

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

Original Application No. 988/2019
(I.A. No. 641/2019)

In the Matter of:-

Khem Chand and Ors.

.....APPLICANTS

VERSUS

Union of India and Ors.

.....RESPONDENTS

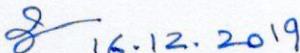
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Place:

Dated:

Principal Chief Conservator of Forests (HoFF), H.P.


Principal Chief Conservator of Forests
(Head of Forest Force)
Himachal Pradesh, Shimla-1

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**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
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Original Application No. 988/2019
(I.A. No. 641/2019)

In the Matter of:-

1. Khem Chand S/o Sh. Tej Singh, R/o Village Jawal, Tehsil Chachoit, Distt. Mandi H.P.
2. Prem Singh S/o Sh. Kanshi Ram, R/o Village Jawal, Tehsil Chachoit, Distt Mandi H.P.

.....**APPLICANTS**

VERSUS

1. Union of India through Secretary, Ministry of Environment & Forest, Union of India, through Secretary Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.
2. State of Himachal Pradesh through Chief Secretary, Government of H.P., Shimla-2.
3. Divisional Forest Officer, Nachan at Gohar, District Mandi (H.P.)
4. District Magistrate, Mandi, District Mandi, Himachal Pradesh, Pin-175028.
5. Superintendent of Police, Mandi, District Mandi, Himachal Pradesh – 175028.

.....**RESPONDENTS**

Status Report in compliance to order dated 09.10.2019 passed by this Hon'ble National Green Tribunal in OA No 988/2019 on behalf of Principal Chief Conservator of Forests (HoFF), H.P.

MAY IT PLEASE YOUR LORDSHIPS:

Preliminary Submissions:-

1. That the above OA No. 988/2019 was listed before this Hon'ble National Green Tribunal on 09.10.2019, when this Hon'ble Court was pleased to pass the following directions/orders:

“Before considering the matter further, we find necessary to require a factual and action taken report in the matter from the Principal Chief Conservator of Forests (HoFF) Shimla and District Magistrate, Mandi within one month by e-mail at judicial-ngt@gov.in. The PCCF (HoFF) Shimla will be Nodal Agency for coordination and compliance.”

2. That the applicants Khem Chand and Ors. filed Original application No. 988/2019 in this Hon'ble Tribunal under Section 14 & 15 (b) and (c) R/w Section 18 (1) & (2) of the National Green Tribunal Act, 2010 with the following substantive prayers:-

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- a) Direct the Respondents Authorities to take appropriate legal action against all cutting or trees and illegal road construction, being carried on without seeking prior environment clearance or in violation of the conditions prescribed in the Environment Clearance, if granted, and report the same to this Hon'ble Tribunal.
- b) Direct the Respondent Authorities to constitute a special committee to investigate the rampant cutting of trees and illegal road construction in the State.
3. That on receipt of the copy of O.A. No. 988/2019, the Principal Chief Conservator of Forests (HP), referred the matter alongwith the copy of orders dated 09.10.2019 passed by this Hon'ble Tribunal in OA No. 988/2019 to Chief Conservator of Forests, Mandi, vide letter No.Ft. 42-368/2019 (FCA) dated 18.11.2019 (**Annexure R-I**), requesting her to submit a factual and action taken report within stipulated time period as granted by the Hon'ble Tribunal.
4. That in compliance to the above directions, the Chief Conservator of Forests, Mandi vide Memo. No. 11312 dated 11.12.2019 (**Annexure R-II alongwith enclosures**) submitted detailed factual/action taken report in the matter to the Principal Chief Conservator of Forests (HP). The Conservator of Forests, Mandi has reported that the matter has been enquired into by DFO Nachan who has reported that one Sh. Praveen Kumar, Forest Guard who has been posted at Chachoit Beat was on routine patrolling duty on 29.08.2019 in Jawal DPF and during patrolling/ routine duty on the way towards Kamrunag from Saroa, he found that old road about 150 mtrs. has been widened and on the spot 8 Nos. of small plants of Baani were also found uprooted on spot and there was nobody present on the spot at that time. It was further observed by the said Forest Guard that this work was done by unknown persons with the help of JCB as signs of chain of JCB were also noticed. The matter was immediately brought into the notice of the respondent No. 3 through Range Officer, Nachan by the Forest Guard and then, respondent No.3 suo moto took cognizance of the said incident and directed the officials concerned of the department to lodge an FIR in the matter with the Police, Police Station, Gohar and on the direction of the respondent No.3, Forest Guard visited the Police Station, Gohar in order to get an FIR lodged regarding the aforesaid incident. The Police, Police Station, Gohar, District Mandi (H.P.) made entry in the G.D. vide No. 24 on dated 30.08.2019 and thereafter, Police alongwith Forest Guard went on the spot and took into possession 8 Nos. small plants of Baani, which were further handed over to the Forest Guard by the Police. The Police, Police Station, Gohar, District Mandi (H.P.) also found that some unknown persons have tried to excavate the old road in order to widen the same up-to 150 mtrs. and while doing so, 8 small plants of Baani were uprooted. In the meantime, there was a

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complaint from the villagers of Village Jawal wherein allegations of cut down 200 trees as well as excavation of a road in the jungle of Saroa during night hours by deploying JCB were leveled. In this context, the respondent-Department was taking further steps to enquire into the allegations made by the villagers as well as the report submitted by the Forest Guard of Chachoit Beat under Range Office Nachan at Gohar and was persuing the matter with police to lodge the FIR against the said incident after making entry in the Roznamcha vide No. 24 dated 30.08.2019. In the meantime, on dated 31.10.2019, the Office of the respondent No. 3 received a letter No. Ft.42-368/2019 (FCA) dated 18.10.2019 from the Office of the Principal Chief Conservator of Forest (HoFF), H.P., Shimla through Conservator of Forests, Mandi vide her Endst. N. 90-23 dated 23.10.2019 wherein directions with regard to submit the actual factual action taken report in the matter of O.A. No. 988/2019 (IA No. 641/2019) titled Khem Singh & others Versus Union of India, State of H.P. and others. In the light of the directions contained in letter dated 18.10.2019, the respondent No. 3 decided to first get the land demarcated through revenue agency in order to know the actual & factual position, as alleged by the applicants in the original application. Accordingly, spot inspection was carried out by the Range Officer, Deputy Ranger and Praveen Kumar, Forest Guard, Chachoit Beat alongwith Field Kanungo and Patwari concerned on dated 02.12.2019 in order to demarcate the land in question. After demarcation, it was found by revenue officials that there was no road excavated on Khasra No. 177 and 184, as alleged by the applicants. However, the road was found excavated on Khasra No. 523 in Muhal Fangyar, Hadbast No. 155 to the extent of 150 mtrs. by unknown persons whereby small plants of Baani in numbers 8 were found uprooted in Jawal DPF and for which necessary action had already been taken by the respondent Department as mentioned above. Thus, the allegation with regard to illicit cutting of 200 trees in the jungle from Saroa to Kaathu has been proved to be false. The entire disputed area of the jungle has been fenced by the respondent No.3. In view of the above facts and circumstance of the case, the original application is liable to be dismissed in the interest of justice.

Reply on Merits:

1. That the contents of this para are admitted being matter of record.
2. That the contents of this para are admitted being matter of record.
3. That the contents of this para need no submissions.
- 4 & 5.1. That the contents of paras Nos. 4 and 5.1 of the original application are wrong, incorrect; hence, denied, in view of the submission made in para-4 of preliminary submissions above. In this regard, it is submitted that while the matter is enquired, it is found that old road about 150 mtrs. has been widened and on the spot 8 Nos. of small plants of Baani were also found

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uprooted and there was nobody present on the spot at that time. The respondent No. 3 suo moto took cognizance of the said incident and directed the officials concerned of the department to lodge an FIR in the matter with the Police, Police Station, Gohar. Police alongwith Forest Guard went on the spot and took into possession 8 Nos. small plants of Baani and it was further handed over to the Forest Guard by the Police. Thereafter, the respondent No. 3 demarcated the land through revenue agency in order to know the actual & factual position. After demarcation, it was found by revenue officials that there was no road excavated on Khasra No. 177 and 184, as alleged by the applicants. However, the road was found excavated on Khasra No. 523 in Muhal Fangyar, Hadbast No. 155 to the extent of 150 mtrs. by unknown persons whereby small plants of Baani in numbers 8 were found uprooted and for which necessary action had already been taken by the respondent Department. Thus the allegation of illicit felling of 200 hundred trees in the forest from Saroha to Kaathu in Distt. Mandi had been proved to be false.

- 5.2. That the contents of para 5.2 of the original application are misconceived and therefore, not admitted to be correct; hence, denied.
- 5.3. That the contents of this para of the original application are based upon surmises, conjectures and hypothesis and hence, not admitted. It is further submitted that the area of the forest DPF Jawal is under the strict & and proper surveillance of the respondent-Department.
- 5.4. That the contents of this para of the original application are absolutely wrong and incorrect; hence, denied emphatically and vehemently. It is wrong to allege that State authorities have not taken adequate measures to ensure that such cutting of trees and illegal road construction being carried on without prior environment clearance.
- 5.5. That the contents of this para of the original application are wrong, incorrect; hence, not admitted to be correct and denied. It is submitted that the respondent-Department are taking stern & immediate action into the matter whenever there is any complaint and in the present situation, the department is taking every steps to find out the wrong doers with the police assistance.
- 5.6. That the contents of para 5.6 of the original application are wrong and incorrect in view of the submissions made in paras supra.
- 6.(A)to(G). That the grounds taken by the applicants under these sub-paras of para 6 of the original application are wrong, baseless and incorrect; hence, denied.

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7.& 7.1. That the contents of this para of the original application are wrong, incorrect; hence, denied except the limitation which is also denied for want of knowledge.

In view of the submissions made herein above, it is respectfully prayed that the present original application may kindly be dismissed in the interest of justice.

Place: *Shimla*

Dated: *16.12.19*

Principal Chief Conservator of Forests (H.O.F.F.) of Forests
(Head of Forest Force)
Himachal Pradesh, Shimla-1

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16.12.2019

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OATH COMMISSIONER

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 988/2019
(I.A. No. 641/2019)

In the Matter of:-

- 1. Khem Chand S/o Sh. Tej Singh, R/o Village Jawal, Tehsil Chachoit, Distt. Mandi H.P.
- 2. Prem Singh S/o Sh. Kanshi Ram, R/o Village Jawal, Tehsil Chachoit, Distt Mandi H.P.

.....APPLICANTS

VERSUS

- 1. Union of India through Secretary, Ministry of Environment & Forest, Union of India, through Secretary Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.
- 2. State of Himachal Pradesh through Chief Secretary, Government of H.P., Shimla-2.
- 3. Divisional Forest Officer, Nachan at Gohar, District Mandi (H.P.)
- 4. District Magistrate, Mandi, District Mandi, Himachal Pradesh, Pin-175028.
- 5. Superintendent of Police, Mandi, District Mandi, Himachal Pradesh – 175028.

.....RESPONDENTS

AFFIDAVIT IN SUPPORT OF STATUS REPORT

*Sworn
Identified by*

I, Ajay Kumar, IFS, aged 59 years S/o Late Sh. Surinder, presently posted as Pr. Chief Conservator of Forests,(HoFF),H.P. Shimla do hereby solemnly affirm and declare an oath as under:-

1. That the accompanying Status Report in compliance to Hon'ble National Green Tribunal order dated 09.10.2019 in OA No. 988/2019 has been prepared under my instructions and at my instance.

2. That the contents of paras 1 to 4 of the preliminary submissions and para 1 to 7 of the reply on merits of the Status Report are true and correct to the best of my knowledge as derived from the official record. No part of it is false and nothing material has been concealed there from.

3. That I, the above named deponent do hereby verify that the contents of Para No. 1 to 2 of above affidavit are true and correct to the best of my personal knowledge and belief. No part of it is false and nothing material has been concealed

ATTESTED
OATH COMMISSIONER

Certified that the above/verbal declaration was made before me on solemn affirmation on this ... day of ... at ... District of Shimla by Sh. ... who was identified by Sh. ... who is personally known to me and the contents of the above affidavit have been read over & explained to the deponent in vernacular who admitted them to be correct and true at the time of making thereof.

16th Dec 2019
16th day of December, 2019.

All Cuttings and Corrections are duly attested by me.



Oath Commissioner
HP High Court, Shimla

Oath Commissioner

16.12.2019
Principal Chief Conservator of Forests
(Head of Forest Force)
Himachal Pradesh, Shimla-1

Annexure 3
R-I

MOST URGENT/COURT MATTER

No.Ft.42-368/2019 (FCA)
Forest Department, Himachal Pradesh

Dated Shimla-1, the **18 OCT 2019**

From: Pr.CCC (HoFF) H.P. Shimla

To: CCF Mandi

Subject: O.A.988/2019 (IA No.641/2019)-Khem Singh & Ors versus Union of India State of H.P. & Ors.

Memo:

Please find herewith a copy of order dated 9.10.2019 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi for information and necessary action.

2. The grievance in this application is that illegal cutting of trees has been undertaken for road construction between Saroha to Kaathu in District Mandi, Himachal Pradesh. The operative part of the order is as under:-

'Before considering the matter further, we find necessary to require a factual and action taken report in the matter from the Principal Chief Conservator of Forests (HoFF) Shimla and District Magistrate, Mandi within one month by e-mail at judicial-ngt@gov.in. The PCCF (HoFF) Shimla will be nodal agency for coordination and compliance.'

List for further consideration on 19.12.2019.

Therefore, you are requested to submit a factual and action taken report by 15th November, 2019 so that same could be filed in the Hon'ble National Green Tribunal be e-mail after getting the approval of Pr.CCF (HoFF). A copy of OA is also enclosed herewith.

These may be given priority being a NGT matter.

Encls:as above

o/c
Addl. Principal Chief Conservator of Forests (HoFF),
O/o Pr. CCF (HoFF) H.P.

No. 11312
HP Forest Department

Dated Mandi, the 11/12/2019

From:- C.C.F. Mandi.

To:- Pr. CCF (HoFF) HP Shimla.

Subject:-

OA 988/2019 (IA No. 641/2019)-Khem Singh & Others
versus Union of India State of HP & Others.

Memo:

Kindly refer to your office memo No. Ft.42-368/2019 (FCA)
dated 18.11.2019 on the above cited Subject.

Divisional Forest Officer Nachan was directed to submit the
factual/ action taken report on above cited subject and report submitted by him
about the ground realities annexed as **annexure-I** please.

As per report Beat Forest Guard of Chachiot Beat was on
routine patrolling duty on 29.08.2019 in Jawal DPF & during patrolling/routine duty
on the way towards Kamrunag from Saroa, he found that an old Bridle Path from
Saroa to Kamrunag has been widened about 150 mtrs and on spot 8 Nos. small plants
of Baani were also found uprooted but nobody was present on the spot. Work was
done by unknown persons with the help of JCB. The concerned Forest Guard was
directed to lodge an FIR in this matter with the Police by DFO Nachan. On the request
of I/c Chachiot Beat Forest Guard Praveen Kumar (**copy attached as annexure-II**)
the SHO Police Station Gohar made GD Entry No. 24 dated 30.08.2019 (**copy
attached as annexure-III/1, III/2 and III/3**). The Police alongwith Forest Guard
went on the spot and took 8 Nos. small plants of Banni into possession. The Police has
further investigated the matter and as per the Police investigation some unknown
persons have tried to excavate the old bridle path in order to widen the path upto 150
mtrs and while doing so, 8 small plants of Baani were uprooted. In the meantime,
there was a complaint from the villagers of village Jawal wherein allegations were
levelled that 200 trees have been felled during construction of road in Saroa Jungle in
night hours by deploying JCB. The field functionaries had already taken the necessary
action & intimated the police to lodge the FIR against the unknown offenders (**copy
attached as annexure-IV**).

The demarcation of the area in question was carried out by
the Field Kanungo and Patwari concerned alongwith Forest Staff on 02.12.2019. On

S/FCA

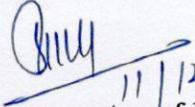
APCOF(CFA)
12/12/19

demarcation no road was found excavated on Khasra No. 177 and 184, as alleged by the applicants. However, the road was found excavated on Khasra No. 523 in Muhal Fangyar, Hadbast No. 155 to the extent of 150 mtrs. Where by small plants of Banni (8 Nos) were found uprooted. The Revenue Official prepared the Missal No. 309/2019 dated 05.12.2019 containing order dated 05.12.2019 passed by the Assistant Collector-Cum Naib-Tehsildar Chachiot **(copy attached as annexure-V)**. Demarcation Report dated 05.12.2019 **(copy attached as annexure-VI)**, Joint Statements of S/Shri Pieush Kumar, RO Nachan, Dharpal Deputy Ranger Bassa, Praveen Kumar Forest Guard Chachiot Beat**(copy attached as annexure-VII)**, spot field book prepared by the Kanungo dated 02.12.2019 **(copy attached as annexure-VIII)** and spot map prepared on spot on 02.12.2019 by the Kanungo, is enclosed herewith.

The allegations with regard to illicit cutting of 200 plants in the jungle from Saroa to Kaathu is false as is evident from the report of the Revenue, as well as Police Department and the respondent-Department. Range Forest Officer Nachan has further intimated that the entire area of the forest pertaining to complaint has been fenced and planted with 50 Nos. of Ban saplings by the department **(copy of Photos are attached as annexure-X)**. The field staff has also been directed to carryout frequent patrolling in the forests to check such incidences in future and take appropriate action against the offenders as per law.

The respondent department has taken prompt cognizance against the forest offence and the area in question has properly been planted and fenced. The report alongwith its enclosures is submitted for favour of your kind information and further necessary action please.

Encls:-As above.


11/12/19
Chief Conservator of Forest
Mandi Forest Circle H.P.

No 1031/N.
HP Forest Department.

Dated Nachan, the 9/12/2019

From: RFO Nachan. To: DFO. Nachan
Subject: OA No 988/2019 (IA No 641/2019) Khem singh & ors. Versus Union Of India State of HP and ors.

Memo:-

Pl refers to your office endst No. 6557 dated 4-11-2019 and 29-11-2019 on subject cited above.

In compliance to above references and the order passed on dated 9- 10 2019 by the Hon.ble NGT in OA No 988/2019 (I. A. No 641/2019) – Khem Singh and Others Vs Union of India and State of H.P. and Others the factual and action taken report in the matter are as under.

2. Regarding said O.A it is submitted that the field staff has taken the cognizance of the said offence. it is further submitted that Sh. Praveen Kumar, Forest Guard who has been posted at Chachoit Beat was on routine patrolling duty on dated 29.08.2019 in Jawal DPF and during patrolling/ routine duty on the way towards Kamrunag from Saroa, he found that old Bridle Path from Saroa to Kamrunag has been widened about 150 mtrs and on the spot 8 Nos. of small plants of Baani were also found uprooted and there was nobody present on the spot at that time. It was further noticed that this work was done by unknown persons with the help of JCB. Matter was immediately brought into the notice of the DFO Nachan through Range Office Nachan by the Forest Guard and Forest Guard concerned was directed to lodge an FIR in the matter with the Police, Police Station, Gohar, District Mandi (H.P.). Police made entry in the G.D. vide No. 24 on dated 30.08.2019 and thereafter, Police alongwith Forest Guard went on the spot and took into possession 8 Nos. small plants of Baani and it was further handed over to the Forest Guard by the Police. The Police, Police Station, Gohar, District Mandi (H.P.) also found that some unknown persons have tried to excavate the old bridle path in order to widen the same up-to 150 mtrs. and while doing so, 8 small plants of Baani were uprooted. In the meantime, there was a complaint from the villagers of Village Jawal wherein allegations of cut down 200 trees as well as excavation of a road in the jungle of Saroa during night hours by deploying JCB were leveled. In this context, it is submitted that the field staff has already taken the action and was in touch with the police in writing to lodge the FIR against the unknown offenders

Vc
19/12/2019

It is submitted that the allegation with regard to illicit cutting of 200 trees in the jungle from Saroa to Kaathu has been proved false from the report of the revenue Department as well as police report and the respondent-Department. It is further

2. Further in this matter Undersigned, Block officer Bassa and Forest Guard Chachiot beat inspected the spot and demarcated the land through revenue agency in order to know the actual & factual position. Accordingly, spot inspection was carried out along with Field Kanungo and Patwari concerned on dated 02.12.2019 in order to demarcate the land in question. After demarcation, it was found by revenue officials that there was no road excavated on Khasra No. 177 and 184, as alleged by the applicants. Anyhow, the road was found excavated on Khasra No. 523 in Muhal Fangyar, Hadbast No. 155 to the extent of 150 mtrs. by unknown persons whereby small plants of Banni in numbers 8 were found uprooted. The revenue officials have completed the entire codal formalities on the spot as required under law. Therefore, it is amply clear from the facts narrated above, the allegations of the applicants are false, and based on flimsy grounds, as they were unaware with regard to the facts, even they did not cooperate the department in order to extract the truth of the case.

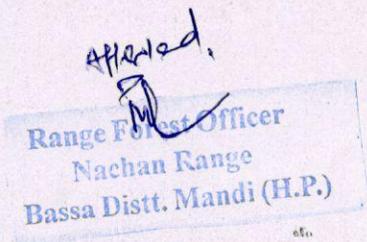
3. It is submitted that the allegation with regard to illicit cutting of 200 trees in the jungle from Saroa to Kaathu has been proved false from the report of the revenue Department as well as police report and the respondent-Department. It is further submitted that the entire disputed area of the Jungle has been fenced and Planted with 50 Nos of tree sapling of Ban species by the field staff. Necessary direction has also been issued to field staff to do frequent patrolling to check such incidence in future and take necessary action as deemed fit against defaulter as per law

4. Copy of request letter made by Prveen Kumar Forest Guard to SHO Gohar on dated 31-8-2019, Copy of the G.D Entry No. 24 dated 30.08.2019 made by Police, Police Station Gohar, Copy of DFO Nachan Letter no 4978 dated 11-9-2019 to SHO Gohar, Copy of Range officer letter No 931/N dated 21-11-2019 to SHO Gohar, Copy of Missal No.309/2019 dated 05.12.2019 alongwith Demarcation Report dated 05.12.2019 & joint statements of S/Shri Pieush Kumar, R.O., Range Office Nachan, Dharam Pal, Deputy Ranger, Bassa and Praveen Kumar, Forest Guard Chachoit Beat, Spot Field Book prepared by the Kanungo dated 02.12.2019 and Spot Map prepared on spot on dated 02.12.2019 by the Kanungo, Patwar Circle, Nachan, Tehsil Chachoit, District Mandi wherein portion of old bridle path in order to widen the same and uprooted 8 Nos. small plants of Baani have been denoted as Khasra No. 523/1 on the spot Map are enclosed.

So, necessary report is hereby submitted for information and further necessary action please.

Range Forest Officer
Nachan Range Bassa

Encls : As above



9/9/2011

प्राथमिक 20.8.2011 का जलवायु
संख्या 100/2011, भा. 1

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Copy to P.O. Nachan

for info / No please

Command
Through P.O. Banna.

राजेश कुमार
Rajesh Kumar

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Attested
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

General Diary Details
सामान्य दैनिकी विवरण

State (राज्य): HIMACHAL PRADESH

P.S. (थाना): GOHAR

District (ज़िला): MANDI

1. G.D. No. (रोजनामचा सं.): 037

2. G.D. Date (रोजनामचा दिनांक): 02/09/2019 18.40 hrs

3. G.D. Type (रोजनामचा प्रकार): Arrival

4. Entry for (officer) (प्रविष्टि(अधिकारी के लिए)): PrakashChand

5. Case Type (प्रकरण के प्रकार): ADULT

6. G.D. Brief (रोजनामचा संक्षिप्त):

इस समय मु० आ० रफता व हवाला रपट न० 24 रोजनामचा इमरोजा का वाट करने तस्दीक दस्ती न० 278/19 दिनांक 30-8-2019 अजाने प्रवीण कुमार वन रक्षक मे मुकाम सरोआ, कमरुनाग से हाजिर थाना आया हूँ। दौराने तस्दीक मौका मुकाम जब्बाल DPF सरोआ से कमरुनाग रास्ता पर पहुंचा जहां पर प्रवीण कुमार वन रक्षक हाजिर मिला जिसके सामने मौका का मुलाहजा किया गया तथा इसका ब्यान कलमबन्द किया गया मुताबिक बयानात श्री प्रवीण कुमार पुत्र श्री भिल्ली राम गांव जोला डा० पंथियू तह० सटर जिला मण्डी हि० प्र० हाल वन रक्षक चच्योट वीट ने अपने ब्यान मे तैहरीर करवाया कि यह उपरोक्त पते का रहने वाला है तथा लगभग दो सालों से चच्योट वीट में बतौर वन रक्षक कार्यरत है दिनांक 29/08/2019 को जब्बाल DPF की गश्त पर था तो दौराने गश्त जब्बाल DPF में सरोआ से कमरुनाग का पुराना रास्ता अवैध तरीके से चौड़ा किया हुआ पाया गया जिसकी लम्बाई 350 मी० है तथा चौड़ाई 3 मी० है तथा मौका पर बानणी के 8 छोटे पौधे उखाड़े हुए पाये गये तथा उस समय मौका पर कोई भी व्यक्ति मौजूद न था अर्थात यह कार्य अज्ञात लोगों द्वारा JCB से किया हुआ प्रतीत हो रहा है तथा वहा पर JCB के निशान भी पाये गये है तथा इस जगह मे आसपास कोई भी घर न है जो आज दिनांक 2/08/2019 को मौका मुकाम जब्बाल मे आप के साथ शामिल रहा हू तथा आप ने मौका पर बानी के 8 छोटे पौधो को मैने जो मौका से उखाड़े गये थे को अपने कब्जे मे ले लिया है तथा इस रास्ता के बारे मे मुझे मालूम न है कि यह किस के द्वारा निकाला गया। मै अपने तौर पर पृष्ठताछ कर रहा हू जैसे ही पता चलेगा तो मै इस वारा पुलिस को सूचित कर दूंगा। जो हालात तस्दीक, बयानात गवाहन व मुलाहजा मौका से मामला नुक्सान पहुंचाने की नियत से किया गया कार्य प्रतीत हो रहा है फिर भी आईन्टा तस्दीक जारी है जैसी भी सूत होगी कार्यवाही हस्त आमदा अम्न मे लाई जाएगी।

7. Subject (विषय):

8. Acts & Sections (अधिनियम और धारा(एँ)):

S.No.(क.सं.) Acts (अधिनियम)

Sections (धारा(एँ))

Report Printed on (रिपोर्ट मुद्रण की दिनांक): 02/09/2019

Signature (हस्ताक्षर):

Report Printed by (जिस के द्वारा रिपोर्ट मुद्रित):

Name (नाम): Balvinder Thakur

Name (नाम): Balvinder Thakur

Rank (पद): PC (Police Constable)

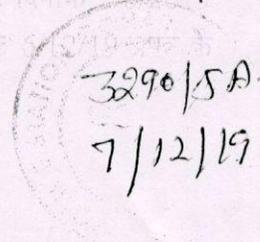
Rank (पद): PC (Police Constable)

No.(सं.): 774

Attested
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

Annexure-III/2

3290/5A
7/12/19



प्रभारी
थाना गौहर जिला मण्डी हि0प्र0

वन परिक्षेत्राधिकारी
वन परिक्षेत्र नाचन त0 चच्चोट जि0मण्डी।

बिषय-- रपट न0 37 दिनाक 2/9/2019 के संदर्भ में।

श्रीमान जी,

राजकीय कार्य के संदर्भ में निवेदन है कि दिनाक 2/9/2019 को मु0आ0 प्रकाश चन्द न0 911 रफ्ता व हवाला रपट न0 24 दिनाक 2/9/2019 का वराये तस्दीक शिकायत पत्र दस्ती न0 278/19 अजाने प्रविण कुमार हाल वन रक्षक चच्चोट वीट के लिये मुकाम सरोआ का रवाना था। जो मुताविक हवाला रपट न0 37 के वापिस हाजर थाना आया था। वापसी रपट में सहवन से सरोआ से कमरुनाग के पुराने रास्ते को 150 मीटर की जगह 350 मीटर लम्बा खोदा हुआ लिखा दर्शाया गया है तथा प्रविण कुमार के ब्यान में तिथी भी 2/9/2019 की जगह दिनाक 2/8/2019 सहवन से लिखा गया है। मु0आ0 प्रकाश चन्द न0 911 द्वारा अंकित की गई रपट न0 32 दिनाक 6/12/19 प्रपत्र के साथ संलग्न है।

अतः रिपोर्ट महोदय की सेवा प्रेषित है।

प्रभारी
थाना गौहर जिला मण्डी हि0प्र0

Attended,
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

General Diary Details
सामान्य दैनिकी विवरण

State (राज्य): HIMACHAL PRADESH

P.S. (थाना): GOHAR

District (जिला): MANDI

S. No. (क्र.सं.): 06/12/2019

1. G.D. No. (रोजनामचा सं.): 032

Name (नाम): Sharmila Devi

2. G.D. Date (रोजनामचा दिनांक): 06/12/2019 16:00 hrs

Rank (पद): PC (Police Constable)

3. G.D. Type (रोजनामचा प्रकार): Others

No. (सं.): 777

4. Entry for (officer) (प्रविष्टि(अधिकारी के लिए)): PrakashChand

5. Case Type (प्रकरण के प्रकार): ADULT

6. G.D. Brief (रोजनामचा संक्षेप):

इस समय दर्ज है कि मन मू0 आ0 रफता व हवाला रपट न0 24 रोजनामचा दिनांक 2-9-2019 को बराये तस्दीक दस्ती न0 278/19 दिनांक 30-8-2019 अजाने प्रवीण कुमार वन रक्षक मुकाम सरोआ कमरनाग का खाना था जो व हवाला रपट न0 37 रोजनामचा दिनांक 2-9-2019 में वापिस हाजिर थाना आया था जिसमें जवाल DPF में सरोआ से कमरनाग का पुराना रास्ता अवैध तरीके से चौड़ा किया हुआ पाया गया जो कि वापसी में सहवन से जिसकी लम्बाई 150 मीटर की जगह 350 मीटर लिखी गई थी जबकि मुताबिक ब्यान व दरखवास्त व सरसरी दर्याफत से 150 मीटर लम्बा पुराना रास्ता अवैध तरीके चौड़ा करना ही पाया गया है तथा वन रक्षक प्रवीण कुमार के ब्यान में दिनांक 2-9-2019 की जगह 2-8-2019 सहवन से लिखा गया है। अतः रपट इतलाहन दर्ज है।

7. Subject (विषय):

8. Acts & Sections (अधिनियम और धारा(एँ)):

S.No.(क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
----------------	----------------	---------------------

Report Printed on (रिपोर्ट मुद्रण की दिनांक): 06/12/2019

Signature (हस्ताक्षर):

Report Printed by (जिस के द्वारा रिपोर्ट मुद्रित):

Name (नाम): Sharmila Devi

Name (नाम): Sharmila Devi

Rank (पद): PC (Police Constable)

Rank (पद): PC (Police Constable)

No.(सं.): 777

M. K. S.
S. J.
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

Reference is invited towards the request made by Shri Pravin Kumar Forest Guard, Incharge Chachiot Beat on the subject cited above.

In this connection, it is requested that FIR against Anonymous - IV may please be registered so that the offenders could be traced out and stern action may be taken against them. The concerned field functionaries of Forest Department may be associated in the inquiry. The copy of FIR may please be sent to this office to proceed further.

The Station House Officer,
Police Station Gohar,
Distt. Mandi, H.P.

Divisional Forest Officer,
Nachan Forest Division,
Gohar-175029

Dated Gohar, the 11-9-2019

Subject: - Request for registration of an FIR.

Sir,

Reference is invited towards the request made by Shri Pravin Kumar Forest Guard, Incharge Chachiot Beat on the subject cited above.

In this connection, it is requested that FIR against the unknown offenders may please be registered so that the offenders could be traced out and stern action is warranted against them. The concerned field functionaries of Forest Department may be associated in the inquiry. The copy of FIR may please be sent to this office to proceed further.

Divisional Forest Officer,
Nachan Forest Division,
Gohar-175029.

Enclst. No. 4979, Dated 11-9-2019
Copy to RO Nachan w.r. his office memo. No. 16/610/N dated 02.09.2019 for information and necessary action. He is requested to ask the field functionaries concerned to cooperate the Police during the investigation please.

Divisional Forest Officer,
Nachan Forest Division,
Gohar-175029.



No. 650/N dated 11-9-19
copy forwarded to S.O. Babla for information and drop.
He is directed to cooperate the police during the investigation of the said case.

Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

Attended
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

Annexure - IV

NO 931/W dt 21/11/19

To

The Station House officer,
Police Station Gohar,
Distt Mandi, H.P.

Range Forest Officer
Nachan Range Bassa

Subject: Request for registration of an FIR

Memorandum

Reference is invited towards the request made by Sh Praveen Kumar Forest Guard, Incharge Chachiot Beat on subject cited above on dated 30/08/2019. (Photo copy enclosed) and DFO Nachan letter addressed to SHO Gohar, dated 11-9-2019 (Photocopy enclosed).

In this connection it was requested that FIR against unknown offenders may please be registered so that the offenders could be traced but till date FIR in this case has not been registered. You are once again requested that FIR in said case may be registered so that offenders could be traced. It is further requested that copy of the FIR may please be sent to this office to proceed further.

FWD
Range Forest Officer
Nachan Range Bassa.

No. dated

Copy forwarded to DFO Nachan for information and necessary action pl.

FWD
Range Forest Officer
Nachan Range Bassa.

Encl: A.A. (2 Pages)

Received
[Signature]
PS Gohar
Distt. Mandi (H.P.)
dt 21/11/2019

Attended
[Signature]
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

व अदालत सहायक समाहर्ता द्वितीय श्रेणी, चच्योट स्थित गोहर, जिला मण्डी हि0प्र0।

मिसल नं: 309/2019

मरजुआ तिथि: 04-12-2019

तारीख फैसला 05-12-2019

व मुकदमा:

वन विभाग नाचन ओ0ए नम्बर 988/2019 (आई ए0 नम्बर 641/2019) खेम सिंह बनाम भारतीय संगठन आदि खाता/खातौनी 136/154 मुहाल फगन्यार/155 की निशानेदही लेने हेतु आवेदन पत्र।

प्राथी

प्रार्थना पत्र अर्न्तगत धारा 107 हि0प्र0 भू- राजस्व अधिनियम वावत निशानदेही।

आदेश:-

वन विभाग नाचन ओ0ए नम्बर 988/2019 (आई ए0 नम्बर 641/2019) खेम सिंह बनाम भारतीय संगठन आदि खाता/खातौनी 136/154 खसरा 523 रकवा तादादी 116-08-04 बीघा मुहाल फगन्यार/155 की निशानदेही हेतु आवेदन किया था। मिसल निशानदेही गिरदावर हल्का बाग को भेजी गई। तत्पश्चात मिसल निशानदेही इस कार्यालय में प्राप्त हुई। मिसल का अवलोकन करने पर पाया गया कि क्षेत्रीय कानूनगो हल्का बाग मय पटवारी हल्का चच्योट मौका पर दिनांक 02-12-2019 को गये। मौका पर वन परिक्षेत्राधिकारी नाचन, वन खण्ड अधिकारी बासा तथा वन रक्षक चच्योट वीट हाजिर थे। मौका पर नम्बर खसरा 177 और 184 में कोई भी सड़क नहीं निकाली गई है। मौका पर सरोआ से काथू के लिए जो सड़क निकाली जा रही थी, वह मुहाल फगन्यार/155 के नम्बर खसरा 523 में स्थित है। जिसकी मालिक सरकार हिमाचल प्रदेश तथा कब्जा वन विभाग ताबे बर्तन वर्तनदारन मुताबिक नक्शा बर्तन व किस्म जंगल मैहफूजा मैहदूदा है। सड़क की निशानदेही के लिए सर्वप्रथम जरीब अन्दाजी से बततर डालकर नम्बर खसरा 514,515,516 और 517 के मिलान पर मुस्तकिल बिन्दु A लिया गया। बिन्दु A की सहायता से नम्बर खसरा 516 और 517 की दरम्यानी मेंड 56+36 कर्म पर बततर डालकर के बिन्दु B कायम किया गया। बिन्दु A और B की सहायता से नम्बर खसरा 514,517 और 523 के मिलान पर बिन्दु C कायम किया गया। इस तरह त्रिभुज ABC की सहायता से सरोआ से काथू निकाली जा रही सड़क की निशानदेही की गई, जिसका ततीमा मौका तैयार करके साथ संलग्न किया गया है। जिसका रकवा तादादी 0-16-3 बीघा बनता है। ब्यानात साथ में संलग्न है। अब मिसल हजा में किसी भी कार्यवाही करने की आवश्यकता न है, लिहाजा मिसल निशानदेही बाद तकमील व तरतीब दाखल दफ्तर होवे।

Attached
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

Certified to be a true copy
9/5/20
Examiner
No. 01

सहायक समाहर्ता द्वितीय श्रेणी,
चच्योट स्थित गोहर।

ब सहायता प्राप्त प्रजा संघर्ष दिवस गौहर

क्रमांक 1122 दिनांक 5-12-2019

क्रि सं 389/04-12-19

फौजदारी 9 05-12-19

मीमान जो

2 F o Medico वन विभाग

निवेदन है कि आमदा पत्र वन परिक्षेत्र अधिकारी

परिक्षेत्र वासा क्रमांक 942/N दिनांक 25-11-2019 तथा वन मंडल

अधिकारी नमून वन मंडल क्रमांक 7300 दिनांक 29-11-2019 व

आदेश तहसीलदार गौहर चर्चोट स्थित गौहर दिनांक 27-11-2

की अनुपालना में अवैध रूप से सरोआ से काष्ठ निकाल

गई सड़क नम्बर खसरा 177 और 184 स्थित गहाल प्लान नं

की निशानदेही करने के लिए दिनांक 2-12-2019 को पत्र

हल्का चर्चोट के साथ गौका पर गया। गौका पर

वन परिक्षेत्र अधिकारी नमून, वन खण्ड अधिकारी वासा तथा

वन रक्षक चर्चोट वीट हजर थे।

गौका पर नम्बर खसरा 177 और 184 में कोई

सड़क नहीं निकाली गई है। गौका पर सरोआ से

काष्ठ के लिए जो सड़क निकाली जा रही थी

वह गहाल प्लान नं 155 के नम्बर खसरा 593

की है जिसकी मालिक सरकार हिमचल प्रदेश त

वन विभाग ताबे बतन वर्तमान मुताबिक नमून

बतन व किस्म जंगल गैहूजा गैहूदा है।

सड़क की निशानदेही के लिए सर्वप्रथम जरीब अर्द्ध

से बतर डालकर नम्बर खसरा 514, 515, 516 और 5

के मिलान पर मुस्तकिल खिन्ड A लिया गया कि

A की सहायता से नम्बर खसरा 516 और 517 व

गौहर चर्चोट 05/12/2019
14 No- 6/1/2019
गौहर चर्चोट 05/12-19

Certified to be a true copy

9/5/2020
Examined
Section 79 of
Act 1973

Authorized by
The Income Tax Officer

5

3

1. ~~व्यान भी पिपुध शर्मा वन परिदोशाधिकारी वन परिदोत्र नाचन (वाहा)~~
2. " " ~~धर्मपाल वन खण्ड अधिकारी बसा~~
3. " " ~~प्रवीण कुमार वन खण्ड वीर चन्पौर~~

मुश्किल सौर पर व्यान किया कि आज दिनांक 2-12-2019 को क्षेत्रीय कारूनगो बाग मय हल्का परवारी बराये करने निशानदेही विषय OA No 988/2019 (IA No 641/2019), Khem Singh & ors. Versus Union of India, States of HP and ors. अवैध रूप से निकाली गई सड़क खसरा नम्बर 177 व 184 स्थित महाल फगचर/155 को करने के लिए मौका पर आपे। परन्तु मौका पर पाया गया कि अवैध रूप से निकाली गई सड़क सरोआ से काथू नम्बर खसरा 177 और 184 में कोई भी सड़क नहीं निकाली गई है। मौका पर सरोआ से काथू जो सड़क निकाली जा रही थी वह मुघल फगचर के खसरा नम्बर 523 में पड़ती है। नम्बर खसरा 523 में सरोआ से काथू जो सड़क निकाली जा रही थी, वन विभाग को इसका तर्जिमा मौका प्रदान किया जाये। जिसकी निशानदेही जरीब अन्दाजी से पक्के बन्नाजात ले दी गई जो हमने भली माली देख व समझ ली है। वस हमारा यही व्यान है।

Certified to be a true copy)

9/5/2020 RO & AC

Examiner

Authorised by Section 76 of The Indian Evidence Act, 1978.

Attested
Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)

3. *[Signature]*

फॉरेस्ट बुक

जम्बर खसरा	इस्तखराज	रकबा व किस्म जमीन
523	= $42 \left(\frac{3+3}{2} \right) = 126$	0-16-3
1		जंगल में छूटा सैलूदा
क	= $26 \left(\frac{2+2}{2} \right) = 52$	से गैर मुम्किन सड़क
ख	= $9 \left(\frac{3+2}{2} \right) = 22$	तथा स्थल में 8 आठ पौधे
ग	= $19 \left(\frac{2+3}{2} \right) = 47$	गिहिर
घ	= $\frac{14 \times 2}{2} = 14$	वानी के जोका परा गाऊले
ङ	= $\frac{15 \times 3}{2} = 22$	है
च	= $16 \left(\frac{3+2}{2} \right) = 40$	
योग = 323		

[Signature]
 2-12-2019
 प्रत माघन, तहसील
 जिला मण्डी (हि.प्र.)

[Signature]
 ग्रामीण राजस्व अधिकारी-
 वृत्त कोहलू, तहसील चच्योट
 जिला मण्डी (हि.प्र.)

Attested

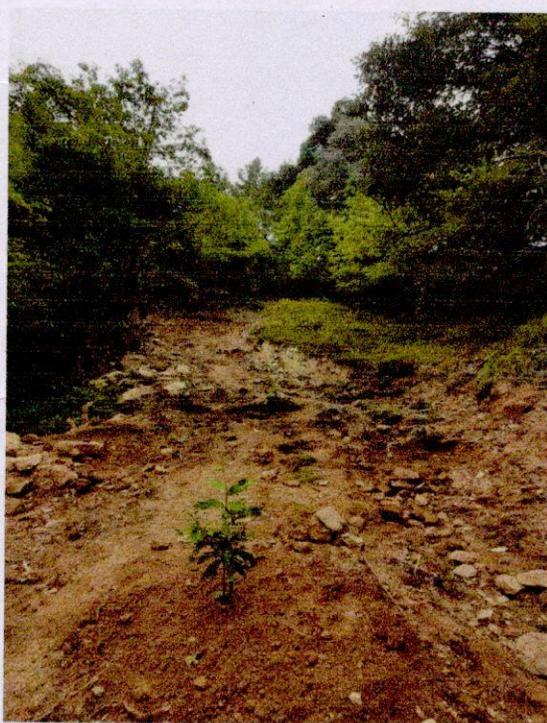
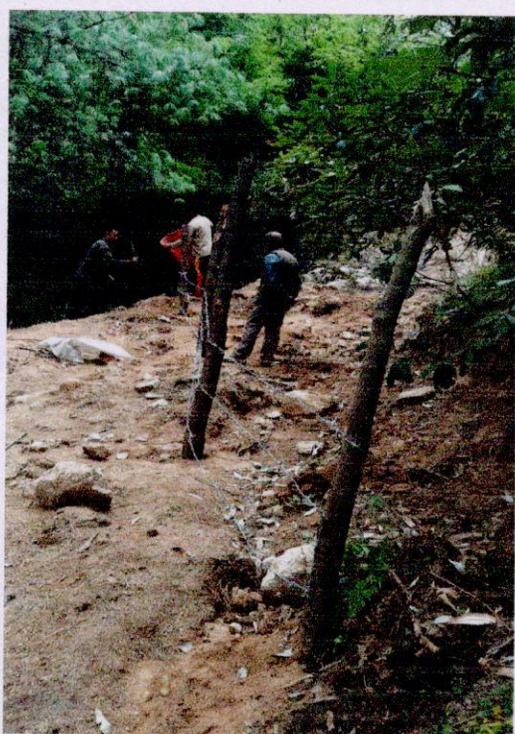
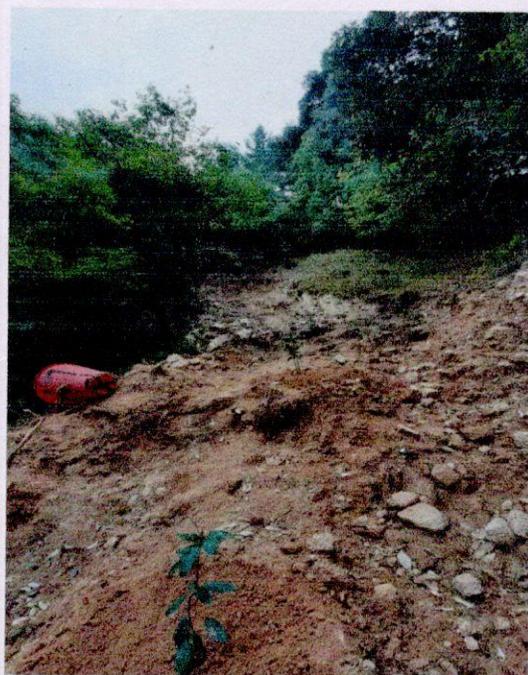
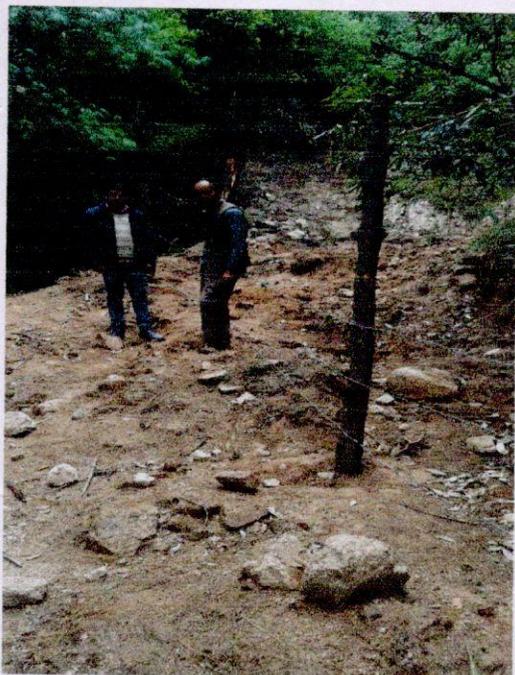
[Signature]

Asstt. Collector 2nd Gr
 at Gohar
 Distt. Mandi (H.P.)

Attested
[Signature]

Range Forest Officer
 Nachan Range
 Bassa Distt. Mandi (H.P.)

Annexure - 8



Photographs of fencing and planting of done by Forest Department in the portion illegally widened .

Attached
File

Range Forest Officer
Nachan Range
Bassa Distt. Mandi (H.P.)