

BEFORE THE NATIONAL GREEN TRIBUNAL NEW DELHI

In MA no 114/2023

IN OA no 822/2022

Sanjeev Kumar

V/s

Deputy Commissioner Rupnagar and Ors

Reply on behalf of
respondent Daljit Singh
s/o Bakhtawar Singh r/o
Village Nikku Nangal
Tehsil Nangal Distt
Rupnagar

The answering respondent respectfully Submits as
under :-

1. That the answering respondent is proprietor of village Nikku Nangal, Tehsil Nangal, Distt Rupnagar, and is having share in Patti land namely "*Taraf Sardara Hasab Hissa Jaddi*". The shamlat land of village Nangal Nikku was is possession of proprietors of village much prior to 26.01.1950 and are using and cultivating the same as per their possession, it is pertinent to mention here that no consolidation has been effected in the village and there is no bachat land or forest land is reserved in the village. The village of the answering respondent is adjoining to

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Nangal Township and the land of the village is very progressive. Due to the carelessness of revenue staff, the entire record of rights/land like Lattha, Musavi, field book and khasra girdawri registered is missing/untraceable from 2004 due to which the proprietors of the village like the answering respondent are facing problem in identification of their property and other land ownership related issues.

2. That due to unavailability of revenue record of the village, the encroachers and other land mafia of Nangal town are encroaching upon the land of the proprietors due to which several litigations are also pending in the civil courts, there also villagers are facing great trouble in establishing their claim in absence of revenue record, which is very much essential for identification/demarcation of land, all the proprietors of the village has requested in written as well as several times even on daily basis is visiting the office of revenue staff for providing the above revenue record for protection of their property from encroachers, but none of the revenue staff is ready to reconstruct the record and it seems that they are glove in hand with the land mafia. Copy of the RTI showing the factum of misplacement of records is attached as **annexure R/1.**

3. That when nothing has been done by the revenue staff then the answering respondent filled CWP no 16320

of 2018 with a prayer for issuance of directions for reconstruction of revenue record pertaining to the village and vide order dated 09.07.2018 notice of motion was issued and state was directed to file response, to which it has been conceded that revenue record pertaining to village nikku nanagal is already misplaced since 2004 and it was then directed by the honble high court for reconstruction of the same. however till today no complete record has been constructed and writ petition is still pending in the honble high court.

4. That during the pendency of the writ petition state made a statement before the honble high court court that land record which is ownership of the answering respondent has ben reconstructed and his land will be demarcated in case application is mode in this regard. The honble high court granted liberty to the answering respondent to move fresh application for demarcation with direction to state to demarcate as per fresh reconstructed revenue record. Copy of the order dated 17.07.2019 is attached as **annexure R/2**.

5. That in compliance to the order R/2 Deputy commissioner Rupnagar filled affidavit before the honble court regarding demarcation of the land of the Answering respondent and in that demarcation process only the land in dispute in present case has been allocated to the petitioner being his ownership. Copy

of the Affidavit of the deputy commissioner is attached as **annexure R/3**

6. That it is a matter of record that Himachal Pradesh forest department has filled suit in the civil court Nangal qua land in dispute which is still pending adjudication as such till the decision of the civil court the directions given by this Tribunal be kept in abeyance as the same may amount to contradictory outcomes.
7. That no compensation was ever given to any of the proprietor of the village regarding any acquisition of land by forest department of Himachal Pradesh, as the land falls in state of Punjab and there exists no sale deed, award, or any other document of transfer of land favor of Himachal Pradesh govt in Punjab state after the creation of Himachal Pradesh state vide 1971 Act, so once the himachal Pradesh state itself came into existance in 1971 it has to prove his ownership over land in Punjab state by producing any document issued after 1971 or any such stipulation in the settlement act. And in absence of such no claim is made out in fevour of the Himachal Pradesh govt. the jurisdiction of this honble tribunal is sought to bypass the jurisdiction vested in civil court.
8. That the popular and other trees has been planted by the father of the answering respondent and other proprietors of the village in their own land for their

personnel use and nor the himachal govt neither the Punjab state has any authority to restrict the answering respondent from using the timber in manner they want.

9. That noticing all the facts the answering respondent has been granted pre-arrest bail by the honble high court observing that the land is neither owned by Punjab state and nor by himachal govt. copy of the order dated 18.05.2023 is attached as **annexure R/4**.

So in view of the above submission the present Original application may kindly be dismissed being misuse of process of law.

Dated:

Submitted by:

Daljit Singh s/o Bakhtawar
Singh r/o Village Nikku
Nangal Tehsil Nangal Distt
Rupnagar

(chronological respondent
number no known as memo
not supplied)

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R/1
6**Annexure P-2 (Colly)**

Office of Tehsildar-Cum-Public information
officer, Nangal

To,

Daljit singh S/o Bakhtawar singh R/o Vill
Nikku nangal, Tehsil Nangal, Distt. Rupnagar.

No. 70 dated 15.07.2015

Subject:- RTI act, 2005.

In connection with above cited subject it is written to you that your application has been transferred to this office from PIO Rupnagar information with regard to this has been sought from field staff which is as under:-

1. Copy of notification is attached.
2. Prior to 26.03.2010, this land is ownership of Shamlat taraf sardara hasab hissa jadi.
- 3. In reply to this lattha, field book, musavi is not traceable from 2004. Field staff has prepared the lattha, which is not approved.**

4. XXXXXXX

Sd/- Tehsildar-cum-PIO Nangal

True relevant extract translation

Advocate

Annexure R/2
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CWP-16320-2018

DALJIT SINGH V/S STATE OF PUNJAB & ORS

-*-

Present: Mr. Amandeep Saini, Advocate for
Mr. Madan Lal Saini, Advocate
for the petitioner.

Mr. Charanpreet Singh, Asstt. A.G., Punjab
for the State.

-*-

Counter affidavit of the petitioner filed in Court is taken on record, copy of which has been supplied to the counsel for the State.

Counsel for the State, on instructions from Mr. Dalip Singh, Naib Tehsildar, Nangal, informs the Court that 76% of the total record is complete. So far as the records of the petitioner is concerned, the same is complete and demarcation of his land would be carried out on or before 15.09.2019 and report in this regard will be submitted prior to the next date of hearing.

Counsel for the petitioner states that he would file another application for demarcation apart from one dated 12.06.2019, which has submitted to the Tehsildar, Nangal. He also undertakes that as and when charges will be intimated with regard to carrying out the demarcation, the same would be deposited within a period of two days.

List on **30.09.2019** for consideration.

(AUGUSTINE GEORGE MASHI)
JUDGE

17th July, 2019
Harish

Annexure - R/3 8

1
IN THE HIGH COURT FOR THE STATE OF PUNJAB AND
HARYANA AT CHANDIGARH.

COCP No.378 of 2021

IN

C.W.P.No.16320 of 2018

Daljit Singh aged about 60 years son of Bakhtawar Singh R/o village
Singhpur , Tehsil Anandpur Sahib, District Rupnagar.

.....Petitioner

Versus

1. Sonali Giri, IAS, Deputy Commisioner-cum-Collector, Rupnagar.
2. Ram Kishan, Tehsildar Nangal Distt. Rupnagar.
3. Surinder Pal, Naib Tehsildar, Distt. Rupnagar.
4. Surinder Singh, Kanugo Nangal, Distt. Rupnagar.
5. Shayam Avtar, Patwari , Village Nikku Nangal, Tehsil Nangal, Distt.
Rupnagar.

.....Respondents

 Short reply by way of Affidavit of Sonali Giri, I.A.S, Deputy
Commissioner, Rupnagar, respondent No.1.(In the compliance
of Hon'ble High Court order Dated 17.07.2019).

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

Respectfully showeth -

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1. That the present C.O.C.P is pending before this Hon'ble Court and same is fixed for hearing on dated 05-04-2021.
2. That the present C.O.C.P has emerged out of the Civil Writ Petition No. 16320 of 2018.
3. That the Hon'ble court on 17.07 2019 passed the following order:-

"Counsel for the State, on instructions from Mr. Dalip Singh, Naib Tehsildar, Nangal, informs the Court that 76% of the total record is complete. So far as the records of the petitioner is concerned, the same is complete and demarcation of his land would be carried out on or before 15.09.2019 and report in this regard will be submitted prior to the next date of hearing.

Counsel for the petitioner states that he would file another application for demarcation apart from one dated 12.06.2019, which has submitted to the Tehsildar, Nangal. He also undertakes that as and when charges will be intimated with regard to carrying out the demarcation, the same would be deposited within a period of two days."

4. That in compliance of the above order, a committee consisting of two kanungoes and two partwaries was constituted on dated 05.08.2019 (Annexure-R-1T) to carry out the demarcation of the petitioner Sh. Daljit Singh.

5. That the said committee has submitted its report dated

02.09.2019, 05.09.2019 and 06.09.2019 (Annexure R/3-T), stating that the khasra numbers 3236/1/2/2, 3238/3/2/2, 3308/344 could not be demarcated as these khasra numbers falls in Satluj River near Nangal Dam and there is heavy water flow. The khasra numbers 275, 335/1, 338/2/2, 2236/128, 2237/128, 54 and 55 has been demarcated on 05.09.2019. The khasra numbers 3406/1898, 3427/2027 has been demarcated on 06.09.2019. The whole demarcation process has been conducted and completed in the presence of the petitioner Sh. Daljit Singh and the concerned parties and respected persons of village Nangal Nikku area.

6. That the deponent I as the highest regard for this Hon'ble High Court as well as the orders passed by it and holds in highest esteem. The answering respondent/deponent can not even think of disobeying any order passed by this Hon'ble High Court. The deponent had taken all possible steps to comply with the orders. The deponent tenders unconditional and un-qualified apology for any lapse on the part of the deponent and undertakes to take corrective steps as per the directions of this Hon'ble High Court.

It is, therefore, respectfully prayed that the present petition being devoid of any merits and may kindly be dismissed and Rule of Contempt be discharged in the intrest of justice.

Deponent

(Sonal Giri, I.A.S.)
Deputy Commissioner,
Rupnagar.

Place: Rupnagar / chd
Dated: 08.03.2021

DR

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VERIFICATION

Verified that the contents of para No.1 to 6 of short affidavit are correct and true to the best of my knowledge and information derived from the official record believed to be correct. No part of it is false and nothing has been concealed. therein

Deponent



Place: Rupnagar / *did*
Dated: 08.03.2021

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(Sonali Giri, I.A.S.)
Deputy Commissioner,
Rupnagar.

ANNEXURE R-1T

OFFICE OF TEHSILDAR NANGAL, DISTT. RUPNAGAR.

To

- 1) Sh. Swaran Singh,
Office Kanungo,
- 2) Sh. Jasbeer Singh,
Halqa Kanungo, Nangal,
- 3) Sh. Manohar Lal, Patwari,
Halqa Nangal Nikku,
- 4) Sh. Sham Avtar, Patwari,
Halqa Bhabour Sahib.

No. 261-264/O.K Dated 05.08.2019

Subject: Court case titled Daljit Singh v/s State of Pb. &
others- compliance of orders of Hon'ble High Court
regarding demarcation of land.

In reference to the subject captioned above, you are informed that this office has received orders of Hon'ble Punjab and Haryan High Court dated 17.07.2019, stating therein that on the application of deponent Daljit Singh, demarcation of land be conducted before 15.09.2019 positively. The application of Daljit Singh dated 02.08.2019 submitted with sewa kender Naya Nangal, had been received in this office on 06.08.2019. Therefore, to comply with the orders of Hon'ble High Court to conduct the demarcation of land, the committee comprising of you four

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employees is constituted. And you are appointed as a member of the committee. You will be responsible to report the undersigned upto 30.08.2019 after conducting the demarcation of khasra numbers as per rules on the application of the deponent. It may be treated on top priority.

Sd-

Tehsildar,

Nangal.

Endst No. 265-266 O.K Dated 5.8.2019

Copy to:-

1) Deputy Commissioner, Rupnagar,

2) Sub Divisional Magistrate, Nangal

is being sent for information.

Sd-

Tehsildar,

Nangal.

Transmitted copy
Attended
Din 9/3/2019
Executive Magistrate
Nangal

Amexm - 8/4

CRM-M-15890-2023

[1]

2023:PHHC:072530

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.201CRM-M-15890-2023Date of decision: 18.05.2023

Daljeet Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.11 dated 30.01.2023 registered under Sections 2 of the Forest Act, 1980 Sections 15 and 16 of the Environment Protection Act, 1986 Section 57(i) of the Biological Diversity Act, 2002 Sections 189, 379, 425, 1984, 441 IPC, Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 32 and 33 of the Indian Forest Act, 1927 at Police Station Nangal, District Rupnagar.

2. On 29.03.2023, this Court had passed the following order:-

“Learned counsel for the petitioner *inter alia* contends that the petitioner is a 70 year old farmer with no other criminal antecedents; the land on which the petitioner is said to have committed the alleged offence, he is accused of, is owned and possessed by the petitioner; the complaint filed by the State of Himachal Pradesh claiming ownership of the land over which the trees in question were existing is neither owned by the State of Himachal Pradesh nor the State of Punjab; both the States of

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Himachal Pradesh and Punjab are claiming ownership of the land in dispute which is actually owned and possessed by the petitioner; the petitioner has already filed a writ petition before this Court seeking issuance of directions to the State of Punjab to reconstruct the relevant revenue record so that the petitioner can formally be declared to be owner in possession of the land over which the alleged trees have been cut by the petitioner and that the petitioner is also ready and willing to join and cooperate with the investigation..

Notice of motion.

Mr. A.P.S. Tung, DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 18.05.2023.

In the meanwhile subject to the petitioner' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No. 11 dated 30.01.2023 registered under Section 2 of the Forest Act, Sections 15 and 16 of the Environment Protection Act, Section 57(1) of the Biological Diversity Act, Sections 189, 379, 425, 441 IPC, Section 3 of the Prevention of Damage to the Public Property Act and Sections 32 and 33 of the Indian Forest Act, at Police Station Nangal, District Rupnagar, he shall be released on *ad interim* anticipatory bail to the satisfaction of the arresting officer.

Before the adjourned date the State shall file a status report on the consideration of which further orders shall be passed in the present petition."

3. Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and co-operated with the investigation and that his custodial interrogation is not required by the State.

4. After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner's abiding by the

CRM-M-15890-2023

[3]

2023:PHHC:072530

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conditions provided under Section 438(2) Cr.P.C., the order of this Court dated 29.03.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

May 18, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No