

72

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.614 OF 2022

IN THE MATTER OF:

Rasesh B. Vissanji&Ors.....Applicants

Versus

State of Uttarakhand&Ors.... Respondents

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF DISTRICT  
MAGISTRATE, ALMORA, UTTARAKHAND, IN COMPLIANCE OF  
DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL  
VIDE ITS ORDER DATED 06.01.2023.

P A P E R - B O O K

I N D E X

| <u>Srl</u> | <u>Particulars</u>   | <u>Pages</u> |
|------------|--|--------------|
| 1.         | Report by way of Affidavit on behalf of District Magistrate, Almora, Uttarakhand, in compliance of directions passed by the Hon'ble National Green Tribunal vide its order dated 06.01.2023. | 73-91        |
| 2.         | <u>ANNEXURER-1</u> : A true copy of the order dated 06.01.2023 passed by this Hon'ble Tribunal   | 92-94        |
| 3.         | <u>ANNEXURE R-2</u> : Copy of the letter dated 23.2.2023 alongwith affidavit dated 21.2.2023 signed by the villagers   | 95-97        |
| 4.         | <u>ANNEXURE R-3</u> : Copy of order dated 04.03.2022 passed by the Leaned Civil Judge, Junior Division, Almora, Uttarakhand  | 98-          |
| 5.         | <u>ANNEXURE R-4</u> : Copy of Notice dated 18.10.2021 issued by the Assistant Collector, First Class, Sadar, Almora, Uttarakhand   | 99-100       |
| 6.         | <u>Vakalatnama</u>   | 101          |

Filed by:



[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand /  
Respondent s

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I, Delhi-110091

Mobile No. 9717706032

Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 614 OF 2022

IN THE MATTER OF:

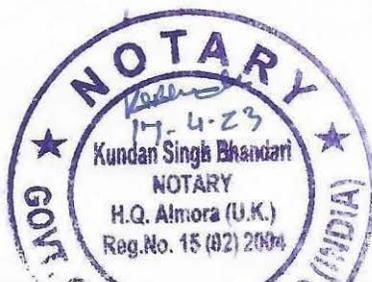
Rasesh B. Vissanji & Ors..... Applicants  
Versus  
State of Uttarakhand & Ors.... Respondents

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF DISTRICT  
MAGISTRATE, ALMORA, UTTARAKHAND, IN COMPLIANCE  
OF DIRECTIONS PASSED BY THE HON'BLE NATIONAL  
GREEN TRIBUNAL VIDE ITS ORDER DATED 06.01.2023.



I, Vandna D/o Shri Main Pal Singh aged about 33 years, presently posted as District Magistrate, Almora, Almora, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Report by way of Affidavit on behalf of State of Uttarakhand.



4

2. That the abovementioned matter was listed on 23.09.2022 before this Hon'ble Tribunal, after hearing, this Hon'ble Tribunal was pleased to pass the following order:-

*"1. Mr. Rasesh B Vissanji & Others have sent by post the present letter petition, which has been treated and registered as Original Application, complaining about Illegal cutting of trees by using JCB for construction of proposed 6 Kms of ChitaiManjoliPetshal National Highway. It is also submitted that the construction material (muck) has been disposed of illegally on fertile agricultural land of poor farmers damaging the crops.*

*2. This Tribunal is empowered to suo moto take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.*

- 3. Prima facie, the allegations made in the application*



4

raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representatives of State PCB, Executive Engineer, PWD, Almora, DFO and District Magistrate, Almora and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired within one



month from the date of receipt of a copy of the report of the Joint Committee by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) The concerned Statutory Authorities including State PCB and District Magistrate, Almora to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponents and following due process of law and they shall submit their action taken reports separately within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 06.01.2023”

3. That in compliance of the directions passed by this Hon'ble Tribunal on dated 23.09,2022, the Joint Committee visited sites of proposed site on 09.11.2022. Following officials were part of the Joint Committee:

- (i) Shri Mohan Ram Arya, Range Officer, Almora Range,



4

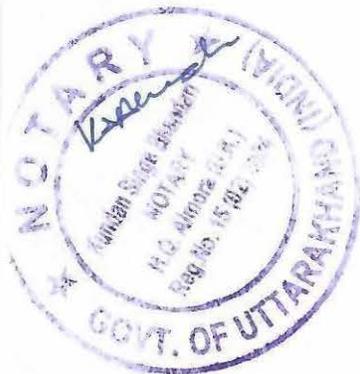
Almora - a representative of Divisional Forest Officer, Almora Forest Division, Almora.

- (ii) MsKhushbuPandey, Tehsildar, Tehsil Someshwar, District Almora - a representative of District Magistrate, Almora.
- (iii) Dr. D.K. Joshi, Regional Officer, UKPCB, Regional Office, Haldwani (Nainital).
- (iv) Er. Ashutosh Kumar, Executive Engineer, NirmanKhand, Public Works Department, Almora.

It is relevant to mention herein that the applicant ShriRasesh B Vissanji was informed about the inspection but he was not present at the time of inspection.

4. That as per observation of the Joint Committee, on the demand of local villagers and in view of sharp curves/ accident prone area at Kalidhar near Chitai, alternative /link road of 8 Km. length from Chatai Pant Tiraha lo Petshal (District Almora) was proposed as a part of Almora - Ghat National Highway No. 309 (B).

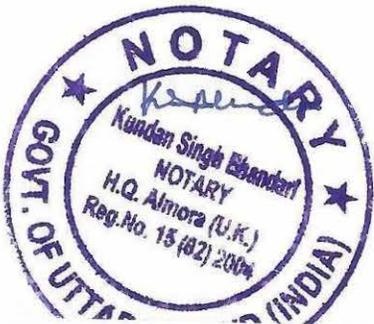
5. That the Government of Uttarakhand has accorded administrative and financial approval of Rs. 200.16 Lakh for



9

construction of said alternative road of 8.0 Km. vide letter no. 572III(2)/06-08 (Pra. A)06 dated 28.03.2006. However, presently construction of only 3.25 Km long road is being carried out.

6. That the integrated Regional Office, Ministry of Environment, Forest & Climate Change, Dehradun vide its letter no. 8B/U.C.P./06/125120151 F.C.11765 dated 17.11.2022 has accorded in-principal approval of non-forest uses of 2.43875 hectare land to PWD for construction of Chatai to HariDuttPetsaliInter College Motor Marg.
7. That the alignment of said motor road was approved by the Superintendent Engineer, PWD, Almora vide its letter no. 7624/204 C-01/2021 dated 22.10.2021.
8. That the villagers of the area has also given consent for use of private land for construction of said proposed motor road.



4

9. That the Construction Division, PWD, Almora has deposited an amount of Rs. 32,47,715.00 towards NPV and compensatory forestry cost to the Forest Department on dated '16.03.2021 . Cutting of trees is being carried out by the Uttarakhand Forest Corporation Ltd.
10. That the Construction Division, PWD, Almora has allotted the contract of said road construction work to Shri Shivraj Singh Banola after following due processes.
11. That as per the joint inspection report, road cutting work is being carried out by contractor as per contract agreement. The contractor has started the road cutting work before tree cutting work, which is to be done by Uttarakhand Forest Corporation Ltd., however, all the trees are kept there only. Muck dump area has been developed with gabian wall and retaining walls in private land with consent of land holders.
12. That the Committee also observed that the alignment of road has changed at village Manyoli with approval of Superintendent Engineer, First Circle, PWD, Almora. The



9

Committee also observed that no illegal trees felling is done in forest area.

13. That the Joint Inspection Report along with its annexures is already part of the record of this Hon'ble Tribunal.
14. That, thereafter, the matter was listed before this Hon'ble Tribunal on 06.01.2023 and this Hon'ble Tribunal was pleased to pass the following directions:-

" .....

2. *Vide email dated 23.09.2022, this Tribunal constituted a Joint Committee comprising of representatives of the Uttarakhand Pollution Control Board (UKPCB), the Executive Engineer, PWD, Almora, the DFO and the District Magistrate, Almora and directed the same to verify the factual position and submit its report within one month.*

3. *In compliance of order dated 23.09.2022, Factual and Action Taken Report of the Joint Committee has been submitted by the UKPCB vide email dated 04.01.2023.*

4. *In view of the averments made in the application and observations made in the report, we consider it appropriate to have response of (1) the State of Uttarakhand, through Chief Secretary, Government of Uttarakhand; (2) the Chief Engineer, Public Works Department (PWD), Uttarakhand; (3) the Principal Chief*



9

Conservator of Forests (HoFF), Government of Uttarakhand; (4) the UKPCB and (5) the District Magistrate, Almora, who stand impleaded as Respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application.

5. Mr. Rahul Verma, Additional Advocate General, who is already appearing for the State of Uttarakhand before this Tribunal accepts notice on behalf of Respondents No. 1 to 3 and 5.

6. Mr. Mukesh Verma, Advocate, who is also appearing for the UKPCB before this Tribunal accepts notice on behalf of Respondent No. 4.

7. Reply/response on behalf of Respondents No. 1 to 5 be filed within two months at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. In their reply/response the respondents shall give requisite details regarding action plan formulated for compensatory afforestation, budgetary provisions made, the species to be planted, particulars of land selected for afforestation, specific timeline for said plantation and steps to be taken for protection of the trees planted and also for their maintenance for ensuring survival thereof.

9. List for further consideration on 06.03.2023”



9

A true copy of the said order dated 06.01.2023 passed by this Hon'ble Tribunal is annexed hereto and marked as ANNEXURE R-1.

15. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal, the Divisional Forest Officer, Almora, Uttarakhand, sent their report vide letter No.4092/29-1 dated 17.02.2023 to the Principal Chief Conservator of Forest, (HoFF), Uttarakhand, wherein the following points are mentioned and the same are being furnishing hereinbelow in the Tabular form by way of present affidavit:

| Srl. | Points                     | Status of the site  |
|------|----------------------------|---|
| 1.   | Compensatory afforestation | That in reply thereto it is respectfully submitted that for compensatory afforestation, the land measuring 4.83 Hectare has been identified at Manila compartment No. 23 District Almora, Uttarakhand and the |



|    |                           |   |
|----|---------------------------|---|
|    |                           | proposal for the same has already been enclosed.  |
| 2  | Budgetary provisions made | In reply thereto it is respectfully submitted that the Construction Division, PWD, Almora has deposited an amount of Rs.16,45,458/- (Rupees sixteen lakhs forty five thousand four hundred & fifty eight only) at the rate of Rs. 03,37,184.00 (Rupees three lakhs thirty seven thousand one hundred and eighty four only) towards NPV and compensatory forestry cost to the Forest Department on dated 16.03.2021. |
| 3. | The species to be planted | It is respectfully submitted that the Baanj, Falyat, Tejpat, Malta, NeebuUtis, Bhimal and Dadimetc. species of tree has to be planted.  |



9

|    |   |  |
|----|---|--|
| 4. | The particulars of the land identified for the afforestation. | Land measuring 4.83 hectare situated at compartment No. 23 in Manila, District Almora, Uttarakhand.  |
| 5. | Specific timeline   | The compensatory afforestation will be completed within one year from the date of receiving of due approvals.  |
| 6. | Steps to be taken for protection of the trees planted.        | Provision has been made in plantation scheme the wall around area of the planted trees for the security of the planted trees, and sweeping will also be done from time to time for the area of 04-04 meters outside the area of security wall. |
| 7  | Maintenance   | For the maintenance of the   |



Q

|  |  |  |
|--|--|--|
|  |  | compensatory afforestation area, the work of weeding will be done two times in a year as well as the dry grass and leafs and other flammable articles will be from the area. |
|--|--|--|

16. That the villagers are continuously demanding for construction of proposed road, and villagers had submitted the affidavit bearing signature of money villagers in support of construction of proposed road, as the present road in question is in larger public interest and for welfare of public. Copy of the letter dated 23.2.2023 alongwith affidavit dated 21.2.2023 signed by the villagers are annexed hereto and marked as ANNEXURE R-2.

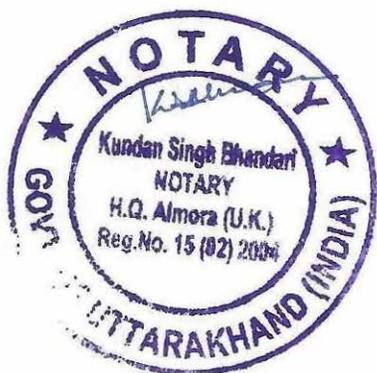
17. It is pertinent to mention herein that applicant herein namely Rasesh B. Vissanji also filed a Civil Suit Case No. 11/2021 in the Court of Civil Judge, Junior Division, Almora against the State of Uttarakhand through District Magistrate, Almora and



4

Executive Engineer, Construction Division, Public Works Department, Almorapertaining to construction of the road in question and the same has been disposed off on 04.03.2022 by the Court of Leaned Civil Judge, Junior Division, Almora, Uttarakhand, as the same was not pressed by the applicant herein. A true copy of the said order dated 04.03.2022 is annexed hereto and marked as ANNEXURE R-3.

18. It is also pertinent to mention herein that the applicant herein is not the original resident of State of Uttarakhand, the applicant purchased the land in District Almora, Uttarakhand with prior permission of the District Magistrate, Almora, Uttarakhand as desired under Section 154 (4) (3) (b) of U.P. Zamindari Abolition Act, 1950 (U.P. Zamindari Development and Land Reforms Act, 1950), but the applicant had violated the conditions regarding the transfer of land use as mentioned in the permission granted by the District Magistrate, Almora and conditions mentioned in Affidavit, and the proceedings (i.e. Revenue Case No.01/2011-2022- State of Uttarakhand through Collector –Versus- Rasesh Bharat Vissanji son of



2

Bharat Vissanji ) under section 167 of U.P. Zamindari Abolition Act, 1950 (U.P. Zamindari Development and Land Reforms Act, 1950) are pending against the applicant in the Court of Assistant Collector, IstClass, Sadar, Almora, Uttarakhand. Copy of the Notice dated 18.10.2021 issued to the applicant in the abovementioned matter is annexed hereto and marked as ANNEXURE R-4.

The Sections 143, 154 and 167 of U.P. Zamindari Abolition Act, 1950 (U.P. Zamindari Development and Land Reforms Act, 1950) is quoted below for ready reference of this Hon'ble Tribunal:

**"143. Use of holding for industrial or residential purpose -**

(1) *Where a bhumidhar with transferable rights uses his holding or part thereof for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, the Assistant Collector in charge of the sub-division may, suo moto or on an application, after making such enquiry as may be prescribed, make a declaration to that effect.*

(I-A) *Where a declaration under sub-section (1) has to be made in respect of a part of the holding the Assistant*



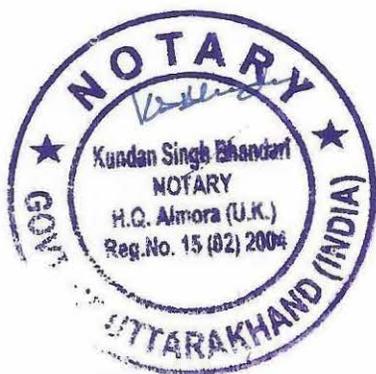
9

Collector in charge of the sub- divisions may in the manner prescribed demarcate such part for the purposes of such declaration.

(2) Upon the grant of the declaration mentioned in sub-section (1) the provisions of this Chapter (other than this section) shall cease to apply to the bhumidhar with transferable rights with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.

(3) Where a bhumidhar with transferable rights has been granted, before or after the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1978, any loan by the Uttar Pradesh Financial Corporation or by any other Corporation owned or controlled by the State Government, on the security of any land held by such bhumidhar, the provisions of this Chapter (other than this section) shall cease to apply to such bhumidhar with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.

**"154. Restriction on transfer by a bhumidhar-** (1) Save as provided in sub-section (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea garden to any person where the transferee shall, as a result of such sale or



9

gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

[Explanation- For the removal of doubt it is hereby declared that in this sub-section the expression "person" shall include and be deemed to have included on June 15, 1976 a "Co-operative Society" :

Provided that where the transferee is a Co-operative Society, the land held by it having been pooled by its members under Clause (a) of sub-section (1) of Section 77 of the Uttar Pradesh Co-operative Societies Act, 1965 shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by it.] (2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorize transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public."

**"167. Consequences of void transfers.-** (1) The following consequences shall ensue in respect of every transfer which is void by virtue of section 166, namely-



9

(a) the subject-matter of transfer shall with effect from the date of transfer, be deemed to have vested in the State Government free from all encumbrances;

(b) the trees, crops and wells existing on the land on the date of transfer shall, with effect from the said date, be deemed to have vested in the State Government free from all encumbrances;

(c) the transferee may remove other movable property or the materials of any immovable property existing on such land on the date of transfer within such time as may be prescribed.

(2) Where any land or other property has vested in the State Government under sub-section (1), it shall be lawful for the Collector to take over possession over such land or other property and to direct that any person occupying such land or property be evicted therefrom. For the purposes of taking over such possession or evicting such unauthorised occupants, the Collector may use or cause to be used such force as may be necessary."

19. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed kind perusal of this Hon'ble Tribunal.



9



R.T.I. Affected  
Kashyap

91  
DEPONENT

**VERIFICATION**

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Almora, Uttarakhand on this 17th day of April, 2023.

Identified by

OR 17-4-2023  
Kundan Singh Bhandari  
कृते जिला अधिवक्ता, यल्पीक

DEPONENT

Filed through:

Rahul Verma  
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand  
/Respondents

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I,  
Delhi-110091

Mobile No. 9717706032

Email- [advraahulverma9999@gmail.com](mailto:advraahulverma9999@gmail.com)

Certified that this is the...  
deponent identified by...  
sworn and verified the contents of  
this Affidavit at...  
on 17-04-2023 at... 10:30 am

Kashyap  
Kundan Singh Bhandari  
Notary H Q Almora (U.K.)



92  
ANNEXURE R-1

Item No. 6

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 614/2022

Rasesh B Vissanji & Others

...Applicants

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 06.01.2023

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

Applicant: None.

Respondents: Mr. Rahul Verma, AAG for the State of Uttarakhand-  
Respondents No. 1 to 3 and 5.  
Mr. Mukesh Verma, Advocate for UKPCB-Respondent No.  
4 (through VC).

**Application is registered based on a letter petition received by post.**

**ORDER**

1. The grievance of the applicants in the present application is about illegal cutting of trees by using JCB for construction of proposed 6 Kms of Chitai Manjoli Petshal National Highway. It is also submitted that the construction material (muck) has been disposed of illegally on fertile agricultural land of poor farmers damaging the crops.

2. Vide email dated 23.09.2022, this Tribunal constituted a Joint Committee comprising of representatives of the Uttarakhand Pollution Control Board (UKPCB), the Executive Engineer, PWD, Almora, the DFO and the District Magistrate, Almora and directed the same to verify the factual position and submit its report within one month.

-2-

3. In compliance of order dated 23.09.2022, Factual and Action Taken Report of the Joint Committee has been submitted by the UKPCB vide email dated 04.01.2023.

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response of (1) the State of Uttarakhand, through Chief Secretary, Government of Uttarakhand; (2) the Chief Engineer, Public Works Department (PWD), Uttarakhand; (3) the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand; (4) the UKPCB and (5) the District Magistrate, Almora, who stand impleaded as Respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application.

5. Mr. Rahul Verma, Additional Advocate General, who is already appearing for the State of Uttarakhand before this Tribunal accepts notice on behalf of Respondents No. 1 to 3 and 5.

6. Mr. Mukesh Verma, Advocate, who is also appearing for the UKPCB before this Tribunal accepts notice on behalf of Respondent No. 4.

7. Reply/response on behalf of Respondents No. 1 to 5 be filed **within two months** at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. In their reply/response the respondents shall give requisite details regarding action plan formulated for compensatory afforestation, budgetary provisions made, the species to be planted, particulars of land selected for afforestation, specific timeline for said plantation and steps

O. A. No. 614/2022

Rasesh B. Visssanji & Ors. Vs.  
State of Uttarakhand & Ors.

94

-3-

to be taken for protection of the trees planted and also for their maintenance for ensuring survival thereof.

9. List for further consideration on 06.03.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 06, 2023  
AVT

✓  
JITRUB COPY 11

95



Trilok Singh Pillkhal (Social Worker)

Village-Chitai Tiwari, Post Office-Chitai, Distt. Almora-263601

Email: trilokpillkhal@gmail.com Mob: 9311506591

दिनांक : 23.02.2023

सेवा में

माननीय राष्ट्रीय हरित अधिकरण, प्रधान न्यायालय, फरीदकोट हाउस, कॉपरनिकस मार्ग, नई दिल्ली

विषय :- मूल आवेदन 014/2022 का प्रकरण चितई से पेटशाल सड़क मार्ग पर व्यापक जनहित को देखते हुवे विचार करने के सम्बन्ध में प्राथमिक पत्र

माननीय महोदय,

उपरोक्त विषयक चितई से पेटशाल मोटर मार्ग के प्रकरण में निम्नलिखित बिंदुओं पर ग्राम पतालध्यो, ग्राम पूनाकोट एवं लोक मन्गोली के निवासियों का पक्ष सुनने की कृपा करें।

**बिंदु 1:-** माननीय महोदय उक्त वर्णित चितई से पेटशाल लिंक मोटर मार्ग जो कि राज्य सरकार द्वारा वर्ष 2006 से स्वीकृत है। यह मोटर मार्ग चार गांव चितई पंत, चितई तिवारी मन्गोली एवम् पतालध्यो के ग्रामीणों को सड़क लाभ पहुंचाने व वर्तमान अल्मोड़ा से घाट पनार राष्ट्रीय राजमार्ग 309 बी के चितई स्थित लोच संरक्षण और दुर्घटना की दृष्टि से अतिसंवेदनशील क्षेत्र कालीधर पर यातायात के बोझ को कम करने के विकल्प के तौर पर वाय पास / लिंक मोटर मार्ग के रूप में बनाया जा रहा था जिसके प्रथम चरण में 2 किलोमीटर सड़क का निर्माण कार्य पूर्ण हो चुका था एवम् शेष 6 किलोमीटर का कार्य शुरू ही हुआ था।

**बिंदु 2:-** वर्तमान में सड़क विभागा के कार्य को रोकने हेतु शिकायतकर्ता की रसेल भरत विसंजी व अन्य ग्रामीणों की शिकायत पर माननीय एनजीटी में प्रकरण लंबित होने के कारण सड़क का निर्माण कार्य रुका हुआ है। माननीय महोदय को अवगत कराया है कि सभी शिकायतकर्ता स्वयं इस सड़क मार्ग का लाभ ले रहे हैं तथा मूल रूप से 5 किलोमीटर सड़क मार्ग के अब तक निर्मित सड़क मार्ग से शिकायतकर्ता सहित ग्राम चितई पंत, चितई तिवारी बाबा चारनी जुड़ चुके हैं प्रकरण न्यायालय में लंबित होने के कारण हमारे 300 से अधिक ग्रामवासी इस सड़क के लाभ से वंचित हो गए हैं।

**बिंदु 3:-** इस सड़क मार्ग से जुड़ने पर हमारे सभी ग्रामवासी जो की अधिसूचित कृषि एवम् बागवानी का कार्य करते हैं एवं अपने उत्पादों को आसानी से बाजार तक पहुंचा सकेंगे व अपनी आउटिंग बढ़ सकेंगे व मोटर मार्ग के लिंक होने से इस सड़क को बनाए जाने का मूल उद्देश्य वर्तमान मार्ग पर दुर्घटनाओं से बचता भी पूर्ण हो जाएगा।

अतएव माननीय प्रधान न्यायालय से इस आश और अपेक्षा के साथ विवेक निवेदन है की व्यापक जनहित में इस प्रकरण को निस्तारित करने की कृपा करें हमारे सभी ग्रामीण आपके आभारी रहेंगे।

प्रार्थी

त्रिलोक सिंह पिलखाल

सामाजिक कार्यकर्ता एवं कोषाध्यक्ष गठवान को ऑपरेटिव (अर्बन) थिफ्ट एंड क्रेडिट सोसाइटी लिमिटेड, नई दिल्ली

१-संलग्न पत्रावृत्ति शपथ पत्र ग्राम प्रधान चितई एवं ग्राम प्रधान पूनाकोट

NOTROY



सत्यमेव जयते

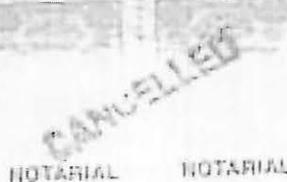
INDIA NON JUDICIAL

Government of Uttarakhand

96  
H.C. Paid Stamp Vendor  
Lic. No. 5/71-12  
E-Stamp I.D. UK 1215704  
Almora

e-Stamp

Certificate No. : IIN-UK037429004642652V  
 Certificate Issued Date : 21-Feb-2023 11:02 AM  
 Account Reference : NONACC (SV)/ UK1215704/ ALMORA/ UK-AM  
 Unique Doc. Reference : SUBIN-UKUK121570480739906540690V  
 Purchased by : GRAM PRADHAN PATALDEV POONAKOT  
 Description of Document : Article Miscellaneous  
 Property Description : NA  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : GRAM PRADHAN PATALDEV POONAKOT  
 Second Party : MANNIYA N G T  
 Stamp Duty Paid By : GRAM PRADHAN PATALDEV POONAKOT  
 Stamp Duty Amount(Rs.) : 10  
 (Ten only)



Please write or type below this line

शपथ पत्र

यह कि हम समस्त जानबानी सोच समझी व तार्किक परामर्शों ग्राम पूनाकोट मानसीय एनबीटी से निवेदन करते है कि बिहई पत सिंचने से पैदावान तथा गिक मोटर मार्ग 6 किलोमीटर के पूर्ण रूप से लिंक होने पर हम 1200 से अधिक वार्षिक लाभान्वित होगे मूल रूप से 8 किलोमीटर इस सड़क से वर्तमान में अज्ञायतकर्ता थी एमरा भरत निरुधी व अन्य जुट चुके है व लाभान्वित हो रहे है। तथा शेष सड़क पर निर्माण कार्य मानसीय

Cont. 2.

2

एनजीटी में प्रकरण (OA614/2022) विचाराधीन होने के कारण विगत 5 माह से रुका हुआ है जिस कारण हम ग्रामवासी सड़क नाम से वंचित हो रहे हैं कृपया हम ग्रामवासियों की प्रार्थना पर सहानुभूति पूर्वक विचार कर इन सड़क कार्य को प्रारंभ करने हेतु न्यायोचित कार्यवाही करने की कृपा करें।

दिनांक

प्रार्थना

*[Signature]*  
प्रधान

ग्राम प्रधान पताराम्यो पूनाकोट  
मो - 9910745561

ग्राम प्रधान मनमोली बिन्दू बिहारी  
एवम् ग्रामवासी  
*[Signature]*

ग्राम प्रधान चण्डिका बिहारी  
मो - 993055299  
प्रधान 6356635282

ग्राम पंचायत चण्डिका बिहारी  
बिहार राज्य - सुप-सुप  
जिला अरमोहा

1) मो - 99690783584  
2) मो - 9718110507  
3) मो - 7830519323

ग्रामवासी 9719791138  
आनन्द सिंह - 7253996825  
रत्नलाल पटवर्धन - 7902097162  
निमाल सिंह - 6398820498  
शशि-दत्त - 9410590114  
नीलमणि - 9411556135

लिखित सिद्धिनिर्माता - 9568342881  
मो - 9411318548

Attested & authenticated the  
executed by me.  
on 17/02/2023.

*[Signature]*  
Chandika Bihari  
Notary

H.O. - ALMORA (U.P.)  
Reg. No. - 9/02/2017

विजय शर्मा 9312746013

ग्रामवासी  
पुष्प मिश्र पति

मो - 8958814842

मो - 902142746

AT RUE C.P.V  
*[Signature]*



न्यायालय सिविल जज जू०डि० अल्मोड़ा,  
दीवानी वाद सं०-११/२०२१  
रमेश भरत विसंजी बनाम उत्तराखण्ड सरकार व एक अन्य

(२)  
04.03.2022

वाद पुकारा गया। वादी मय विद्वान अधिवक्ता श्री हरीश चन्द्र लोहुमी एवं प्रतिवादी की ओर से विद्वान जिला शासकीय अधिवक्ता दीवानी श्री पंकज लटवाल न्यायालय उपस्थित। आज की तिथि सुनवाई कागज संख्या 6ग2 हेतु नियत है।

वादी द्वारा प्रार्थना पत्र कागज संख्या 29क के माध्यम से यह कथन किया गया है कि प्रतिवादीगण के द्वारा पूर्व में वादी की निजी भूमि पर निर्माण कार्य किया जा रहा था, तो वादी के द्वारा मौजूदा वाद योजित किया गया। उपरोक्त मामले में प्रतिवादीगण विभाग द्वारा लिखित तौर पर अभिकथन कर दिया गया है कि उनके द्वारा मोटर मार्ग का नया एलाइन्मेंट तैयार कर लिया गया है, जिसमें वादी की भूमि में किसी प्रकार का हस्तक्षेप न होने की संभावना होने की जानकारी न्यायालय को दी गयी है। जिस कारण वादी द्वारा वाद में आगे कार्यवाही न चाहते हुए वाद को निस्तारित करने की प्रार्थना की है।

सुना व पत्रावली का अवलोकन किया।

पत्रावली के अवलोकन से विदित है कि वादी द्वारा प्रार्थना पत्र कागज संख्या 29क में यह कथन किया गया कि प्रतिवादी विभाग द्वारा मोटर मार्ग का नया अलाइन्मेंट तैयार कर लिया गया है, जिससे वादी की भूमि में किसी भी प्रकार का हस्तक्षेप नहीं हो रहा है। वादी उपरोक्त वाद में कोई बल नहीं देना चाहते हैं। अतः उपरोक्त परिस्थिति को दृष्टिगत रखते हुए हस्तगत वाद की कार्यवाही वादी द्वारा वाद में बल न दिये जाने के कारण निस्तारित की जाती है।

पत्रावली नियमानुसार अभिलेखागार प्रेषित की जाए।

*Karishma*  
04.03.2022

(करिश्मा डंगवाल)

सिविल जज (जू०डि०), अल्मोड़ा।

TRUK 02/4/11

प्रतिलिपि का नाम

पुनर्वाकार का नाम/हस्ताक्षर

व्यक्ति की संख्या

न्यायालय सिविल जज (जू०डि०) अल्मोड़ा

दिनांक - 11/20.21

रमेश भरत विसंजी vs राज्य सरकार व अन्य



२

प्रतिलिपि

प्रतिलिपि

04/03/2022

न्यायालय अल्मोड़ा

## फोलियो

## केवल नकल के प्रयोजन हेतु

| आदेशक टाप सहित<br>प्राथम्य-पत्र प्रस्तुत करने की<br>तिथि | नोटिस बोर्ड पर नकल<br>तैयार होने की सूचना की<br>तिथि | नकल दिये जाने की<br>तिथि | नकल देने वाले<br>अधिकारी के<br>हस्ताक्षर |
|--|--|--------------------------|--|
|  |  |                          |  |

## (शासकीय कार्य हेतु)

न्यायालय असिस्टेंट कलेक्टर प्रथम श्रेणी सदर अल्मोड़ा

रा0वा0सं0 01/2021-22

वादी:- उत्तराखण्ड राज्य जरिये कलेक्टर अल्मोड़ा।

बनाम

प्रतिवादी:- रसेश भरत विसंजी पुत्र भरत विसंजी, निवासी मकान नं0 56 द्वारा ग्राम  
मुन्योली बारामण्डल, पटवारी क्षेत्र चितई पन्त, तहसील व जिला अल्मोड़ा।

चाही गयी नकल- नोटिस मामला अन्तर्गत 167 उ0प्र0ज0वि0

एवं भूमि व्यवस्था अधि0 1950



*(Handwritten signature)*

*(Handwritten mark)*

## न्यायालय असिस्टेंट कलेक्टर प्रथम श्रेणी अल्मोड़ा

राजस्व वाद संख्या 01 / 2020-22

वादी :- उत्तराखण्ड राज्य जरिये कलेक्टर अल्मोड़ा।

## बनाम

प्रतिवादी :- रसेश भरत विसंजी पुत्र भरत विसंजी, निवासी मकान नं० 56 द्वारा ग्राम मुन्योली बारामण्डल, पटवारी क्षेत्र चितई पन्त, तहसील व जिला अल्मोड़ा।

मामला अन्तर्गत 167 उ०प्र०ज०वि० एवं भूमि व्यवस्था अधि० 1950

नोटिस बनाम:- उपरोक्त वादी एवं प्रतिवादी-उभय पक्ष

कार्यालय उप जिलाधिकारी सदर, अल्मोड़ा के पत्र संख्या 1573/विविध पत्रा०/वै० सहा०/2019-20, दिनांक 31.08.2021 के द्वारा जिलाधिकारी महोदय अल्मोड़ा को प्रेषित की गयी आख्या जिसमें उल्लिखित किया गया है कि श्री रमेश भरत विसंजी द्वारा ग्राम मुन्योली, राजस्व उप निरीक्षक क्षेत्र चितई के ज०वि०ख०खा०सं० 13 में क्रय की गयी भूमि कुल 108 नाली 11 मु० भूमि बागवानी कार्य हेतु खरीदी गयी थी, उक्त व्यक्ति द्वारा जिलाधिकारी महोदय अल्मोड़ा के कार्यालय आदेश संख्या 4260/पॉच-04/2019-20, दिनांक 30 जून, 2020 के द्वारा प्रदत्त अनुमति के प्रतिबन्ध संख्या 02, 03 व प्रतिबन्ध संख्या 04 का उल्लंघन किया गया है। कार्यालय जिलाधिकारी अल्मोड़ा के पत्र संख्या 7833/पांच-स्टा०(जांच)/2020-21, दिनांक 22.09.2021 के द्वारा गठित समिति द्वारा की गयी संयुक्त जांच रिपोर्ट दिनांक 08.10.2021 में भी ग्राम मुन्योली में रसेश भरत विसंजी को भूमि क्रय हेतु प्रदत्त की गयी अनुमति के प्रतिबन्ध संख्या 03 के उल्लंघन की पुष्टि हुई है।

कार्यालय जिलाधिकारी अल्मोड़ा के पत्र संख्या 7636/पॉच-स्टा०(जांच)/2020-21, दिनांक 16 सितम्बर, 2021 एवं पत्र संख्या 279/पॉच-02/2021-22, दिनांक 18 अक्टूबर, 2021 के द्वारा प्रकरण में उ०प्र०ज०वि० एवं भूमि व्यवस्था अधि० 1950 की धारा-167 के तहत नियमानुसार कार्यवाही करने तथा विधिवत पक्षकारों को समुचित सुनवाई का अवसर प्रदान करते हुए मामले का निरस्तारण किये जाने के निर्देश दिये गये हैं।

इस नोटिस के जरिये उभय पक्षों यथा वादी एवं प्रतिवादी को सूचित किया जाता है कि ग्राम मुन्योली राजस्व उप निरीक्षक क्षेत्र चितई के ज०वि०ख०खा०सं० 13 में क्रय की गयी भूमि कुल 108 नाली 11 मु० भूमि को उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम 1950) (अनूकूलन एवं उपान्तरण आदेश 2001) (संशोधन) अधिनियम 2017 के द्वारा प्रतिस्थापित धारा 152 (क) की उपधारा 01 एवं 154 (4)(3)(ख) का उल्लंघन करने के कारण उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम 1950 की धारा 166 के परिणाम लागू होने से धारा 167 के परिणाम लागू करते हुये संक्रमण के दिनांक से संक्रमण की विषयवस्तु को सभी भार से मुक्त वृक्ष, फसल और कुओं सहित क्यों न राज्य सरकार में निहित समझा जाय।

अतः आप उभय पक्ष दिनांक 02/11/2021 को इस न्यायालय में स्वयं अथवा अधिवक्ता के माध्यम से अपना पक्ष प्रस्तुत कर सकते हैं। किसी पक्ष द्वारा अपना पक्ष प्रस्तुत न करने की स्थिति में वाद एकतरफा निर्णित किया जायेगा।

आज दिनांक 18 / 10 / 2021 को मेरे हस्ताक्षर एवं न्यायालय की मुद्रा से जारी किया गया।



सूचिका संख्या की सूचना नम्बर 100 (1220/2021) श्लासकीय कार्य हेतु 1221/20-23

LTRU &amp; copy 1/1

2

(गोपाल सिंह चौहान)  
असिस्टेंट कलेक्टर, प्रथम श्रेणी  
सदर, अल्मोड़ा।

असिस्टेंट कलेक्टर

BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI

ORIGINAL APPLICATION No. 614 OF 2022

RASESH B. VISSANJI AND ORS.

Appellant(s)

Versus

STATE OF UTTARAKHAND

Respondent(s)

VAKALATNAMA

I/We **State of Uttarakhand**, the Respondent(s) of the above Appeal/Petition/ Reference do hereby appoint and retain **Sri Rahul Verma**, Advocate of the Supreme Court to act and appear for me/us in the above matter and to conduct or defend the same and to appear in all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, to deposit and receive money on my/our behalf in said matter and to represent me/us and to take all necessary steps in the above matter. I/We agree, to ratify all acts done by the aforesaid Advocate in pursuance of the authority.

Dated this the 03 day of February, 2023.

ACCEPTED

*Rahul Verma*

Mr. Rahul Verma,  
Additional Advocate General,  
Supreme Court of India,  
49-Himalyan Apartment , Near Balko Market  
Patpergange Societies,  
New Delhi-110092  
M.N.-09717706032, 09935063699  
E-ID-rahulverma9999@rediffmail.com

*MA* *03/02/23*  
(Mahesh Chandra Kaushiwa)  
Addl. Secretary Law & A.I.R.  
(Mahesh Chandra Kaushiwa)  
Government of Uttarakhand  
Additional Secretary, Law  
APPELLANTS/PETITIONERS/RESPONDENTS  
Government of Uttarakhand

MEMO OF APPEARANCE

TO,

The Registrar,  
National Green Tribunal,  
New Delhi.

Sir,

Please enter my appearance in the above mentioned case on behalf of the Petitioner(s)/ Respondent(s).

Yours faithfully,

*Rahul Verma*

(Rahul Verma)

Advocate for the Petitioner(s)/  
Respondent(s)/Appellant(s)