

IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
M.A. NO. 34 OF 2024
IN
ORIGINAL APPLICATION NO. 58 OF 2015

IN THE MATTER OF:

Ramesh Chand & Ors.

... Applicants

VERSUS

Union of India & Ors.

... Respondents

N.D.O.H.

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PLACE: NEW DELHI
DATED: 18.07.2024

FILED BY

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IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A. NO. 34 OF 2024

IN

ORIGINAL APPLICATION NO. 58 OF 2015

IN THE MATTER OF:

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REPLY ON BEHALF OF RESPONDENT NOS. 8 TO 11

MOST RESPECTFULLY SHOWETH:-

1. That vide order dated 22.3.2024, this Hon'ble Tribunal noted that the subject MA has been filed by the applicant (Original Applicant in OA 58/2015) seeking a direction to the respondent authorities to take action for non-compliance of the undertaking which was furnished by the private respondent and recorded in the order dated 12.01.2016 passed in OA 58/2015. The Hon'ble Tribunal was then pleased to issue notice in the matter. The matter therefore arises out of and is limited to the undertaking given by the Answering Respondents as recorded in order dated 12.1.2016 in OA 58/2015.
2. That all the grounds and contention raised in the subject MA are denied. Nothing should be deemed to be admitted for the lack of a specific traverse and the Respondents humbly seek liberty from this Tribunal to file a more detailed reply at a later stage if so required.


MOHD. MOYNIQBAL
Advocate &
Oath Commissioner

3. That a bare perusal of the ²prayers in the Application show the malafide intentions with which the present Application has been moved. The Applicant has however not specified as to whether the relief is being claimed under Section 14 or Section 15 of the National Green Tribunal Act, 2010. Even assuming that restitutive relief is being sought (though not so prayed), the Application is hopelessly time barred having been filed much beyond the 5 years from the alleged cause of action as prescribed under Section 15. Even the further sixty day period which is condonable under the statute has passed many years before the present Application was filed. Therefore, the Application is not maintainable at all and ought to be dismissed as being time barred. The alleged cause of action if any would arise when two months expired from the date of order passed by this Hon'ble Tribunal i.e. on 16.3.2016. However, the present Application has only been filed on 15.2.2024 (date of filing as mentioned in the Application served on the answering respondents) i.e. after almost 8 years. That it is trite that National Green Tribunal has got no vested powers to condone the delay beyond the period of special limitation mentioned in the statute while deciding the application for condoning the delay. In this case the Applicant has not even bothered to move an application for condonation of delay but has instead filed the Application with unsustainable and illogical prayers trying to avoid the issue of limitation.

15.2.2024
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[Pl refer **Sridevi Datla v. Union of India, (2021) 5 SCC 321** where the Hon'ble Supreme Court was pleased to hold:

"19. There can be no dispute that the period of limitation set out in a special law, which provides for remedies and appeals, has to be construed in its terms and without reference to the Limitation Act, if it contains specific provisions delineating the time or period within which applications or appeals can be preferred, and confines the consideration of applications for condoning the delay to a specific number of days. Undoubtedly, in such cases, the Limitation Act would be inapplicable. [That provision is as follows: "29. Savings.—(1) Nothing in this Act shall affect Section 25 of the Indian Contract Act, 1872 (9 of 1872). (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law."] There are several previous judgments of this Court holding that where periods of limitation are prescribed under special laws, appeals that exceed the period granted and are within the extended period of limitation in the special law, can be entertained at the discretion of the tribunal, or court concerned and the Limitation Act would not apply upon expiry of such extended period. [Kaushalya Rani v. Gopal Singh, (1964) 4 SCR 982 : AIR 1964 SC 260 : (1964) 1 Cri LJ 152; CCE v. Hongo (India) (P) Ltd., (2009) 5 SCC 791; Union of India v. Popular Construction Co., (2001) 8 SCC 470; Patel Bros. v. State of Assam, (2017) 2 SCC 350 : (2017) 1 SCC (Civ) 658] This Court holds that there is merit in the contention of the Union that the provisions of the

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Limitation Act are inapplicable.” (emphasis supplied).

All other submission in the present affidavit are being made without prejudice to this preliminary submission.

4. The undertaking given by the Respondents was recorded by this Hon'ble Tribunal in order dated 12.1.2016 in the following terms:

“It is obvious that structures, parking place and road were constructed sometime in 2012 and 2013 in river bed. Learned Counsel appearing on behalf of the Respondent Nos. 8 to 11 (M/s Salani Resorts and 3 others) makes a statement on instructions that these structures standing at Khasra No. 6/1 (Gair Mumkin River) and Khasra No. 8 (Gair Mumkin Burg) of Village Sainwala, Tehsil Nahan, District Sirmour shall be removed and area restored within two months from today. The Respondent Nos. 8 to 11 further undertake that they shall abide by the demarcation of flood plain of River Salani and remove all such structures standing on the Flood Plain of River Salani as demarcated finally. According to him the structures standing at Khasra Nos. 6/1 and 8 are not standing on flood plain, yet the same shall be removed as stated herein above in order to restore such area of river bed within the given time frame. The Respondent Nos. 8 to 11 undertakes that he shall not carry out any construction at Khasra Nos. 6/1 and 8 of Village Sainwala after its restoration till demarcation of food plain is completed.”

Khasra No. 6/1 and Khasra No. 8 of Village Sainwala, Tehsil Nahan, District Sirmour are hereinafter referred to as “the subject land”.

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Nahan H.P. (India)

5. That after the order dated 12.1.2016 was passed, the answering respondents duly and fully complied with the same and removed all the "structures, parking place and road were constructed sometime in 2012 and 2013" as directed in the order. There were no major structures on the subject area but there existed a paved road with the ancillary small structures pertaining to the road. Further some area had been earmarked for parking. The Respondents duly removed the pavement tiles and all the structures on what at that time was demarcated as river bed comprised in Khasra No. 6/1 (Gair Mumkin River) and Khasra No. 8 (Gair Mumkin Darya Burg). The compliance was carried out within the stipulated period of 2 months.

It is to be noted that during the pendency of this matter – [i.e. OA No. 58 of 2015] a demarcation had been carried out and a complete demarcation report had been placed before this Hon'ble Tribunal. That the Answering Respondents had complied with the order dated 12.1.2016 of this Hon'ble Tribunal in consonance with the demarcation report submitted by the State authorities before this Hon'ble Tribunal and the same is a part of the record of this case.

Kindly note 'Gair Mumkin River' translates to a river where nothing is cultivable or the land of an owner which is merged into the river on account of floods or change of course of the water by the river) and 'Gair Mumkin Darya Burg' translates to farm land which became fruit less due to being drowned and cut away by a flooded river).

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6. The fact that no non-compliance of the order dated 12.1.2016 was alleged by the Applicant for past 8 years clearly establishes that the Applicant was well aware that the order stood complied. The path to Applicant's Stone Crusher is located merely 100 meters from the subject land, therefore there is no question that the Applicant was aware of the compliance.
7. Subsequent events:
- a. After the order by this Hon'ble Tribunal was passed, the Patwari of the area in a routine manner carried out Girdawri of the area. Girdawri is a revenue event in which the Patwari / revenue officials update the revenue record based on the factual spot inspection. The Patwari after conducting the Girdawri reports the on spot changes if any to the registrar [Deputy Commissioner] / sub registrar [Tehsildar] and it is the registrar / sub registrar who effects the relevant change in the revenue record. This is done after every five years for a particular Mauja / Mauhal i.e area. In the said Girdawri, Khasra Number 6/1 is recorded as 'Obad Doyam' (i.e. land cultivable without water) and 'Gair Mumkin Sadak' (i.e. road) i.e. and Khasra Number 8 is recorded as "Banjar Jadid" (i.e. cultivable land). This is reflected from the Jamabandi of the Year 2016 – 2017. This is in contrast to the earlier entries in the Jamabandi filed before this Hon'ble Tribunal in OA No. 58 of 2015 for the year 2014-2015 which reflected the

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19/7/2014
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nature of the land⁷ in the said Khasra Numbers to be "Gair Mumkin Nadi" and "Gair Mumkin bhurd".

b. Therefore, the categorization of the subject land has changed since the order dated 12.1.2016. At no point was there any dispute to the ownership and possession of the subject land and the same was and remains in the ownership and possession of the Answering Respondents. After the re-categorization of the land, the Respondents have utilized the subject land.

c. It is pertinent to lay emphasis on the fact that the Girdawri which resulted in the re-categorization of land was carried out by the Patwari for all the land adjoining the river in the area and it is not in any manner specific to the subject land. Furthermore, it is clarified that the Answering Respondents did not at any time move any application for such Girdawri to be carried out or for the entries to be re-evaluated.

Copies of the Jamabandi for the Year 2014-2015 and for the year 2016-2017 alongwith the English translation are annexed herewith as **ANNEXURE R-1**.

d. That concept of this revenue event knows as 'Girdawri' has been codified under Section 34 of the H.P. Land Revenue Act, 1954 read with Chapter 9 of the Himachal Pradesh Land Record Manual. Furthermore, it is submitted that when the land of any land owner is located adjacent to a river / torrent, there exists a concept of Alluvion – Diluvion i.e. the land revenue

ADVOCATE
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Nahan H.P. (India)

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assessments are made subject to revisions for such lands as it is anticipated that over time the land adjacent to a river / torrent may keep increasing / decreasing. This has been codified under Chapter 11 of the H.P. Land Records Manual.

A copy of the relevant portion of the Himachal Pradesh Land Revenue Act, 1954 is annexed herewith as **ANNEXURE R-2.**

e. That after the re-categorization of the land as reflected in the Jamabandi of the Year 2016-2017, the Answering Respondents have reclaimed the subject land and are utilizing the same. It is most humbly submitted that there is no restriction on such utilization and it is as such legal and valid.

8. Therefore, the submission of the learned counsel for the Applicant submits that Respondent No. 8 to 10 have violated the undertaking recorded in order dated 12.1.2016 is completely false.

9. Conduct of the Applicant in the present case:

a. That the Applicant runs a stone crusher [by the name of Maq Vaishno Devi Stone Crusher] in the same area in which the subject land is located. His stone crusher is located in the middle of the river which runs along the subject land. Since building and running a stone crusher in the middle of the river bed is prohibited and severely damages the ecological balance of the area, the Gram Panchayat of the area held a Gram Sabha and it was resolved that Applicant's stone crusher

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should be shut down. The Applicant has been running an illegal mining operation and it is for this reason that the resolution was passed. A copy of the resolution dated 7.1.2024 along with the English translation is annexed herewith as **ANNEXURE R-3**.

A representation in this regard was also submitted by the Villagers to the Hon'ble Chief Minister. A copy of the representation along with the English translation is annexed herewith as **ANNEXURE R-4**.

- b. Being rattled by the Gram Sabha Resolution and expressing misplaced blame on the Answering Respondents and in an attempt to create some sort of pressure on the other local residents of the area including the Answering Respondent, the Applicant filed the subject application on 15.2.2024.
- c. That the misconduct of the Applicant is not just limited to filing applications to settle personal scores / create pressure on the local residents but the Applicant has deliberately misled this Hon'ble Tribunal. Since the stone crusher of the Applicant is situated in the area in which the subject land is located, the Applicant is well aware of the fresh Girdawri carried out by the Patwari and the consequential re-categorization of land along the river in the area. However, the Applicant deliberately suppressed this information before this Hon'ble Tribunal. That the Application filed by the Applicant ought to be dismissed at the outset in view of

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the principles laid down by the Hon'ble Supreme Court in the case of **Dalip Singh v. State of U.P., (2010) 2 SCC 114.**

10. Para – Wise reply:

- a. Para 1 to 3 are formal in nature. It is however submitted that in view of the aforesaid submissions the Application is not maintainable and may kindly be dismissed.
- b. The contents of Para 4 are denied. The Applicant is in no manner a person interested in the protection of the environment and is infact is a violator of the Rules pertaining to Environmental Protection. As submitted above the Applicant is running a stone crusher inside the river bed and action in this regard has been taken by the Grab Sabha of the area.
- c. That with regard to the contents of Para 5 to 6 and 8 to 9, the submissions made hereinabove are reiterated. It is however vehemently denied that the Respondents did not comply with the orders of this Hon'ble Tribunal. The orders passed by the Hon'ble Tribunal were duly and fully complied with. The timing of filing the present application reveals a lot, not only about the motives of the Applicant but also of the fact that there was no occasion for the Applicant to file such an application for the past 8 years shows that the answering respondent had infact complied with the orders of this Hon'ble

AT 10/11/2024
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Oath Commissioner
Nahan H.P. (India)

Tribunal. This shows complete malafides on the part of the Applicant.

- d. That the contents of para 7 are denied in toto and it is submitted that the same are beyond the scope of the present Application which in which notice has been issued by the Hon'ble Tribunal regarding compliance of the undertaking recorded in the order dated 12.1.2016. However, the answering respondents humbly submit that a detailed reply in this regard can be placed if so directed by this Hon'ble Tribunal.
- e. That Para 10 is a judgment of this Hon'ble Tribunal and requires no response. The principle is undisputed but there is no violation in the present case and it is not applicable to the facts of the present case.
- f. That the Grounds raised by the Applicant are misleading and unsustainable in view of the preliminary submissions placed before this Hon'ble Tribunal by the Answering Respondents In view of the aforesaid submissions the subject Application may kindly be dismissed. It is reiterated that the order dated 12.1.2016 was fully complied with by the Answering Respondents in letter and spirit and no environmental damage has been caused by the Answering Respondents. It is infact the Applicant who is permanently and consistently damaging the ecological balance of the area by running a stone crusher in the middle of the river. When confronted with his illegal actions by the local residents, the Applicant has

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resorted to filing misleading Applications / Petitions to create pressure on the local residents.

g. That in view of the submissions made above the prayers made by the Applicant are liable to be rejected.

11. That it is most humbly submitted that in view of the aforesaid grounds and contentions the subject Application may kindly be dismissed with costs.

FILED BY

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PLACE: NEW DELHI

DATED: 18.07.2024

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Oath Commissioner
Nahar H.P. (Delhi)

IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A. NO. 34 OF 2024

IN

ORIGINAL APPLICATION NO. 58 OF 2015

IN THE MATTER OF:

Ramesh Chand & Ors.

... Applicants

VERSUS

Union of India & Ors.

... Respondents

AFFIDAVIT

I, Vinoj Kumar Sharma, aged about 57 years, S/o Late sh. Roop Lal, Prop. M/s Ailani Resorts, Village and Post Office Sainwala, Tehsil Nahan, District Sirmaur, H.P. do hereby solemnly affirm and state as under:-

1. That I am the Proprietor of Respondent No. 8 in the abovesaid matter and I am well conversant with the facts and circumstances of the case and as such I am fully competent to swear this affidavit. I am also duly authorised to swear this affidavit on behalf of Respondent No. 9 to 11.
2. That I have read and understood the contents of the accompanying Reply and say that the facts stated therein are true and correct to best of my knowledge and belief.
3. I also state that the documents filed alongwith the accompanying Reply are true copies of their respective originals.

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MOHD. MOVIN IQBAL
Advocate &
Oath Commissioner
Nahan H.P. (India)

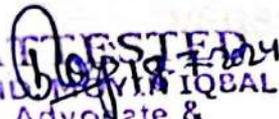
DEPONENT

VERIFICATION:

I the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at Nahan on this 17 day of July, 2024.


DEPONENT

ATTESTED

MOHD. MOYIN IQBAL
Advocate &
Oath Commissioner
Nahan H.P. (India)

This affidavit on oath has been presented before me for attestation by the deponent personally today on 18-7-2024 the contents of the same has been read over and explained to the deponent which have been admitted as true and correct by the deponent. The deponent has been identified by Sh. personally who is known to me, hence attested.

MOHD. MOYIN IQBAL
Advocate, Nahan
Oath Commissioner

17-7-2024

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

रा.सी.ए रसीद संख्या: 4382407202001992

ANNEXURE R-1

नकल शुल्क : 1

सेवा शुल्क : 20

कुल शुल्क : 21

: सिरमौर

तहसील : नाहन

कानूनगोदा : नाहन-1

बटवार वृत्त : मोगीनन्द

हदबस्त नं. : 120

मोहाल : अम्बवाला सैनवाला

साल : 2014-2015

रकबा ईकाई: बीघा-बि.-बि.

Annexure R-I

खेप्ट नं.	खतीनी नं.	नाम मालिक व एहवाल	नाम काश्तकार व एहवाल	नाम चाह व दीगर वसायल आवासी	नम्बर खसरा हाल	रकबा हर खेत व मिजान खाता मय किस्म अराजी मीट्रीक ईकाइयों में	हिस्सा या पैमाना हकीयत व तरीका बाछ	कफियत
1	2	3	4	5	6	7	8	9
225	296	कुल भाग (383) विनोज कुमार पुत्र रूपलाल	काश्त व कडजा स्वयं		1	06-19-00	कडजा व पट्टा वगैरह	
181	253	पुत्र नामालूम (127) भाग सचिन, नितिन भाग बराबर (128) भाग पुत्र व श्रीमति विजय लक्ष्मी (128) भाग पत्नी विनोज कुमार पुत्र रूपलाल स्थानिय वासी			6:1	07-04-00	खेप्ट नं.(1)	नोट
					8	00-04-00		नोट
					1273/723/9	05-00-00		
						01-00-00		
						बंजर कटोस		
						04-00-00		
						गै.मु.बुट		
					किला 1	19-07-00		
					धरा 2			
						अकुष्ट		
						19-07-00		
						बंजर कटोस		
						01-00-00		
						गैर मुमकिन		
						18-07-00		

2	3	4	17	5	6	7	8	9
						04-08-00		
						गेर मुलकिल		
						07-14-00		

Handwritten signature
12/6/2024

Village Revenue Officer
Patwar Circle, Moginand
Tehsil Nahar,
Distt. Shimour (H.P.)

Handwritten signature
Village Revenue Officer
Patwar Circle, Moginand
Tehsil Nahar,
Distt. Shimour (H.P.)

Certified that this copy has been generated from the database of Revenue Department at
Central Server- HP as accessed by the Lok Mitra Kendra Gaurav Kumar Sharma on
20-May-2024

To Verify; enter the Copy No above Bar Code at
<https://himbhoomilnk.nic.in>
For Validity Refer: Notific. No:Rev-C(F)/10-1/2009 Dated 14-Feb-2011

Jam1103242911



DEPTT. OF REVENUE: HIMACHAL PRADESH

District: Sirmaour
 Tehsil: Nahan
 Kanoongo circle: Nahan – 1
 Patwar circle: Mominand
 Hatbad No.: 120
 Area: Ambwala Sainwala
 Year: 2014-2015

Copying fee:
 Service fee:
 Total fee:

Area unit: Bigha Biswa – B

Khewat No. Name, along with name of lambar-daar	Kahtauni No. Who pays the lagan and its detail and No.	Name of owner and relatives	Name of farmer and relatives	Name of owner and other farmers	Present khasra No.	Area of the field and detail of kahta and type of land	Share or meas.	Remarks
1	2	3	4	5	6	7	8	9
225/ 181 P. Khewat No. (116) 0.00 Maal 0.00	296/ 253	Total share (383) Vinoj Kumar son of Ruplal	Farming and self possess ed		1 6/1 8 1273/ <u>723/ 9</u>	06-19-00 G.M. river 07-04-00 G.M. river 00-04-00 G.M. Burd	Possession and other Khewat No. (1)	Note: Note

S 0.00		son of unknown (127) share Sachin, Nitin equal share (128) share son and Smt. Vijay Laxmi (128) share wife of Vinod Kumar son of Ruplal, local resident			Total 4 by 2	05-00-00 01-00-00 Banjar Kadim 04-00-00 G.M. Burd <hr/> 19-07-00 Non 19-07-00 Banjar Kadim 01-00-00 Gair Mumkin 18-07-00		
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Area: Himachal Pradesh – Shimla

Dated: 24-July-2020

Page No.: 1

DEPTT. OF REVENUE: HIMACHAL PRADESH

District: Sirmaour

Tehsil: Nahan

Kanoongo circle: Nahan – 1

Patwar circle: Mominand

Hatbad No.: 120

Area: Ambwala Sainwala

Year: 2016-2017

Service fee: 20

Total fee: 21

Area unit: Bigha Biswa – B

Khewat No. Name, along with name of lambar- daar	Kahtauni No. Who pays the lagan and its detail and No.	Name of owner and relatives	Name of farmer and relatives	Name of owner and other farmers	Present khasra No.	Area of the field and detail of kahta and type of land	Share or meas.	Remarks
1	2	3	4	5	6	7	8	9
243---- 225 Khewat No. (128) 0.00 Maal 0.00	312 296	Total share (383) Vinod Kumar son of Rupmal son of unknown (127) share of Sachin, Nitin	Farming and self possessed		1 6/ 1 8 1273/ 723/ 9	06-19-00 G.M. River 07-04-00 0700-00 Ombad Doyam 00-04-00	Possession on khewat No. (1)	

S 0.00		equal share (128) share son and Smt. Vijay Laxmi (128) share wife of Vinoj Kumar, son of Rupmal local resident			Total 4 by 2 By 07- 00-00	G.M. Road 00-04-00 Banjar Jadid 05-00-00 04-09-00 Banjar Kadim 00-11-00 G.M. Road <hr/> 19-07-00 Akarsh 12-07-00 Banjar Jadid 00-4-00 Banjar Kadim		
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Area: Himachal Pradesh – Shimla
Dated: 20th May 2024



TRUE COPY

S. 34]

As per clause (3) of this section, the record-of-rights so specially revised for an estate under this section shall be presumed to be the record-of-rights of the estate but it shall not effect any presumption in favour of the State, which has already arisen from any previous record-of-rights.

§33A. Units of measure to be based on metric system.—In case the measurements of any land in the record-of rights are recorded in non-metric system there shall, during making record-of-rights or special revision of record-of-rights under section 33 of this Act, be a complete remeasurement of the estate or sub-estate based on the units of metric system in accordance with the provisions of the Standards of Weights and Measures Act, 1976.]

34. §[Periodical] record.—(1) The Collector shall cause to be prepared by the Patwari of each estate yearly, or at such other intervals as the Financial Commissioner may prescribe, an edition of the record-of-rights amended in accordance with the provisions of this Chapter.

(2) This edition of the record-of-rights shall ^{3[***]} comprise the statements mentioned in sub-section (2) clause (a) of section 32 and such other documents, if any, as the Financial Commissioner may, with the previous sanction of the State Government, prescribe.

(3) For the purposes of the preparation of the ^{4[periodical]} record ^{5[under this section]}, the Collector shall cause to be kept up by the patwari of each estate a register of mutations and such other registers as the Financial Commissioner may prescribe.

NOTES AND COMMENTS

This provides that the periodical record shall be prepared by the patwari. The procedure for making entries is given in sections 35 to 38 of the Act. The entries are made by the patwari in khasra Girdawari at the time of harvest inspections and in the register of mutations and from there the entries are incorporated in jamabandi.

KHASRA GIRDAWARI

(Harvest Inspections)

With the evolution of mankind from primitive stage to the social welfare stage, the ownership and possession of land has assumed great importance, especially in a country like India where about 70% of the population depends upon agriculture. The concepts of land revenue and record-of-rights are closely associated with the notion of individual ownership and possession of land to provide the records giving the

1. Section 33A inserted by suction 5 of the H.P. Land Revenue (Amendment) Act 3 of 1996.
2. Substituted for the word "Annual" by H.P. Act No. 21 of 1976 (section 10).
3. The words "be called the annual record for the estate, and shall" deleted by *ibid.*
4. Sub, for word "annual" by *ibid.*
5. Inserted by *ibid.*

names of persons recognised as owners or in possession of land who are liable to pay the share of produce of land to the State. According to 'Manu', the king who did afford any protection to his people and receives the produce of land takes upon himself all the sins of his people. Therefore the preparation of true and correct account of the crops harvested and the changes in the persons in possession of the land cannot be overruled. The purpose of Khasra Girdawari or harvest inspections is to collect the true information regarding crops harvested in khariff as well as in rabi seasons and to record any change in the ownership or possession over the land at the time of girdawari by the patwari, which is done every six months. The preparation of Khasra girdawari every six months is necessary for the assessment of land revenue and to update and maintain proper and correct record-of-rights of the land. Regarding recording of change in the Khasra girdawari the Government of Himachal Pradesh has issued the following instructions from time to time:-

No.: Rev. 2-A(4)-5/ 78

Dated: 15th Jan. 1980

“Subject: Changing in the entry of the khasra Girdawari”

By drawing your attention in the captioned matter vide this office letter No. 10-7-73/Rev-A, dated 03.07.73, I have been instructed to inform you that Government has noticed that in the compliance of the instructions in the aforesaid letter, the patwaris have made a great changes in the entries of the farming possession especially regarding the past and even after a lapse of many days, these entries are mentioned from pencil in the khasra Girdawari and the Revenue Officers till date have not given any instruction regarding the inquiry of the aforesaid. Due to which, there is an environment of dispute amongst the owners and the landlords. Thus it is necessary for the revenue officer to immediately decide the cases of such entries by surveying the concerned site. A plan be initiate to sort out such cases in this winter only so that all the cases could be decided within a period of 2 months.

2. In future, the Patwari will not make entry in the khasra Girdawari, rather will make the entry in the khasra Girdawari as per para No. 9 – 9A of the Land Record Manual. Accordingly, the Patwari can change the entry of the G.M. farming. He/ she will obtain the order of the revenue officers regarding the entry.

The letter No. 10-7-73 is hereby closed as per the aforesaid.

No. Rev. 2-A(4)-5/ 78

Dated: 28th April, 1980

“Subject: changes of the entry in the”

In sequence of the even letter No. 15th January 1980 of this Department, I have instructed to inform you in the captioned matter that as per the said letter, the undisputed entries made by the Patwari as per the para 9.9 of the Land Record Manual will be 100 % inquired by the Girdawar in the site. Then its 25% will be inquired by the Revenue Officer.

2. In case the Patwari or any employee make any wrong entries in such cases, a strict action be taken against him/ her/ them.
3. The presenters will be given the possession in future through the transfer only. The presence of both the parties are mandatory in such cases.
4. The aforesaid amendment is being made but the aforesaid orders be immediately complied.

No. Rev. 10-5/73-II

Dated: 4th Sept. 1980

“Subject: Changing of entry in the khasra Girdawari”

By making a slight changes of the letter No. Raj-2A(4)5/ 78 dated 15.01.80 and 24.04.80 this Department, I have been instructed to inform you that the Government has thought/ considered this topic seriously and after considering it, has taken the decision that the instructions/ orders issued by the letter No. 10-7-73/Rev-A, dated 03.07.73 of this Department be re-enacted. Thus I have been instructed to inform you that in case there is any changes in the notice of the Patwari at the time of Girdawari regarding the land, the Patwari will make its entry with the pencil and will provide its written information to the Girdawari and then to Tehsildar and Dy./ Naib Tehsildar (as applicable). Thereafter the Tehsildar and Dy./ Naib Tehsildar by inquiring it, will grant the sufficient opportunity to the concerned person to clear its position. But it will not take more than 3 months in the entire procedure. He/ she will decide all the cases during this period. The action in the kashra Girdawari will be taken as per the decision”

It must be borne in mind that the procedure for preparation of Khasra Girdawari (Harvest Inspections) has been laid down in Chapter 9 (paras 9.1 to 9.20) of the Himachal Pradesh Land Records Manual as under:

“9.1 Object of harvest inspections.- The object of harvest inspections is to collect accurate information regarding:-

- (a) Crops
- (b) changes in rights, rents and possession of land.
- (c) amendments required in the village map.

The first is indispensable for the assessment and collection of land revenue. The second and third are aids to the maintenance of a true record of rights in the soil.

9.1A Dates on which Inspection of each harvest should being.

– (i) The date on which the inspection of each harvest shall commence may be fixed for each district by the Financial Commissioner as its special circumstances may require.

Following dates have been fixed by the Financial Commissioner for the various Districts in Himachal Pradesh for purpose of crop inspection.

Sr. No.	Name of the district	Name of Tehsils or circles	Rabi	Kharif
1	2	3	4	5
1.	Bilaspur	All parts of the district	1 st March to 31 st Marhc	1 st October to 15 th Nov.
2.	Chamba	Pangi Tehsil	1 st June to 15 th July	15 th Sept. to 14 th Oct.
		Chamba Tehsil	1 st April to 15 th May	20 th Sept. to 5 th Nov.
		Bharmaan Tehsil & Holi Sub-Tehsil	15 th April to 31 st May	1 st Oct. to 15 th Nov.
		All other parts of district	1 st April to 15 th May	1 st Oct. to 15 th Nov.
3.	Hamirpur	All parts of the district	1 st April to 30 th April	1 st Oct. to 31 st Oct.

1	2	3	4	5
4.	Lahaul & Spiti	Lahaul Tehsil	1st July to 15th Aug.	16th Aug. to 15th Sept.
		Spiti Tehsil	16th July to 31st Aug.	1st Sept. to 15th Sept.
5.	Kangra	All parts of the district	1st April to 30th April	1st Oct. to 31st Oct.
6.	Kullu	Phati Maiana	15th May to 14th June	1st Oct. to 30th Oct.
		All other parts of the district	1st April to 15th May	15th Sept. to 30th Oct.
7.	Kinnaur	Chhitkal (Tehsil Sangla) Asrang, Kunu and Charang villages (Tehsil Moorang)		15th Sept. to 14th Oct.
		All other parts of the district	15th May to 14th June	1st Oct. to 31st Oct.
8.	Mandi	Sundernagar Sub-division (Parari Assessment circle)	1st April to 30th April	1st Oct. to 31st Oct.
		All other parts of the district	15th March to 30th April	1st Oct. to 31st Oct.
9.	Shimla	Rohru, Chirgoan, Dodra Kawar Tehsils, Tikkar Sub-Teh., Chopal Teh., Kupvi & Nerwa Sub-Tehsils, Rampur Teh., Nankhari Sub-Tehsil, Theog, Shimla & Jubbal Tehsils	15th April to 14th May	1st Oct. to 31st Oct.
		All other parts of the district	1st April to 30th April	1st Oct. to 31st Oct.
10.	Solan	Nalagarh Tehsil Remsahar Sub-Tehsil	15th March to 14th April	1st Oct. to 31st Oct.
		All other parts of the district	1st April to 30th April	1st Oct. to 31st Oct.
11.	Sirmaur	All parts of the district	1st March to 14th April	1st Oct. to 31st Oct.
12.	Una	All parts of the district	15th March to 14th April	16th Sept. to 31st Oct.

H.P. Govt. Notification No. 27-5/74-Rev.-B-Dated 29-3-76

(ii) **Conduct of Crop Inspections on the Spot.**—The patwari shall conduct crop inspections of every estate on the spot on the dates mentioned in para 9.1 (A)(i) above in accordance with instructions contained in this chapter.

(iii) **Submission of Fard Raftar.**—The patwari shall submit copy of 'Fard Raftar' to the Collector of the District, S.D.O. (C), Tehsildar and other Inspecting Officers atleast one month before the commencement of crop-inspection.

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(iv) Crop-inspections of estates for which Jamabandis are to be prepared.—The patwari shall encircle in red ink the estates for which the next jamabandis are to be prepared. He shall first conduct the crop-inspections of these estates before conducting the inspection of other estates.

(v) Crop inspections of 'Extra' Kharif and 'Extra' Rabi crops.—(a) The patwari shall conduct 'Extra' (Zaid) Kharif and 'Extra' (Zaid) Rabi girdawari of crops sown after harvesting the kharif and Rabi crops at the time of maturity of such crops.

(b) Instructions regarding entries of 'Extra' 'Kharif' and 'Extra' Rabi crops in the Jinswar-Register are contained in chapter 17 of HPLRM in NB-Bos. 9 & 10 of statement Nos. 2 & 3 respectively, which may be consulted.

(c) The patwari shall enter the crops of 'Extra' kharif and 'Extra' Rabi crops in column Nos. 9-10, 13-14, 17-18, 21-22 and 25-26 in the khasra girdawari register by writing words 'Extra' Rabi and 'Extra' Kharif, as the case may be.

(vi) Change of Dates—The Commissioner of the division can change these dates after consultation with the Director of Land Records, when the special circumstances of any district make others more suitable. When for any reason the ripening of the crop is later than usual, the Deputy Commissioner may postpone the inspection for a period not exceeding fifteen days. A few crops, chiefly melons and tobacco, are sown very late in the Rabi season and are gathered some time after the other crops of that harvest are got in. In villages where these extra rabi (zaid rabi) crops are grown a separate inspection of these crops is made about the middle of April. In some districts a crop inspection intermediate between the kharif and the rabi girdawari has been found necessary.

9.2 Form of the Khasra Girdawari with instructions.—The form of the Khasra girdawari, or harvest inspection book, with instructions regarding the entries to be made in it, is given below :—

Khasra girdawari or harvest inspections book						Mauza
Khasra No./ Survey No.	Owner (written short with Jamabandi No.)	Cultivator with rent (written short with Khataumi)	Area	Classification of land according to the last jamabandi	Source of irrigation	Kind of fruit bearing trees with Number & Area
1	2	3	4	5	6	7
Kanungo Circle			Tehsil		District	
Year 19						
Kind of non-bearing unit trees with number & area	Kharif Crop	Rabi Crop	Area sown more than once in a year	Changes of rights, possession and rent etc.		
8	9	10	11	12		

Kharif	Rabi	Year 19		Kharif Rabi	
Kharif Crops	Rabi Crops	Area sown more than once in a year	Changes of rights, possession and rent etc.	Kharif crops	Rabi crops
13	14	15	16	17	18

Year 19		Kharif	Rabi	Year 19	
Area sown more than once in a year	Changes of rights, possession & rents etc.	Kharif crops	Rabi crops	Area sown more than once in a year	Changes of right possession & rents etc.
19	20	21	22	23	24

Kharif	Rabi	Year 19	
Kharif crop	Rabi crops	Area sown more than once in a year	Changes of rights, possession & rents etc.
25	26	27	28

N.B.

1. 'Survey number' means the field or Khasra Number given to the field in the village map.
2. 'Khewat Number' (Also called patta number or jamabandi Number) means the number of owner's holdings.
3. 'Khatauni Number' means the number of the holding (Khata) of the person responsible for the cultivation.
4. 'Tenancy' denotes the relationship between the holder of the land and the cultivators. It has been defined as a parcel of land held by a tenant of a landowner under one lease or one set of condition.
5. 'Cultivator's holding' may be defined as all land that is used wholly or partly for agricultural production and is cultivated alone or with the assistance of others without regard to ownership, size or location.
6. 'Cultivated area' (also called raqba mazrna) is the sum of net areas sown and area under current fallows.
7. 'Area of crops irrigated' denotes the gross irrigated area which is the sum of the net irrigated area and area irrigated more than once in the same year.
8. Normal yield should be computed as a moving average of the average yield per hectare obtained by the method of crop-cutting experiments based on the random sampling technique wherever available, conducted during the proceeding 10 years.

9. 'Condition factor' denotes the condition of the crop in any season in terms of the normal crop.
10. Harvest price of a commodity may be defined as the average wholesale price at which the commodity is disposed of by the producer at the village site during the specified harvest period.
11. At the end of the Rabi Girdawari while striking out pagewise and village wise total (i) the area irrigated more than once and (ii) the double cropped area should be shown separately.
12. The canal irrigated areas should be shown separately for Government canals and private canals.
13. The chahi irrigated areas should be shown in detailed under (i) Government wells (ii) Private wells, (iii) Government tube-wells run with electricity, and (iv) private tube-wells run with electricity (v) Government tubewells run with mechanical Power (oil engines), and (vi) Private tube-wells run with mechanical power (oil engines).
14. The areas irrigated by lifts or tanks should be shown separately from Abi areas.
15. Irrigated area should be classified as (i) Abi, watered by (a) lift from tanks or Jhils and (b) streams and springs and other sources which should be separately shown, (ii) Nehri (Irrigated from canals, whether Government or Private), (iii) chahi (watered from wells and tube-wells).
16. In the case of chahi-nehri areas, the name of major source of irrigation should proceed the supplementary sources of irrigation e.g., Chahi-Nehri (where the major source of irrigation is a percolation well and the canal is supplementary source. Nehri-Chahi (where the major source of irrigation is a canal and the supplementary source is a percolation well).

✓ Note: Refer to Chapter 17 of H.P. Land Records Manual for the following definitions on the classification of area:—

1. Forests.
2. Barren and unculturable land.
3. Land put to non-agricultural uses.
4. Permanent pastures and other grazing land.
5. Misc. tree crops and groves not included in the net area sown.
6. Culturable waste.
7. Other fallows.
8. Current fallows.
9. Net area sown.
10. Area sown more than once.
11. Total cropped area.
12. Net area irrigated.

Instructions

- 9.3 (i) A new Khasra girdawari will be brought into use whenever a new quinquennial jamabandi has been prepared.
- (ii) Where tarafs or pattis are chakbat and all fields included in the taraf or pattis are in one series, the name of the taraf or patti should be entered across the page above the entry of the first field included in it. The same procedure may be adopted in the case of irrigated holdings. Where taraf or pattis are khevat, the name may be entered below the khasra number if the information is considered to be required for any purpose, as e.g., to help the Irrigation Department in framing demand statements pattiwar.
- (iii) In estates under fluctuating assessment, and elsewhere, if considered desirable for special reasons, a new khasra girdawari may, if necessary, be prepared each year. The form used in such cases should be as simple and brief as possible. If not already sanctioned by the Competent Authorities, it must be deferred to the Financial Commissioner for approval.
- (iv) The ordinary form should be used in the case of urban lands to which the Land Revenue Act applies. In it both agricultural (zarai) and urban (sakni) land should be included. Land special assessed as 'potential' building land, should be classed as in the former, but distinguished from other agricultural land by the addition of the words 'qabil tamir'. The girdawari for all such urban land should be dealt with by the patwari in the usual way at the ordinary girdawari.
- (v) In the columns for kharif crops, show the two kinds of cotton desi & American and three kinds of sugarcane desi, improved & ponda by subdividing the columns for cotton & the sugarcane respectively.
- (vi) In the column of rabi crops, show the three kinds of tobacco, viz.,
- (1) N Rustica,
 - (2) N Tobacum—Virginia.
 - (3) N Tobacum—Desi type
- Separately by sub-dividing the column for tobacco".
- (vii) Column 1—The fields will usually be entered in the order of the field map (shajra kishtwar). New numbers of sub-divided fields will be shown in the same place as the old number of the undivided field and not at the end of the khasra.

If it is necessary to re-number a field, this should be done as in the following example: if a field number, say 24 has been sub-divided into two, and the last number in the field-register of the village is 150, entry No. 24 should be scored through and the new fields entered as 151/24 and 152/24. Where a second sub-division takes place, the denominator number should simply be the numerator of the field which is again sub-divided. Thus in the example, we should have first 151/24 then 185/151 and lastly 201/185 from each of which, if necessary, it would be very easy to trace back to the old number. If field Nos. 31 and 32 have been clubbed into one field the new entry may be 153/31 & 32, 152 being the last number in the field register.

Care must be taken not to increase number and sub-numbers needlessly. They should not be increased for temporary changes of cultivating possession, or because

part of a field is cultivated and part uncultivated. Temporary changes of cultivation can be shown in the column headed "Changes" of rights, possession and rent," thus—

- | | |
|---------------------------------|---|
| A. Owner, 2 bighas/Ares | } |
| B. Tenant-at-will, 1 bigha/Ares | |

Similarly, when part is cultivated and part uncultivated the entry in the harvest column can be :—

- | | |
|----------------------|---|
| Khali, 1 bigha/Ares | } |
| wheat, 2 bighas/Ares | |

or

- | | |
|----------------------------|---|
| Banjar jadid, 1 bigha/Ares | } |
| Wheat, 2 bighas/Ares | |

The chain should not be used for such measurements, they should be made by stepping or by rough estimate as may in each case be suitable.

A circle in red ink should be drawn round the number of every field of which the revenue is assigned.

A red ink entry without number will be made for every pakka survey mark or trijunction pillar or base line mark following the field in which the mark is placed and which it adjoins. In his field inspections the patwari should note whether the mark is in good repair.

(viii) Column 3.—Rent should be entered as briefly as possible.

(ix) Column 4.—The areas in this column and in the crop columns must be in figures and not in rakms.

(ix) Columns 5 & 6 (a) If the land is cultivated, enter the crop by the name prescribed in the jinswar statement. If the crop is irrigated, add the word chain; nehri or abi, as the case may be; so also sailah, if the crop falls under that class; in the case of rain crops, the word barani need not be added. Details of flow and life irrigation, can be shown, as also any other details on which the rate of a fluctuating assessment may depend.

(b) When a crop fails to germinate or dries up, or is destroyed by calamity of season, enter it as kharaba. Very careful attention must be given to partially failed crops that is crops of which the yield appears to be much below average. When the actual yield as a whole of the crop grown in one Khasra number is estimated by careful inspection to be not more than 75 per cent. of the usual or average yield, then a deduction from the whole area of the crop should be made; for example, an inferior field of wheat, area 4 Ares may be written as (wheat 3 Ares kharaba 1 Ares) but this should only be done when the actual yield of the whole crop is estimated to be not more than 75 per cent. of the average, and the kharaba allowed should be only as much as is necessary to raise the whole crop of the area returned as under crop to the average of an ordinary harvest. The average yield is that adopted by the Settlement Officer at the previous settlement for the assessment circle in which the village is included, unless some other yield has been specially prescribed in the dastur-ul-amal or elsewhere. The crop for which average yields are not fixed at settlement are generally unimportant. The revenue officials concerned should judge for themselves what yield should be regarded as average in such cases. Where two or more distinct crops are grown separately in different portions of one khasra number, the above procedure

should be applied separately to each of such distinct crops, Deduction for kharaba made under this instruction should, unless some other special local scale has been prescribed by proper authority, be entered as far as is reasonably practicable in accordance with the following scale, taking 100 paise as the average yield of a crop :—

Yield more than 75 paise	No deduction
Yield more than 50 paise but not more than 75 paise	Deduct 1/4 of the sown area.
Yield more than 25 paise but not more than 50 paise	Deduct 1/2 of the sown area.
Yield not more than 25 paise	Deduct whole sown area.

Jowar which fails in the year should be entered not as "Jowar kharaba" but as "chari pukhta". The same details should be given for failed crops as for matured crops.

(c) If the field bears no crop in the current harvest; but has been ploughed for the next harvest or is occupied by trees or plants which will bear fruit in the coming harvest, enter it as *taraddaddi*. Such entries will be required for instance, against field of cotton or cane in the rabi harvest, and in the kharif harvest for land under fruit trees which fruit in the rabi.

(d) Enter unculturable land according to the class to which it belongs; for example ghairmumkin abadi, ghairmumkin sarak, gharmumkin ret, and so on.

(e) Enter the area of the crop, etc. below the soil description. In the case of mixed crops for which there is no separate column in the jinswar statement, enter the area of each crop separately by estimate.

(f) In fields containing an irrigation source, note whether it is at work (*jari*) or out of use (*uftada*). If any new source of irrigation has been made note this.

(g) "In the village under special thur and sem girdawari, the following instructions should be followed, regarding the recording of damaged areas :—

- (1) Damaged areas are those which are affected by thur or by sem.
- (2) Thur must be recorded as such, whether found in cultivated or in uncultivated areas. Thur which does not prevent the land from producing more than a 25 paise crop should be left unrecorded.
- (3) Cultivate area will be classed as sem if owing to sub-soil moisture it has become unfit for cultivation or is so badly affected that it does not produce more than a 25 paise crop. The damaged portion of a field should be considered by itself irrespective of the average crop of the whole field.

Notes:— 1. Sub-soil moisture may have begun to affect a field, and it may certain that the field will in a short time cease to produce more than a 25 paise crop. Nevertheless it will not be closed as sem unless the crop actually growing on it is not more than a 25 paise crop. If the field is fallow and actually bears no crop it will not be classed as sem if it has been ploughed for sowing. Any thur found in it should, however, be recorded.

2. Fields containing damaged patches which spoil the whole of it will be written as wholly damaged.

- (4) Where land is banjar it will be classed as sem if it is surrounded on three or four sides by land classed as sem.

(h) **Special Girdawari.**—The Deputy Commissioner shall order special girdawari where losses to crops, fruits and vegetables, etc., are heavy due to natural calamities like hail-storm, excessive rains, etc. In this regard paragraphs 2.27 and 2.28 of H.P. Emergency Relief Manual are reproduced below :—

“2.27 In Himachal Pradesh apart from the Agricultural crops, fruits and vegetable are grown in many areas. Similarly vegetable including potatoes are grown all over the State. In case of a Natural Calamity these crops are either completely destroyed or partially destroyed and the farmers are put to loss. In fact due to the loss to the cash crops or their failure which leads to a situation where it may become difficult for the victims to make their both ends meet. There may be natural calamity. Where the damage is so vast like snow storm, etc., where the fruit trees are uprooted and the farmers have to re-establish their orchards.

2.28 In such contingencies the farmers need assistance from the Government. In case of loss of crop as mentioned above the following measures should be taken :—

- (a) Special Girdawari may be ordered by the District Collector immediately so that the loss is assessed. The entire revenue field agency should be pressed into service to assess actual loss.
- (b) The District Collector should order immediate suspension of the land revenue including cesses, local rates and surcharge and subsequently move for remission of the same as provided in of the Land Administration Manual and Pb Financial Commissioner's Standing Order No. 30. Normally the remission of land revenue is admissible when the loss is above 25 per cent.
- (c) No remission due to heavy rain, flood, drought, etc., where the damage to crops is less than 50 per cent.
- (d) Total remission where the damage to crops is 50 per cent. and above.
- (e) In the case of hail-storm, total remission if the damage is more than 25 per cent.

Procedure of recording area under seasonal crops grown in orchards.—(i) The instructions regarding recording area under seasonal crops grown in orchards issued by the Financial Commissioner (Rev.) vide letter No. Raj-Ka (Kha) 15-41/80, dated 19th January, 1982 are reproduced below :

“The area where fruit trees have been planed will be classified as ‘Bagicha barani’ or Irrigated ‘Bila Phaldar’ as the case may be, till it starts bearing fruits. The girdawari of inter-crops in such an orchard will be conducted and the estimated area after excluding the area because of fruit trees will be shown under crops, as sown more than once. In other words, the whole area under fruit plants whether bearing or non bearing will be shown as Bagicha and in the case of baghicha Bila Phaldar, the estimated area under crops will be shown as sown more than once. Since no crop can be cultivated after orchard starts fruit bearing the question of recording of crops after fruit bearing, does not arise. The number of plants i.e., bearing and non bearing with kinds of fruit tree will be recorded in a separate column of the Khasra Girdawari Register.

Note.— This form will be used where the land in colony towns and chaks has been built upon. The existing form of Khasra girdawari (paragraph 9.2) will continue to be used in the case of land which is still culturable though situated within the limits of town and chak.

A new Khasra girdawari will be brought into use wherever a new quinquennial Jamabandi has been prepared.

Instructions

9.5 Column 2—The Khasra number of site number will usually be entered in the order of the field map (*shajra kishtwar*). New numbers of the sub-divided sites will be shown in the same place as the old numbers of the undivided sites and not at the end of the Khasra. For renumbering of site numbers the procedure given in the example under column 1 of the ordinary khasra girdawari form paragraph 9.3 (vii) should be followed.

In case where blocks have their sites numbered serially blockwise, the number khasra or site number should be entered accordingly.

Column 4—The entries in this column will be the same as in column 6 or 8 of last jamabandi, as the case may be.

Column 5—This column will be left blank when the area originally allotted has been divided or amalgamated with other fields and separate field numbers have been given to it.

Column 9—In case the site is occupied by the owner the word "maqbuza malik" should be written. The person occupying the upper flat should be entered in this column also.

Column 10—In case the site is occupied by the owner, this column will be left blank. If the site is occupied by a tenant, the total amount of rent paid during the year should be given.

Column 11—The area held by each tenant or occupier or rent-payer should be stated separately in hectares, ares and centres or square metres or decimetre:—

Provided that where the holding is joint, it is not necessary to specify the exact share of each shareholder: and

Provided that where there is an upper flat the area of that flat will not be entered, but the words "Bala khana" will be written against the names of the occupiers of that flat given in column no. 9:—

Provided further that where Government land is encroached upon the Patwari shall prepare a case of encroachment and send the case to the concerned Revenue Officer for ejection.

Column 13—The number of mutation and the names of the new owners should be entered in this column.

The instructions for columns 14 to 18, 19 to 23 and 24 to 28, 29 to 33 are the same as in the case of instructions for columns 9 to 13.

9.6 Patwari not to hinder agriculturists during harvest.—When making the harvest inspection, the patwari must, on no account hinder the harvest operation of any agriculturist.

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9.7 Rough tracing of field map to be used.—In working over the fields the patwari will carry in his hand his cloth copy of the field map.

9.8 Entry of crops and rights.—The crops will be entered in the Khasra girdawari, as the inspection proceeds, in the column provided for the purpose. The changes in rights, rents and possession will be noted in the appropriate column in pencil. And, where the boundaries or area of a field have changed in such a manner as to require a correction of the field map, the patwari will make a rough measurement, sufficient for the crop entries. All changes in rights, rents and possession shall be recorded by the patwari in pencil and by putting a cross in pencil in columns 12, 16, 20, 24 & 28 of Khasra girdawari in accordance with Government instructions issued vide letter No. 10-5/73-II, dated 4-9-80. As per these instructions, the patwari will give information of such changes to the Tehsildar/Naib-Tehsildar as the case may be. The Tehsildar/Naib-Tehsildar will inquire and give reasonable opportunity of being heard to the parties. The inquiry should be completed within 3 months and the entries will be made in Khasra girdawari according to the orders passed by the Revenue Officers after entering in his diary.

9.9 Prevention of errors in Khasra Girdawari Register.—The following subsidiary instructions shall be observed for preventing errors, etc., in the Khasra Girdawari.

- (a) The patwari shall supply a copy of the Fard Raftar to the Lambardar concerned. He should take with him the Lambardar and the persons concerned at the time of his field to field inspection. An entry to the effect that harvest inspection was done in the presence of the particular Lambardar and a few notable persons (mentioning their names) shall be made by him in his Roznamcha Waqiyati. The signatures of the Lambardar who accompanied the patwari shall be obtained against this entry.
- (b) The patwari must enter in his diary a list of all field numbers in which any change of cultivating occupancy or rent has been found and recorded in pencil in the following form :—

Changes in tent field numbers so and so:—

Changes in cultivating occupancy field numbers so and so:—

and place this list before the Field Kanungo at next visit for verification. The number so entered will be verified by the Kanungo and totalled under his signature. But if the change is such as to necessitate an entry in the register of mutations it need not be entered in the diary as well. The Field Kanungo will send the cases of changes to Revenue Officer, who will pass orders after enquiry in accordance with Government instructions No. 10-5/73-II, dated 4-9-80 *ibid*.

- (c) The entry regarding crops in the Khasra girdawari may be corrected by the patwari during the girdawari inspection period, after making a note to this effect in his diary and that may be endorsed by the supervisory Revenue Officers under their signatures.
- (d) The Patwari shall record the area under high yielding varieties of seeds (i.e. wheat, maize, rice, etc.) separately and send an abstract statement to Tehsil office through the Field Kanungo. The Tehsildar should consolidate the information for his Tehsil and submit to the District office. The Deputy

Commissioner shall prepare an abstract for the district and shall send the same to the Director of Land Records.

- ✓(c) At the time of preparation or attestation of the jamabandi a revenue officer of the rank of Naib-Tehsildar or above, may order the correction of a wrong entry that has crept into the khasra girdawari after giving an opportunity of being heard to the parties concerned. The corrected entries should be made in red ink. The Revenue Officer shall pass orders in accordance with the provisions contained in Chapter IV of the H.P. Land Revenue Act, 1954.

Determination of dispute under sub-section (4) of section 104 of Tenancy Act

- (cc) Dispute, whether a person cultivating the land of a landowner is a tenant or not, shall be decided by the Land Reforms Officer exercising the powers of Assistant collector I Grade as laid down under rule 29 of H.P. Tenancy and Land Reforms Rules, 1975.

Procedure of entry of possession

- (f) The entry of possession of a person in the cultivation column should be done very carefully by the revenue officials. The status of the cultivator during crop inspection may be as follows :—
1. Cultivating owner Khud Kast
 2. Hissadari kasht
 3. Tenants

Tenant has been defined in the H.P. Tenancy and Land Reforms Act, 1972 as under :

“Tenant” means a person who holds land under a landowner, and is, or but for a contract to the contrary would be able to pay rent for that land to that landowner, and includes

- (i) a sub-tenant (**); and
- (ii) The predecessors or successors in interest of a tenant or a sub-tenant, as the case may be, but it does not include —
 - (a) a mere mortgagee of the rights of landowner, or
 - (b) a person to whom a holding has been transferred or an estate or holding has been let in farm under the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), or the Punjab Land Revenue Act, 1887 (17 of 1887), as the case may be, for the recovery of an arrears of land revenue or a sum recoverable as such as an arrears”.

According to the definition given above a person is a tenant when he fulfils the following conditions :—

- (1) He holds land under another person.
- (2) He is, or but for a special contract would be liable to pay rent for that land to that other persons.

Mere possession does not constitute tenancy. To establish tenancy, relationship of land-lord and tenant is essential. Before recording any person as tenant all the conditions of a tenancy must be established.

Procedure of entry of tenancy in the revenue record

(g) The Revenue Officer can not make any entry of tenancy in the revenue records except by way of mutation under rule 10A H.P. Tenancy and Land Reforms Rules, 1975 which reads as follows :—

“No entry showing a person to be a tenant by succession under section 45 or otherwise shall be made in the record except through a mutation.”

Entry of criminal trespasser forbidden in the revenue record

(h) Entries of a criminal trespasser, and entries like 'Gairmorusi Bila Lagan Bawaza Sinajori' or 'Bila Lagan Bawaja Bana-shikni', etc., shall not be made in the khasra girdawari or any other record. Such entries are not recognised under the law.

Relinquishment of Tenancy

(i) No relinquishment of a tenancy land shall be made by a tenant in favour of landowner. However, if a tenant wants to make a voluntary surrender of his tenancy land, the same shall be in favour of the State Government. The State Government shall have right to induct any suitable tenant or agricultural labourer to the relinquished land in the manner to be prescribed (section 31 of the H.P. Tenancy and Land Reforms Act). The patwari shall report to the Tehsildar at once any case of voluntary surrender of the tenancy as soon as he comes to know about it during girdawari. The Revenue Officer shall pass suitable orders under the rules.

Detection of Encroachments on Government Lands

(j) At the time of crop inspections, the patwari shall detect all encroachments on Government lands and prepare a case for ejection against the encrocher. He will be held responsible if any encroachment remains undetected during crop inspection. The Field Kanungo and the Revenue Officer shall also be responsible for detection of any encroachments on Government Lands found during checking of crop inspections in their tours.

Change of Classification of land during girdawari

(k) Notwithstanding anything complained in para 9.8 and 9.9 (c) *supra*, the patwari and any inspecting officer can change classification of land, other than government land, if undisputed, according to the spot position, e.g., when banjar land becomes Barani or barani land becomes irrigated or *vice versa*.

Restriction of recording encroachments on Government lands in revenue record

(l) No encroachment on Government land shall be recorded by the Patwari or any other revenue official/officer in Khasra Girdawari or jamabandi or any other record. Instead he will prepare encroachment case as mentioned in para 9.9 (j) *supra*.

Restriction of variation of entry regarding ownership/possession etc. of Government Land

(m) No patwari or Revenue Official/officer shall make or delete any entry regarding ownership, possession, rent and classification, etc., of Government lands except by the orders of Collector of the District or the State Government.

9.10 Patwari to show the work done on each days inspection—At the end of each day's work the patwari should total the pages completed. He should write at the top of each page the day on which the inspection work recorded in it was done.

9.11 Crop abstracts and their record and despatch.—As soon as the field inspection of a harvest is finished in any village, the patwari will complete the crop abstract (jinswar) before commencing work in a second village. When the field kanungo has seen the abstract and signed it as correct, the patwari will enter a copy in his jinswar register and despatch the abstract to the Officer Kanungo of the tehsil. The Field Kanungo will satisfy himself that areas have been correctly converted into hectares from the local standard.

9.12 Form of crop abstract.—The form of the crop abstract (goshwara jinswar) with instructions for preparing it, is given in Chapter 17 (Agricultural Statistics).

9.13 Date of filing Jinswar Returns.—All the Jinswar returns of every harvest should reach the Tehsil office (including returns of 'Extra' kharif and 'Extra' Rabi) within a week after the completion of crop-inspections. The Tehsildar shall submit all the Jinswar returns to the District Collector within a fortnight from the date of receipt in the Tehsil office.

9.14 Patwari's work in intervals between harvest inspections.—On the completion of the kharif jinswars of his circle, the patwari will prepare the bachh papers and write up the mutation registers, and then, under the orders of field kanungo, will undertake any amendments of the field map or re-measurements that may be necessary. (See Appendix VII to the Settlement Manual and Chapter 6 of this Manual). This will be the ordinary course; but in riverain chaks it may be necessary to amend the survey before preparing the bachh and mutation papers. On the completion of the rabi girdawari, the patwari will similarly first make any corrections that may be required in the bachh papers, then write up the mutation registers, and afterwards set to work on the jamabandis that have to be prepared for the current year.

9.15 Checking of kharaba.—The entry of *kharaba* is a matter which requires both honestly and sound judgment on the part of the recorder, and this branch of the patwari's work should be carefully tested by all supervising officers. But where the record has been made with care and is generally sound, it is well to refrain from making petty alterations here and there, which affect but slightly the main result.

9.16 Taradaddi.—By a refinement which serves no very useful purpose, another class is recognised under the name of *taradaddi*, i.e., under tillage. This term is applied to a field which bears no crop belonging to the harvest under inspection. But "has been ploughed for the next harvest, or is occupied by trees or plants, which will fruit in the coming harvest." Examples are fields of cotton or cane in the Rabi. Cane which is planted about March, and occupies the ground for ten or eleven months, is treated for statistical purposes as a *kharif crop*. Land is ploughed for cotton, another *kharif* staple, in the cold weather, and, where irrigation is available, the sowings also often take place before the rabi crops are cut. Orchards which fruits in Kharif are shown as *taradaddi* in the Rabi.

9.17 Duty of kanungos as regards crop inspections.—Revenue officials of all grades should be made to understand the importance of harvest inspections in land administration. While the *girdawari* is going on field kanungos of course spend the whole of their time in checking it. In the *girdawari* months the tours made by the sadar kanungo should be devoted to the same work. In ordinary inspections the field kanungo accompanies the sadar kanungo, but during the *giradwari* the former has to

accomplish so much in a short period that the latter is forbidden to call for his attendance.

9.18 Duty of Tehsildars and Naib-Tehsildars.—The responsibility of *Tehsildars* and *Naib-Tehsildars* should be steadily enforced. The standard to aim at is the inspection of every estate by one or other of these officers at each harvest before the crops are out. But at present this is a counsel of perfection. Both officers cannot be in camp at once, and the harvests last for too short a time to admit of the results being observed and the records of them checked in every village. It is far better that the *girdawari* in one or two stages in each circle should be thoroughly checked than that a nominal inspection of it should be made in every village. They *tehsildar* and his *naib* should so lay out their work that no part of their respective charges remains unvisited. They should have a clear idea of the state of the crops in every assessment circle and in all important villages, and special attention should be given to estates in which suspension of the demand is likely to be required. In bad seasons other work must give way to a thorough examination of the results of each harvest while it is still standing on the ground.

9.19 Duty of superior Revenue Officers.—The District Revenue officer and Sub-Divisional Officer (Civil) must be on tour throughout the *girdawari* months, and must then give most of the time to the checking of harvest inspection work. The Deputy Commissioner should, if possible, help by sending at the same time into camp some other member or members of the headquarters staff. In times of drought especially, care must be taken to utilize other H.A.S. officers to the fullest extent compatible with the carrying out of such judicial and executive work as must be done at headquarters.

9.20 Duty of Deputy Commissioner.—The Deputy Commissioner's own part does not consist so much in checking a few entries in harvest inspection registers in the field, which is all he could possibly accomplish, as in laying out the work of his subordinates, and obtaining a good general idea of the results of the harvest in the different parts of his charge by viewing the standing crops and examining the crop returns of the village."

¹[34A. Sub-division of an estate etc.—Wherever it is expedient to do so in the public interest and smooth implementation of the provisions of this Act, the State Government or the Collector, with the approval of the Financial Commissioner, may, after inviting the public objections, divide an estate into two or more sub-estates or merge two or more estates or sub-estates into one estate, for making record-of-rights or special revision of record-of-rights under section 33, assessment of land revenue under Chapter V and collection of land revenue under Chapter VI of this Act :

Provided that a sub-estate shall form the part of the original estate out of which it has been formed and the creation of such estate or sub-estate shall not extinguish or modify the rights of right-holders of that estate].

1. Section 34A insterted by section 6 of the H.P. Land Revenue (Amendment) Act 3 of 1996.

Chapter 11

ALLUVION AND DILUVION**Law and rules governing the subject**

11.1 When estates affected by rivers or torrents have, assessments of land revenue which are fixed for terms of years, it is a condition of the settlements, in default of a special agreement to the contrary, that such assessments are liable to revision when the lands of the estates are injured or improved by the action of water or sand. Such revisions are governed by Section 63 (1) (d) of the Himachal Pradesh Land Revenue Act, 1954. In such revisions the Revenue Officers will be guided by executive instructions issued from time to time by the State Govt. or the Financial Commissioner (Revenue) with the approval of the govt. as prescribed under Section 67 of the Himachal Pradesh Land Revenue Act, 1954.

Removal of estate from the revenue roll in consequence of diluvion

11.2 When an estate is entirely out away by the river it should be removed from the district revenue roll, but it should be restored on a subsequent formation of land on the same site, if the original owners are entitled to recover possession.

Village list

11.3 The Tehsil Office Kanungo should be required to maintain a simple list of villages liable to increment or decrement of area by the action of river, hill torrent or swamps, to enable him to satisfy himself that diluvion files of such villages are prepared in due course.

Submission of Annual Statement

11.4 The Collector should submit for confirmation of the assessments by the Financial Commissioner (Revenue), a statement in the form below, showing the net changes caused by alluvion and diluvion. These statements should be forwarded to the Financial Commissioner (Revenue) for confirmation by the 1st May. On receipt of such confirmation the new assessment will take effect.

Statement of financial results of alluvion and diluvion assessment for the district made in 19____ for the agricultural year (Kharif 19____ and Rabi 19____) and the proposed remission in the revenue roll and amount to be collected as fluctuating revenue.

1	2	3	4	5	6	7	8	9
District	Tehsil	River	Gross increase of assessment due to alluvion etc. (including Jagir)	Gross decrease of assessment due to diluvion etc. (including Jagir)	Net increase (Khalta) to be collected as fluctuating revenue	Net decrease (Khalta) to be remitted	Net amount of increase or decrease to be shown in the revenue roll of the following agricultural year	Remarks

Notes: - Column 3. The figures for the main rivers of the State should be given separately. Those for the minor streams may be lumped together.

Column 6,7,& 8: Column 6 and 7 should show the actual amounts involved. The amount shown in column 8 will be the difference between column 6 & 7 expressed in even rupees, fractions of a rupee not exceeding 50 paise being neglected and should be preceded by a plus or minus as the case may be.

Column 9: Note in this column the officer by whom the assessments were made and tested, and the method adopted in assessing. Reference should be made to settlement reports prescribing such method or to correspondence conveying special sanction.

Dated	Deputy Commissioner
Distribution of reduction or remission on account of diluvion	11.5 Where special rules have been framed, they provide for the preparation of a statement showing the distribution of the new assessment over holdings. Where no special rules have been framed, a statement should always be filed by the patwari, showing how the reduction or remission has been distributed among the several holdings which have suffered loss.
Assignment of Land Revenue; how affected by alluvion or diluvion	11.6 When the land revenue of the estate has been assigned, the assignee will benefit from any increase of revenue and will suffer from any loss. If he pays commutation for service in a fixed proportion upon his revenue, the commutation will fluctuate with the amount of the revenue.
Effect of removal of the land assigned by diluvion	11.7 An estate or plot, of which the revenue was assigned once swept away, has ceased to exist, and the assignee has no claim to the revenue or alluvial deposits afterwards formed upon the same site, unless when the original owners would be entitled to recover possession of the newly formed land on the ground of their previous ownership.
Form of alteration of revenue roll	11.8 Enhancements of revenue on account of alluvion or reductions on account of diluvion must be sanctioned by the Financial Commissioner (Revenue) before alteration of the revenue roll. Reduction generally involves the remission of the current demand of land revenue, which has to be written off under the authority of the Financial Commissioner (Revenue) as an irrecoverable balance.
Alterations to take effect from the Kharif.	11.9 Except where the orders passed at settlement and still in force require the observance of a different practice, increases due to alluvion and decreases due to diluvion should take effect from the kharif season in which they occurred, but while increase due to alluvion or to excess of alluvion over diluvion, in any village will be collected as fluctuating revenue due on account of the kharif harvest in which the alluvion and diluvion occurred, the decreases on account of losses due to diluvion, or to excess of diluvion over alluvion in any village, will ordinarily be refunded by means of reductions from the collections of the fixed revenue dues on account of the following Rabi. In cases, however, in which no such revenue is recoverable from an individual to whom a refund has to be made, the usual refund procedure will be adopted. In all other cases a reduction will be made by the patwari in the demand recoverable for the following Rabi from the individuals to whom refund is due, the reduction being duly incorporated in the fard bachh. The net increase or decrease for the district, as the case may be, will appear as an addition or deduction in the rent roll submitted for the ensuing agricultural year in the following October.
Power of Collector to suspend in anticipation	11.10 Cases in which it is apparent that a considerable decrease will be necessary in the demand of an estate should be specially reported by the Tehsildar to the Collector as soon as they come to his notice in the course of inspection, and the Collector may, in such cases, at his discretion, suspend the collection of a suitable portion of the revenue, subject to the necessary adjustment consequent on the final orders of the Financial Commissioner (Revenue) on the proposed assessment.

Remissions,
how shown in
balance state-
ments

Remissions for
destruction of
crops

11.11 The amount remitted on account of diluvion will be shown in the balance statements under the head "Irrecoverable", and the authority for remission will be the orders of the Financial Commissioner (Revenue) upon the annual statements of changes in which the amount to be remitted shall be specified separately from the amount by which the rent roll of the succeeding year is to be altered.

11.12 Remissions for the destruction of crops should not be dealt with in diluvion work, but should be separately reported for sanction in the same way as remissions for crop failures of lands other than riverain lands are reported.



Radhakrishnan

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कार्यालय ग्राम पंचायत

सिरोहर (हि०प्र०) ANNEXURE R-3

दिनांक.....

जो कि दिनांक 07/01/2024 को ग्राम पंचायत

की अध्यक्षता में उपस्थिति..... की विशेष बैठक में प्रधान/उप-प्रधान श्री / श्रीमती.....

वधा/सदस्यों द्वारा कार्यालय में निम्न कार्यवाही अमल में लाई गई।

बन्द करवाने हेतु -

ग्राम सभा बैठक में वार्ड न० 1 से वार्ड पंच श्रीमती बाला देवी द्वारा ग्राम वासियों की तरफ से ग्राम सभा बैठक में माँ वैष्णो देवी स्टोन क्रेशर बन्द करवाने वारे प्रार्थना पत्र दिया गया जिस पर ग्राम सभा में चर्चा की गई। चर्चा दौरान ग्राम जामनवाल व महौलिया के लोगो द्वारा बताया गया कि माँ वैष्णो देवी स्टोन क्रेशर जो कि 17-18 वर्षो से चल रहा है जिस कारण उनकी कृषि योग्य भूमि, महौलिया गांव के कुछ परिवारो के स्वतंत्र बना हुआ है। जिस कारण वह क्रेशर को बन्द करवाना चाहते है। पिनार विमर्श के उपरान्त ग्राम सभा में उपस्थित लोगो द्वारा इसी बन्द करवाने की सहमति जताई गई। प्रस्ताव ग्राम सभा में सर्वसम्मती से पास है। अतः प्रस्ताव प्रतिलिपि समाधान हेतु विभाग की सेवा में प्रार्थित है।

प्रधान (AMU)
ग्राम पंचायत कार्यालय
20 नम्बर, जिला सिरोहर हि०प्र०

सचिव
ग्राम पंचायत सरकारी बन्दोना
विन्ड नम्बर जिला सिरोहर

ENGLISH TRANSLATION OF ANNEXURE R-3

OFFICE OF GRAM PANCHAYAT, SALANI KATOLA
(illegible) District Sirmaur (Himachal Pradesh)

Dated:

The proposal No. 17 proposed by the panch/ members in the monthly/ gram sabha/ special meeting of the Gram Panchayat Salami Katola held on 07.01.2024 in the office chaired by the Pradhan/ Up-Pradhan Smt. Anita (illegible), the following action were taken: -

Subject: For closing the stone crusher

In the meeting of the Gram Sabha, the ward panch Smt. Bala Devi on behalf of the villagers, presented an application in the gram sabha meeting for closing Maa Vaishno Devi Stone Crusher, which is discussed in the Gram Sabha. During the course of discussion, the people of village Jamanwala and Maholia told that due to the running of Maa Vaishno Devi Stone Crusher since 17 - 18 years, agricultural land, cattle and house of some of the villagers are in danger. So they want to close the crusher. After the discussions, the people present in the gram sabha gave

their consent to close it. The proposal is passed in the gram unanimously. Thus the copy of the proposal is sent to the Department for its solution.

Sd/-
Pradhan
Gram Panchayat Salavi Katola
Teh. Nahan, District Sirmaour, Himachal Pradesh

Sd/-
Secretary
Gram Panchayat Salavi Katola
Teh. Nahan, District Sirmaour, Himachal Pradesh



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ANNEXURE R-4

सेवा में
श्रीमान सुखविंदर सिंह सुखु जी,
माननीय मुख्यमंत्री,
हिमाचल प्रदेश शिमला।

मान्यवर,

निवेदन है कि शिमला नदी में मोहलिया कटोला तहसील नाहन में श्री देवणा स्टोन क्रेशर के नाम से नदी के बीच में लगा है, जबकि सरकार के आदेश के अनुसार नदी से 100 मीटर दूर क्रेशर लगाना चाहिए, दूसरा महोदय सरकार के आदेशानुसार खनन JCB मशीन से नहीं कर सकते जबकि इसके मालिक जो हरियाणा के है नदी में दिन रात JCB मशीन चला रहे हैं, जब खनन विभाग या फॉरेस्ट विभाग को शिकायत करते हैं तो mining ऑफिसर व उनका सहाय स्टॉफ क्रेशर वालों को एक दम सुचना दे देता है व सुचना देने वाले का नाम व यहाँ तक कि टेलीफोन नम्बर तक भी देते हैं और कहते हैं कि इस शिकायत कर्ता को manage कर लो और क्रेशर मालिक एक दम संपर्क करके खुद या फिर किसी रिश्तेदार को बोला व डामकर प्रेशर बनाते हैं, लालच देते हैं जिससे महोदय corruption कि बंदू आ रही है। महोदय पहले ऐसे खनन अधिकारियों एवं कर्मचारियों के खिलाफ सख्त action लिया जाये। महोदय तीसरा कच्चा भाले सिर्फ mining lease area से 3 फीट कि गहराई तक manual ही उत्खनन करते हैं जबकि यह 20-20 फुट के गहरे गड्ढे नदी में करता है और mining officer कोई कारवाई नहीं करता, महोदय आप जांच अधिकारी से पिछले 10 साल कि google earthing चेक करवाए कि पिछले 8-10 साल पहले यह स्थान क्या था और आज क्या हालात बन गई है। महोदय इसने पहाड़ को काट कर जहाँ कई संकड़ी वृक्ष कि बलि दी, यह area जंगल झाड़ी किस्म में पड़ता है व फॉरेस्ट लैंड का बड़ा हिस्सा इसके साथ है व फॉरेस्ट department आँखे बंद करके बैठ रहा, जहाँ करतबाल भी बंदू आती है, यही इसने नदी के नेचुरल बहाव को पहाड़ की तरफ बंदल दिया, जिससे अब सरकारी पहाड़ नदी के बहाव से बुरी तरह कट रहा है। महोदय इसके इस कृत्यन से हमारे मोहलिया व जामन वाला गांव को गिरने का खतरा भंढरा रहा है। इस बरसात में इस नदी ने बारी लादाह पर इसके आसपास वालों का बहुत नुकसान किया है और जो भयंकर बासदी इस बार हिमाचल में आई और आपने दिन रात मेहनत की, परन्तु महोदय यदि अब भी यह अवैध खनन न रुका तो भविष्य में अंजाम और भयंकर होंगे। इस क्रेशर का अजमेर मंत्री व विनोद कुमार ने NGT में, केस भी किया था जो यह क्रेशर लगभग 2 साल बंद रहा था, और जब हम याचपासियाँ ने उनसे पूछ तो उन्होंने बताया की यह क्रेशर illegal चल रहा है इसके मालिक ने NGT द्वारा गठित कमेटी की सभी recommendations को मानने का अदासत में इन्फ्रानामा दिया है व कोर्ट ने अपने अंतिम आदेश में उसका हवाला भी दे रेखा है, कमेटी ने इसके बारे साफ शब्दों में लिखा है कि स्टोन क्रेशर नदी के बीच में permissible नहीं है, जिससे यह प्रतीत हो रहा है कि महोदय यह कोर्ट के आदेश का भी उल्लंघन हो रहा है जो NGT के आदेश कि copy भी हम जांच अधिकारी को प्रस्तुत कर देंगे। अतः महोदय जिसा प्रशासन सिरमौर को तुरंत कारवाई के आदेश फरमाये। आप कि कार्यशैली से हमें पूरा विश्वास है कि आप NGT के आदेश की भी पालना प्रशासन के माध्यम से करवाए व इसको नदी से तुरंत हटवाए व JCB मशीन नदी में न लगे। धन्यवाद

प्रतिलिपि :- प्रधान ग्राम पंचायत सलानी कटोला को कि तुरंत प्रस्ताव खल कर जिला प्रशासन को करवाई हेतु प्रेषित करे। ② जिला प्रशासन जिला- सिरमौर नाहन हि ५० ③ प्रधान सचिव उद्यान शिमला

(Handwritten signature)
Nan dem Singh
Tara Chamel
सुखविंदर सिंह

(Handwritten signature)
Ward member
W.M. 203

67 बाला की पंडि देवी
 2 सीता देवी
 3 Deepak kumar
 4 कान्तो देवी
 5 Deepak kumar
 6 राजी देवी
 7 दुर्गा देवी
 8 अम्मा देवी
 9 Arjuna
 10 Kamla kumar
 1 राजी देवी
 2 पुष्पा देवी
 3 मौन देवी
 4 अशोक बाला
 5 मीना कुमारी
 ROHIT kumar
 Ranjana
 रूद्र सिंह
 जी मी जी
 लक्ष्मी
 गणेश देवी
 2 Pinku
 इन्द्र प्रकाश
 श्यामा देवी
 अरुणा देवी
 शम कुमार
 देवी
 कुतवी
 Hemawati
 पवन
 मा देवी
 चली देवी

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 34 राजा देवी
 35 Mami devi
 36 उपवती देवी
 37 Raksha devi
 38 Megha Chauhan
 39
 40 अम्मा देवी
 41 Keshava
 42 राजी देवी
 43 Hemawati
 44 Chhabal
 45 प्रोमिला देवी
 46 Rakesh
 47 Kanchan
 48
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 50 अम्मा देवी
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 55 Chhabal Ram
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 57 देवी देवी
 58 अदर
 59 राजी देवी
 60 Shreya
 61 Purnima
 62 सोहनी
 63 रानी देवी
 64 Poonam Jata
 65 Suman
 66 Ruchi

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 68 सुप्रिया
 69 पूनम
 70 जिता देवी
 71 सुनील देवी
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Member No. 04

ENGLISH TRANSLATION OF ANNEXURE R-4

To,

Mr. Sukhvinder Singh Sukhu

Hon'ble Chief Minister,

Himachal Pradesh, Shimla

Sir,

This is to inform you that a plant in the name of Maa Vaishno Stone Crusher is planted in between the Salani River in Mohlia Katola Tehsil Nahan, while as per the Government's instructions, the crusher should be planted 100 meter away from the river. As per the second instruction of the Government, the mining work cannot be executed by the JCB machine. But its owner, resident of Haryana, is running the JCB machine throughout the day. When we make the complaint to the Mining Department or Forest Department, the mining officer and all of its staff inform the crusher people and provide them the informant's name and even telephone No. and ask them to manage the complainant and the crusher owner by contacting either personally or through any relative, pressurize us. They tempt us, which smells the corruption. The strict action be

taken first against such mining officers and employees. Thirdly, the raw material can be mined manually upto the depth of 3 feet from the mining lease area. While they make the pit of 20 – 20 feet in the river and the mining officer does not take any action on it. Please make the google earthing of the last 10 years checked from the Inquiry Officer that what was the position of this place in the last 8 – 10 years and what is its present situation. He cut various hundreds of trees by cutting the mountain. This area falls in the forest land and its large portion falls in the forest land. The forest department has closed its eyes, which smells the corruption. They have changed the natural flow of the river, from which the Government mountain is being cut due to the river flow. Due to this cutting, there is a danger of flow of our village Mohlia and Jaman wala village. In this rainy season, this river has made a great loss to its neighboring peoples and there was a terrible tragedgy recently in Himachal Pradesh wherein you have worked hard. But in case still this illegal mining is not stopped, the consequences will be more dire in the future. Ajmer Singh and Vinod Kumar had filed a case against this crusher

before the NGT. This crusher was closed for around 2 years and when we asked them, they replied that this crusher is running illegally. Its owner has given the affidavit before the Court to comply all the recommendations of the Committee constituted by the Ld. NGT and the Ld. Court has referred the same in its final order. The Committee has categorically held that the stone crusher is not permissible in the middle in the river. Which shows that there is also a violation of the order of Ld. Court. We will submit the copy of the order to the Inquiry Officer. Thus kindly immediately instruct the District Administration Sirmour to take the action. We have the full faith that you will make comply the order of NGT through the administration and immediately vacate it from the river and do not use the JCB machine in the river.

With thanks,

Copy to: -

1. Pradhan, Gram Panchayat, Salani, Katola - immediately apply the proposal and send the same to the District Administration for the action.

2. District Magistrate, District Sirmaour Nahan,
Himachal Pradesh
3. General Secretary, Industry, Shimla, Ramanand

1.	Bala Devi, Ward Panch	34	Rajkumar
2.	Seeta Devi	35	Mamta Devi
3	Deepak Kumar	36	Rupwanti Devi
4	Kanta Devi	37	Raksha Devi
5	Deepa Kumari	38	Megna Chauhan
6	Rajo Devi	39	Ramaz
7	Usha Devi	40	Priti Devi
8	Chamma Devi	41	Reshma
9	Anju Belu	42	Shobha Devi
10	Kamlesh Kumar	43	Hema Devi
11	Rajo Devi	44	Sd/-
12	Uma Devi	45	Promila Devi
13	Monal Devi	46	Sd/-
14	Saroj Bala	47	Sd/-
15	Meean Kumari	48	Sd/-
16	Rohit Kumar	49	Sd/-
17	Ranjana	50	Shyama Devi
18	Indu Singh	51	Sd/-

19	Gomti	52	Sd/-
20	Laxmi	53	Sd/-
21	(illegible) Singh	54	Sd/-
22	Rinku	55	Sd/-
23	Indra Prakash	56	Sd/-
24	Shyama Devi	57	Reena Devi
25	Aruna Devi	58	Sudesh
26	Ram Kumar	59	Rano Devi
27	(illegible)	60	Sd/-
28	(illegible)	61	Ramesh
29	Hema Wati	62	Sohni
30	Vivek	63	Rani Devi
31	(illegible) Devi	64	Poonam Latu
32	Chani Devi	65	Suman
33	Sd/-	66	Reeta
67	Lal Singh	76	Sd/-
68	Sumitra	77	Sd/- Ward Member W. No. 04
69	Poonam	78	Sd/-
70	Nita Devi	79	Naresh Kum.

71	Sunita Devi	80	Sd/-
72	Sd/-	81	Sd/-
73	Sd/-	82	Sd/-
74	Meena Devi	83	Nuton Kumari
75	Maya Devi		

Radhikagadam

TRUE COPY

Proof of Service

ED694565875IN IVR:6968694565875
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: DY DIRECTOR , TOURISM CIVIL
 PIN:173001, Nahan HD
 From: RADHIKA BAUTAM , E 2B
 Wt:160gms
 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694566120IN IVR:6968694566120
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: THE SECRETAR, M/D ENVIRONMENT
 PIN:110003, Lodi Road HD
 From: RADHIKA BAUTAM , E 2B
 Wt:160gms
 Amt:29.50,Tax:4.50,Amt.Paid:30.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694565889IN IVR:6968694565889
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: DY COMMISSIONER , SIMLA
 PIN:173001, Nahan HD
 From: RADHIKA BAUTAM , E 2B
 Wt:160gms
 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694565892IN IVR:6968694565892
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: PRANTAP SINGH , L 59
 PIN:110024, Lajpat Nagar South Delhi SD
 From: RADHIKA BAUTAM , E 2B
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 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694566005IN IVR:6968694566005
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: DIVISIONAL , FOREST OFFICER
 PIN:173001, Nahan HD
 From: RADHIKA BAUTAM , E 2B
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 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
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 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694566014IN IVR:6968694566014
 SP SUPREME COURT SD <110001>
 Counter No:2,18/07/2024,15:42
 To: THE MEMBER S, HIMACHAL STATE
 PIN:171009, Kasumpti SD
 From: RADHIKA BAUTAM , E 2B
 Wt:160gms
 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
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 <Dial 18002666868> <Wear Masks, Stay Safe>



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 Wt:160gms
 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



ED694565901IN IVR:6968694565901
 SP SUPREME COURT SD <110001>
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 PIN:171009, Kasumpti SD
 From: RADHIKA BAUTAM , E 2B
 Wt:160gms
 Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>



STO