाए तथा भूमि मुतनाजा का कब्जा खड़े पौधों सहित उत्तरवादीगण से ग्राम पंचायत को दिलाया जाए और पंचायत को हुए नुकसान की पूर्ति के लिए वर्ष 2020 से लेकर कब्जा वापिस ग्राम पंचायत को देने तक मुचलिंग 10,000/-रुपये प्रति एकड़ प्रतिवर्ष के हिसाब से उत्तरवादीगण पर पेनेल्टी भी डाली जाए। आपकी अति कृपा होगी।



तसदीक :

... प्रार्थी

तसदीक किया जाता है कि दरखास्त के सभी तथ्य मेरे ज्ञान और विश्वास से ठीक व सत्य हैं, इसमें कुछ गलत नहीं लिखा गया है।

आज दिनांक ... 6/6/2020 ... को तसदीक किया गया।



.... प्रार्थी

(2A)

COR No' 20/VCL/ABO
2020
दिनांक 6/6/20

न्यायालय श्रीमान् सहायक कलैक्टर, प्रथम श्रेणी, यमुनानगर।

ग्राम पंचायत भूडकलां (वैली भूड), खण्ड प्रताप नगर, जिला यमुनानगर।

..प्रार्थी

Next date

17/7/24 for Examination

बनाम

1. कशमीरा
2. बुन्दी
3. लखमीरा पुत्रान करतारा पुत्र अमरत

निवासीगण ग्राम वैली भूड/भूडकलां, खण्ड प्रताप नगर, जिला यमुनानगर।

...उत्तरवादीगण

दरखास्त अर्न्तगत धारा 7(2) हरियाणा ग्राम शामलात भूमि अधिनियम 1961 बाबत वेदखली उत्तरवादीगण बाबत भूमि खेवट नं0 20//20, खतौनी नं0 22, खसरा नं0 20//5/1, तादादी 02 कनाल 08 मरले गैर मुमकिन चाही वा खतौनी नं0 23, खसरा नं0 69, 72, तादादी 50 कनाल 18 मरले, गैर मुमकिन रास्ता सरैआम, स्थित ग्राम वैली भूड, हदवरत नं0 63, खण्ड प्रताप नगर, जिला यमुनानगर अनुसार जमावन्दी वर्ष 2020-21.

.....

श्रीमान् जी,

प्रार्थी ग्राम पंचायत निम्नलिखित निवेदन करती है :-

1. यह कि ग्राम भूडकलां व ग्राम वैली भूड की इक्ट्ठी ग्राम पंचायत भूडकलां के नाम से है। इसलिए इस दरखारत को दायर करने व इसकी पैरवी करने का अधिकार ग्राम पंचायत भूडकलां ने अपने प्रस्ताव क्रमांक ..., दिनांक



द्वारा सरपंच, ग्राम पंचायत भूडकलां को दिया हुआ है। प्रस्ताव की प्रति साथ संलग्न है।

2. यह कि भूमि मुतनाजा राजस्व रिकार्ड जमावन्दी वर्ष 2020-21 के अनुसार शामलात देह है, जो कि नियमानुसार ग्राम पंचायत की मल्लिक्यती भूमि है। भूमि मुतनाजा सभी ग्रामवासियों के सांझे कार्यों के लिए प्रयोग हो रही है, जिसका प्रबन्ध व नियंत्रण शुरू से ही ग्राम पंचायत के पास चला आ रहा है। इस प्रकार भूमि मुतनाजा शामलात देह की परिभाषा में आती है और पंचायत में निहित करती है।

3. यह कि उत्तरवादीगण ने भूमि मुतनाजा पर नाजायज कब्जा करके काश्त करते चले आ रहे हैं तथा ग्राम पंचायत को आर्थिक नुकसान पहुँचा रहे हैं। जबकि ग्राम पंचायत की भूमि सरैआम बोली द्वारा पट्टे पर दी जानी होती है, लेकिन उत्तरवादीगण की भूमि मुतनाजा पर नाजायज कब्जा करने की वजह ग्राम पंचायत को भूमि मुतनाजा को पट्टे पर देने के लिये काफी दिक्कत पेश आ रही है। इसलिए ग्राम पंचायत को यह दरखास्त देने की आवश्यकता पड़ी है।

4. यह कि ग्राम पंचायत ने उत्तरवादीगण को भूमि मुतनाजा को खाली करने वारे कई वार प्रार्थना की, परन्तु उत्तरवादीगण पहले टाल मटील करते रहे और अब अपना नाजायज कब्जा हटाने से साफ इन्कार कर दिया है। इसलिए ग्राम पंचायत को यह दरखास्त देने की आवश्यकता पड़ी है।

5. यह कि भूमि मुतनाजा ग्राम वैली भूड, खण्ड प्रताप नगर, जिला यमुनानगर में स्थित है, जो इस न्यायालय के क्षेत्राधिकार में आती है। अतः इस न्यायालय को यह दरखास्त सुनने तथा इस पर अपना निर्णय करने का पूरा हक हासिल है।

6. यह कि दरखास्त के साथ नकल पंचायत प्रस्ताव, नकल जमावन्दी वर्ष 2020-21 व अन्य सभी आवश्यक कागजात संलग्न है।

7. यह कि दरखास्त पर उचित कोर्ट फीस चसपा कर दी है।

99

- 3 -

अन्त में जनाव से प्रार्थना है कि उत्तरवादीगण को भूमि मुतनाजा से वेदखल किया जाए तथा भूमि मुतनाजा का कब्जा खड़े पौधों सहित उत्तरवादीगण से ग्राम पंचायत को दिलाया जाए और पंचायत को हुए नुकसान की पूर्ति के लिए वर्ष 2020 से लेकर कब्जा वापिस ग्राम पंचायत को देने तक मुवलिग 10,000/-रुपये प्रति एकड़ प्रतिवर्ष के हिसाव से उत्तरवादीगण पर पेनेल्टी भी डाली जाए। आपकी अति कृपा होगी।

तसदीक :

... प्रार्थी

तसदीक किया जाता है कि दरखास्त के सभी तथ्य मेरे ज्ञान और विश्वास से ठीक व सत्य हैं, इसमें कुछ गलत नहीं लिखा गया है।

आज दिनांक .6/8/24 को तसदीक किया गया।

.... प्रार्थी

From

Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

To

The Regional Officer,
Haryana State Pollution Control Board,
Yamunanagar.

Memo No. Mining/YNR/2146

Dated:- 28/06/2024

Subject:- Report in OA No. 446/2022 titled as "Balwinder Kumar Vs State of Haryana & Others".

Kindly refer to your office memo no. HSPCB/YR/2024/Spl 01-03 dated 27.06.2024 on the subject noted above.

The requisite information about para 6 of the Hon'ble NGT, New Delhi orders dated 19.04.2024 in OA No. 446/2022 titled as "Balwinder Kumar Vs State of Haryana & Others" is as follows:

(1) Point 1.: Steps taken for prevention of illegal mining:-

- a) The department has launched a new e-Rawaana portal i.e. Haryana Mines & Geology Information System (HMGIS) for monitoring the sale/purchase record of all the mining contractors, screening plants and stone crushers. In this system weighbridge, vehicle and buyer mapping is mandatory for all the units and e-Rawaana is allowed to generate from any weighbridge only with CCTV photographs.
- b) It is mandatory to all the vehicles to obtained mineral transport permit (MTP) for transporting minerals in the state. The transportation of minerals from one place to another will be done only after the procurement of valid transit pass i.e. e-Rawaana from the source whose authenticity can be verified online through <https://mis.minesharyana.gov.in>.
- c) Wherever a mineral loaded vehicle is found to be transporting any mineral, in whatever form, without a valid mineral transit pass/e-Rawaana and excess mineral, it would be seized as per State Mining Rules, 2012 (Rule 102) in respective Police Stations of the district.
- d) Further, independent teams of Chief Minister Flying Squads, District Level Task Force Committee, mining and police department also keep regular check on illegal mining through surprise visits either during day or night time. In this regard that mining department has taken action under the relevant Acts/State Mining Rules, 2012 gets initiated to seize the vehicles and with the filing of a complaint by the team that has detected illegal mining during inspection/field checking with the

Police Station. The complaint gets registered as a First Information Report and thereafter the Investigation Officer has to carry out investigation for collection of evidence before filing the Final Report/charge sheet before the concerned Court against the persons found to be involved in the act of illegal mining. Thereafter the prosecution is conducted by the Public Prosecutor and the cases are decided by the Hon'ble Court after considering the evidences produced.

e) Regular monthly meetings of the District Level Task force Committee (DLTFC) headed by Chairman cum Deputy Commissioner, Yamuna Nagar is held to review the status of legal mines and illegal mining in the district Yamuna Nagar. Similarly, State Level Task Force Committee (SLTFC) meetings are held quarterly under the chairmanship of the W/Chief Secretary of Haryana.

f) Recently, the State Government has formed the Haryana State Enforcement Bureau to curb the incidence of illegal mining and illegal transportation.

g) The police post is opened in sensitive areas like Kohliwala-Belgarh, particularly to curb the incidence of illegal mining and illegal transportation.

(2) Point 6.: Details regarding the criminal cases pending with present status:-

The present status of all the lodged FIR's sent by the SHO, P. S. Partap Nagar vide e-Mail dated 25.06.2024 is attached herewith.

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

Enclosed: As above.


Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

Endst. No. Mining/YNR/

Dated:

A copy of the above is forwarded to the following for kind information and further necessary action, please:-

1. Superintendent of Police, Yamunanagar.
2. District Development Panchayat Officer, Yamunanagar.
3. SHO, P. S. Partap Nagar.


Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

TO,

MINING OFFICER

MINES & GEOLOGY DEPTT,

YAMLNANAGAR

THE LETTER NO. 2550 DATED 21.11.2023 FROM GIVE IN THE
REPORT

| SR NO | ACTION TAKEN | STATUS REPORT |
|-------|--------------|------------------|
| 01 | 46/17 | UT-11.08.2017 |
| 02 | 73/17 | CAN -23.08.2017 |
| 03 | 80/17 | बरी - 15.04.2021 |
| 04 | 125/17 | बरी - 05.07.2021 |
| 05 | 126/17 | UT- 02.10.2018 |
| 06 | 130/17 | बरी - 06.02.2023 |
| 07 | 136/17 | PC - 16.02.2018 |
| 08 | 180/17 | PC- 17.10.2018 |
| 09 | 181/17 | बरी - 04.08.2022 |
| 10 | 15/18 | PC - 22.05.2018 |
| 11 | 19/18 | बरी - 06.07.2022 |
| 12 | 88/18 | CAN 14.02.2020 |
| 13 | 89/18 | CAN 14.02.2020 |
| 14 | 90/18 | PC- 03.04.2019 |
| 15 | 102/18 | PC- 18.02.2019 |
| 16 | 121/18 | CAN - 01.06.2019 |
| 17 | 166/18 | CAN - 17.01.2022 |
| 18 | 180/18 | CAN - 15.02.2019 |
| 19 | 184/18 | CAN - 22.04.2020 |
| 20 | 25/19 | UT - 11.06.2019 |
| 21 | 105/19 | CAN - 05.02.2020 |
| 22 | 162/19 | PC - 11.06.2020 |



Saswata Kumar MHC
PS PARTAP NAGAR

DT. - 25.06.2024

थाना प्रतापनगर

जिला यमुनानगर

सेवा मे

विषय- निवेदन है कि पत्र क्रमांक 2550 दिनांक 21.11.2023 मे मांगी गई रिपोर्ट इस प्रकार है -

| SR NO | ACTION TAKEN | STATUS REPORT |
|-------|--------------|------------------|
| 01 | 46/17 | UT-11.08.2017 |
| 02 | 73/17 | CAN -23.08.2017 |
| 03 | 80/17 | बरी - 15.04.2021 |
| 04 | 125/17 | बरी - 05.07.2021 |
| 05 | 126/17 | UT- 02.10.2018 |
| 06 | 130/17 | बरी - 06.02.2023 |
| 07 | 136/17 | PC - 16.02.2018 |
| 08 | 180/17 | PC- 17.10.2018 |
| 09 | 181/17 | बरी - 04.08.2022 |
| 10 | 15/18 | PC - 22.05.2018 |
| 11 | 19/18 | बरी - 06.07.2022 |
| 12 | 88/18 | CAN 14.02.2020 |
| 13 | 89/18 | CAN 14.02.2020 |
| 14 | 90/18 | PC- 03.04.2019 |
| 15 | 102/18 | PC- 18.02.2019 |
| 16 | 121/18 | CAN - 01.06.2019 |
| 17 | 166/18 | CAN - 17.01.2022 |
| 18 | 180/18 | CAN - 15.02.2019 |
| 19 | 184/18 | CAN - 22.04.2020 |
| 20 | 25/19 | UT - 11.06.2019 |
| 21 | 105/19 | CAN - 05.02.2020 |
| 22 | 162/19 | PC - 11.06.2020 |

**Regional Office,
Haryana State Pollution Control Board**
S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
Email:hspcbroyr@gmail.com

No. HSPCB/YR/2024/683

Dated: 02/07/2024

To

The Mining Officer,
Yamuna Nagar.

Sub: Imposition of Environmental Compensation against illegal mining done in OA No. 446 /2022 titled as Balwinder Kumar Vs State of Haryana & Ors.

Ref.: Hon'ble NGT order dt. 19.04.2024 in OA No. 446/2022 of Haryana & Ors., HSPCB Policy order dated 30.04.2024.

In this connection, it is intimated that Hon'ble NGT vide order dated 19.04.2024 in OA No. 446 of 2022 titled as Balwinder Kumar Vs State of Haryana & Ors. has directed as follows:-

"8. Respondent no. 4-HSPCB is directed to look into the matter of imposition and realization of environmental compensation from the violators against whom FIR has been registered and also reclamation/restoration and appropriate utilization of land illegally mined."

Whereas in compliance of Hon'ble NGT order dated 11.12.2023 in OA No. 362 of 2022 and the Hon'ble NGT Order Dated 26.02.2021 in OA No. 360 of 2015, a Standard Operating Processor(SOP) for imposition of realization of Environmental Damage Compensation from units/persons involved in illegal mining has been prepared by HSPCB vide HSPCB policy dated 30.04.2024 (**copy of SOP/Policy attached**).

Whereas in the procedure to impose environmental compensation as mentioned in SOP/Policy following steps are required to be taken:-

3.0 Procedure to impose Environmental Compensation

1. The District Level Task Force will inspect the site and prepare a detailed report in regard to illegal mining /violation and non-compliance related to the mining for imposition of environmental compensation.

2. Concerned Mining Officer/Assistant Mining Engineer, being the member convener of DLTF, will issue a show cause notice of 15 days to the Project Proponent mentioning the grounds on which EC is proposed to be imposed.

3. The data of illegal mined material will be provided by the Mining Department required for imposing environment compensation as per Approach 2 finalized by Hon'ble NGT in case of illegal or excess mining, causing damage to the environment.

4. The Mining Officer/Assistant Mining Engineer and RO, HSPCB shall prepare a detailed report after expiry of the period of show cause notice and will prepare assessment report for imposition of environmental compensation after examining the reply submitted by the Project Proponent (in case received).

5. The Mining Officer/Assistant Mining Engineer will forward the case to DLTF for examination and finalization of the amount of environmental compensation to be imposed, within 15 days time as per Approach 2 and the same may be submitted to Chairman/Chairperson of DLTF for issuing directions for levy and deposition of environmental compensation to the Project Proponent/person and amount to be deposited in the separate account to be opened in District Headquarter and same shall be intimated to the High Powered Committee constituted by Govt. of Haryana for utilization of environmental compensation for restoration of ecology.

6. In case of transportation of illegally mined mineral, the Mining Department shall recover the penalty amount as decided by the Hon'ble NGT vide orders dated 19.02.2020 passed in MA No. 16/2020 in OA No. 44/2016 and vehicle to be released only after recovery of penalty amount.

Therefore complete procedure is required to be followed alongwith the issuance of show cause notice for 15 days. Further information with respect to the details of persons involved in illegal mining, quantity of illegal mining, market rate of illegal mined material etc. are also required for calculation of environmental compensation against units/persons involved in illegal mining.

Keeping in view of the above, you are hereby requested to initiate the process by collecting complete data as mentioned above and issue show cause notice as per the procedure with intimation to this office within 03 days as per the procedure of SOP/Policy order dated 30.04.2024.

DA: as above



**Regional Officer
Yamuna Nagar**



Order

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 11.12.2023 as mentioned in para 32 in OA. no. 362 of 2022 had directed to HSPCB to prepare SOP for imposition and realization of Environmental Damage Compensation from units/person involved in illegal mining and issue instructions within two months from the receipt of a copy of this order to all its Regional Officers for initiating and conclude the proceedings for imposition of environmental compensation in all cases of illegal mining and transportation in accordance with law within two months. Accordingly, HSPCB had issued office order regarding the same vide office letter no. I/245390/2024 dated 14.03.2024 and circulated the same to all Regional officers, HSPCB and other concerned departments for compliance;

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 22.03.2024 has issued the following directions;

2. *The report submitted in NGT as per previous report is found materially deficient as no action has yet been taken for imposition of EC on persons found to have carried out illegal mining.*
3. *Further in the report, there is no mention regarding holding of any meeting of the Joint Committee constituted by the Tribunal in the order dated 11.12.2023.*
4. *In SOP reference has been made to Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal mining Rules, 2012 which exempts registration of FIRs on First and Second offence, Question of the same being ultra-virus the constitution/the parent Act and violation of the direction issued by the Hon'ble Supreme Court and this Tribunal, need to be examined.*
5. *The SOP prepared is also materially deficient and need review particularly with respect to the aspect of realization of EC as it inhibits concerned DC from recovering EC immediately as default and mandates him to take action in case of failure to deposit EC after six months.*

Whereas, Chairman HSPCB has constituted a committee to review the direction given by Hon'ble NGT in the above said order vide this office letter no. I/247365/2024 dated 12.04.2024. The said committee has conducted the meetings and finalized the necessary amendments to be done in the SOP.

Therefore, in supersession of this office order no. I/245390/2024 dated 14.03.2024, Standard Operating Procedure (SOP) for imposition and realization of Environmental Damage Compensation from units/person involved in illegal mining is hereby revised and as enclosed as **Annexure-A** for compliance with immediate effect.

**Dated Panchkula, the
30 April 2024**

**P. Raghavendra Rao, IAS
Chairman, HSPCB**

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of above forwarded to the following information please.

1. The Chief Secretary to Govt. Haryana, Chandigarh.
2. The Additional Chief Secretary to Govt. Haryana, Environment & Climate Change Department, Chandigarh.
3. The Chairman, Central Pollution Control Board, East Arjun Nagar, New Delhi.
4. The Director of Mines & Geology Department, Second Floor, DHL Square, Plot No. 9, Sector-22, IT Park, Panchkula, Haryana.
5. The Director, Development & Panchayat raj, Haryana, Plot No.3, Opp Grain Market, Madhya Marg, Sector 28A, Chandigarh.
6. The Director General, Environment & Climate Change Department, Haryana IInd Floor, Bays No. 55-58, Paryatan Bhawan, Sector-2, Panchkula.
7. The Principal Chief Conservator of Forests, Van Bhawan, C-18, Sector-6 Haryana, Panchkula.
8. All Deputy Commissioners, Haryana.
9. All Superintendent of Police, Haryana.

**Chief Env. Engineer, (HQ)
For Chairma**

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of above forwarded to the following information and further necessary action:-

1. PS to Chairman, HSPCB.
2. PA to Member Secretary, HSPCB.
3. CEE-I and CEE-II, HSPCB.
4. All SEE, HSPCB.
5. All Regional Officer, HSPCB
6. SEE, IT Cell requested to upload the order on the website of the Board.

**Chief Env. Engineer, (HQ)
For Chairma**

**Standard Operating Procedure (SoP)
for
Imposition and Realization
of
Environmental Damage Compensation
From Units/Persons Involved
in illegal Mining
In Compliance of Order of Hon'ble National
Green Tribunal
In O.A. No. 362 of 2022**

Brief Background:

Hon'ble National Green Tribunal in O.A. No. 362/2022 in the matter of Aravalli Bachao Citizen Movement Vs. Union of India & Ors, vide order dated 11.12.2023 held that "... ***the proceedings for imposition and realization of environmental damage compensation do not originate from and are not dependent on criminal proceedings. In fact the same originate from the are dependent on illegality of mining and transportation and derive their jurisdiction, validity and authority from the environmental laws including the Environmental (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the mines and Minerals (Development and Regulation) Act, 1957 and Rules made there under and the directions given by Hon'ble Supreme Court of India and this Tribunal. There is no valid justification for not initiating the same. The HSPCB is directed to prepare SOP for the same and issue instruction within two month from the receipt of a copy of this order to all its Regional Officers for initiating and conclude the proceedings for imposition of environmental compensation in all cases of illegal mining and transportation in accordance with law***".

Accordingly, in-compliance of the directions of the Hon'ble NGT, a standard operating procedure (SOP) for dealing with imposition and realization of environmental damage compensation is required to be prepared. The action against violators and non-compliant units/person(s) found violating the environmental norms is to be taken by imposition of environmental compensation and realization of the same.

2.0 Standard Operating Procedures (SoPs) for imposition and realization of Environmental Compensation on units/persons involved in illegal mining/violations and non-compliance related to illegal mining in compliance of Hon'ble NGT order dated 11.12.2023 in OA No. 362 of 2022:-

Hon'ble NGT vide its orders dated 26.02.2021 in OA No. 360 of 2015 has issued directions in respect of development of a mechanism for assessment and recovery of compensation regarding mining and directed the CPCB to issue directions to the Administrative Secretary of the State to evolve an appropriate mechanism for assessment and recovery of compensation in all Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan. The Govt. of Haryana, Department of Environment & Climate Change vide Memo No 16/10/2022-3Env. Dated 27.06.2022 has accorded approval for adopting Approach 2 mentioned in OA No. 360 of 2015 for imposing environmental compensation in illegal mining cases as directed by CPCB vide their letter dated 11.06.2021. Further, Haryana State Pollution Control Board is nominated as Nodal agency for formulation for projects, maintaining the accounts, releasing of funds (after approval of Govt.) and supervise expenditure by line departments/implementing agencies.

2.1 Legal provisions under the Mines and Mineral (Development and Regulation) Act, 1957 and rules/terms framed by State of Haryana and Environment (Protection) Act, 1986 and Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

2.1.1 Mine and Minerals (Development and Regulation) Act, 1957.

Under the provisions of the Section 4 (1) of the Mining Act, no person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of mineral concession granted under the Mines and Mineral (Development and Regulation) Act, 1957 and the rules made there under.

2.1.2 The Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012.

Rule 103, of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 defines illegal or unauthorized Mining and Consequences as “any person undertaking any mining operation without any valid mineral concession granted under the Act”. There are provisions of taking action against the violators indulging in illegal or unauthorized mining under rule 104, as mentioned in chapter 16, which are reproduced as under:

104. Any act of illegal or un-authorized mining shall be liable to the following:

Environmental Compensation for illegal mining and transportation of illegally mined material is imposed in compliance of order dated 26.02.2021 in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vs Union of India & Ors. In the said order, the Hon'ble Tribunal has directed (in para 9.6) to take action against illegal excavation and transportation of minor mineral to achieve deterrence against illegally mined minerals.

The Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 have been framed by the Govt. of Haryana through Department of Mines and Geology, wherein, under rule, 104 (iii), it has mentioned that whenever a person is found to be indulging in such offence for the third time or more, the officer concerned shall register a FIR and handover all such tools, equipments, vehicles or any other thing used for such un-authorized operation to the police.

Therefore, in compliance of order dated 26.02.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat), it has been requested the Department of Mines and Geology to revisit rule 104 of the

Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 regarding the provisions of registration of FIR and handing over all such tools, equipment, vehicles or any other things used for such un-authorized operation to the Police on the very first offence itself.

2.1.3 Environmental Protection Act, 1986

There is a provision of taking legal action under section 15 of the Environmental Protection Act, 1986 as amended in Jan Vishwas (Amendment of Provision) Act, 2023, against a Project Proponent/person for violations and non-compliance.

2.2 District Level Task Force (DLTF) for inspection

To curb and check illegal mining, State Government through Mines and Geology has constituted District Level Task Force (DLTF) under the chairmanship of Deputy Commissioner of each District vide order dated 09.03.2007. The DLTF shall conduct joint inspection of the site based on the report of the Mining Department in case they report illegal or excess mining /violation and/or non-compliance related to mining, causing damage to the environment. The DLTF shall keep regular watch over the mining activities and movement of minerals in the district. The DLTF shall have its regular meeting, preferably every month to reconcile the information from the mining activity, and other observations made during the month and take appropriate corrective and remedial action, which may include a recommendations for revoking mining lease or environmental clearance. The DLTF may constitute an independent committee of the expert to assess the environmental or ecological damage caused due to illegal mining and recommend recovery of environmental compensation from the miner's concern. The following are the members of DLTF.

| | | |
|----|--|------------------------------|
| 1. | District Collector of the District concerned | Chairman |
| 2. | Superintendent of Police of the District concerned | Member |
| 3. | District Forest Officer of the District concerned | Member |
| 4. | State Pollution Control Board Official of the District concerned | Member |
| 5. | District Transport Official of the District concerned | Member |
| 6. | Assistant Mining Engineer/Mining Officer of the District concerned | Member Secretary/Convener |

2.3 Environment Compensation to be levied in case of illegal mining:-

The Hon'ble NGT vide its order dated 26.02.2021 in OA No. 360 of 2015 had considered Approach 2 as mentioned in the report of CPCB submitted on 30.01.2020.

“Approach 2, is demonstrated by the following formula.

“Till such time as data and information for a comprehensive net present value (NPV) is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case, the NPV approach would imply that the total benefits from the activity of mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity. In the absence of data on benefits and costs separately, modification of the formula has been recommended as under:

Total Benefits (B) = Market Value of illegal extraction of mined material: D (refer Table 1)

Total Ecological Costs (C) = Market Value Adjusted for risk factor: D * RF (refer Table 1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C - B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

Further, CPCB in its report dated 30.01.2020 (submitted to Hon'ble NGT) has recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, may be calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. However, till data on site-specific assessments becomes available, this

approach may be adopted in the interim. In situations where the risk categorization charged. However, till data on site-specific assessment becomes available, this approach may be adopted in the interim. In situations where the risk categorization is unavailable or pending calculation, the Discount Rates as mentioned in Table 02, may be considered.

| Permitted Quantity (in MT or m ³) | Total Extraction (in MT or m ³) | Excess Extraction (in MT or m ³) | Exceedance in Extraction: | |
|---|---|--|---------------------------|--|
| X | Y | Z = Y-X | Z/ X | Market Value-of-the-illegal mined material (MT-or-m ³):D=Z x where x is market rate of mined material. |
| | | | | *DF = 0.3 if Z/X = 0.11 to 0.40 DF = 0.6 if Z/X = 0.41 to 0.70 DF = 1 if Z/X >= 0.71 |
| | | | | *RF = 0.25, 0.50, 0.75, 1.00 (as per table 2) |

* DF = Deterrence Factor, RF = Risk Factor

| Severity | Mild | Moderate | Significant | Severe |
|-------------|------|----------|-------------|--------|
| Risk Level | 1 | 2 | 3 | 4 |
| Risk Factor | 0.25 | 0.50 | 0.75 | 1.0 |
| Discount | 8% | 7% | 6% | 5% |

2.3.1 Formula for calculating environmental compensation charges

Market Value of Illegally Mined Material = D

Annual Value of Foregone Ecological Values = D*RF

- Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)

$$PV = \sum_{t=1}^5 \frac{(D*RF)}{(1+r)^t}$$

$$= \frac{(D*RF)}{(1+r)^1} + \frac{(D*RF)}{(1+r)^2} + \frac{(D*RF)}{(1+r)^3} + \frac{(D*RF)}{(1+r)^4} + \frac{(D*RF)}{(1+r)^5}$$

Where, r = 5% discount rate = 0.05

- Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied

$$NPV = PV - D$$

3.0 Procedure to impose Environmental Compensation

1. The District Level Task Force will inspect the site and prepare a detailed report in regard to illegal mining /violation and non-compliance related to the mining for imposition of environmental compensation.
2. Concerned Mining Officer/Assistant Mining Engineer, being the member convener of DLTF, will issue a show cause notice of 15 days to the Project Proponent mentioning the grounds on which EC is proposed to be imposed.
3. The data of illegal mined material will be provided by the Mining Department required for imposing environment compensation as per Approach 2 finalized by Hon'ble NGT in case of illegal or excess mining, causing damage to the environment.
4. The Mining Officer/Assistant Mining Engineer and RO, HSPCB shall prepare a detailed report after expiry of the period of show cause notice and will prepare assessment report for imposition of environmental compensation after examining the reply submitted by the Project Proponent (in case received).
5. The Mining Officer/Assistant Mining Engineer will forward the case to DLTF for examination and finalization of the amount of environmental compensation to be imposed, within 15 days time as per Approach 2 and the same may be submitted to Chairman/Chairperson of DLTF for issuing directions for levy and deposition of environmental compensation to the Project Proponent/person and amount to be deposited in the separate account to be opened in District Headquarter and same shall be intimated to the High Powered Committee constituted by Govt. of Haryana for utilization of environmental compensation for restoration of ecology.
6. In case of transportation of illegally mined mineral, the Mining Department shall recover the penalty amount as decided by the Hon'ble NGT vide orders dated 19.02.2020 passed in MA No. 16/2020 in OA No. 44/2016 and vehicle to be released only after recovery of penalty amount.

3.1 Action to be taken in case failure to deposit Environmental Compensation

In case of failure to deposit environmental compensation amount assessed by the DLTF, following procedure should be adopted for realization of environmental compensation for violation by the mining unit/person:-

- a. EC imposed will need to be deposited by the Project Proponent/person involved in illegal mining in a separate account at the District Level within a period of 30 days from issue of directions. In case of failure to deposit the EC amount within 30 days of its issuing the directions for depositing Environmental Compensation amount by the

project proponent/person involved in illegal mining, the concerned Regional Officer, HSPCB will make a reference to the Deputy Commissioner with full facts, within a maximum period of 10 working days, who shall then proceed to recover the environmental compensation amount in accordance with the provisions of the Haryana Land Revenue Act, 1969 or any other similar Act for the time being in force.

- b. Cases of new/renewal of licence and permissions of mining, Environment Clearance (EC), Consent to Operate (CTO) under Water Act, 1974/Air Act, 1981 or suspension of closure order of the defaulting PP/person shall not be entertained until and unless the EC amount is deposited.
- c. Legal action shall also be initiated against the defaulting Project Proponent/person by the concerned Mining Officer/Regional Officer, HSPCB.
