

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

**ORIGINAL APPLICATION NO. 325 OF 2024
(I.A. no. 126 of 2024)**

IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

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Date: -13.01.2025

Place: - Shimla

Anubhav
Respondent State
Through
Counsel

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

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IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

**SUPPLEMENTARY AFFIDAVIT IN COMPLIANCE TO
ORDER DATED 03.01.2025 ON BEHALF OF THE
RESPONDENT NO. 1 to 3 & 5 to 13.**

I, Devesh Kumar, S/o Shri B.D. Gupta, aged about 50 years, presently posted as Principal Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh do hereby solemnly affirm and say as under:

*Principal Secretary (Tourism & Civil Aviation) to the
Government of Himachal Pradesh*

1. That the aforesaid Original Application is pending for adjudication before this Hon'ble Tribunal and is fixed for hearing on 10.01.2025.

ATTESTED

**Executive Magistrate
H.P. Sectt., Shimla**

ATTESTED

**Executive Magistrate
H.P. Sectt., Shimla**

2. That this Hon'ble Tribunal vide its order dated 03.01.2025 has been pleased to issue following directions, the relevant operative part of which is reproduced herein as under:-

".....7. Hence, considering the circumstances, we grant three days' time to Respondents No. 1, 2, 3 and 5 to 13 to file the affidavit clearly disclosing the area of construction mentioned in the sanction map and also the environmental clearances which have been obtained from the competent authority and if the land on which the construction is sought to be raised is a forest land and status of seeking Forest Clearance. In the affidavit, they will also disclose any other relevant information.

8. List on 10.01.2025."

3. That the Deponent with utmost reverence to this Hon'ble Court craves to make following submissions:-

- a. That it is respectfully submitted before this Hon'ble Tribunal that the land in question was previously acquired in the name of Sericulture department, Himachal Pradesh. However, the respondent no. 5 & 6 vide its office letter No. Ind (Seri) 1-28/2022-4193 dated 07-03-2023 that the said land was not in use of Sericulture Department, i.e. respondent no. 13 and there were no objections if the said land was reverted back. Subsequently, in exercise of the powers vested in Distt. Collector, vide Govt. of H.P.,

Principal Secretary (Tourism & Civil Aviation) to the
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Department of Revenue Notification issued vide no. Rev. D.8-14/2015 dated 09.02.2016, respondent no. 10, i.e. District Collector, Hamirpur passed an order to transfer the said land comprising Khata No.699 min, Khatauni No. 748, Khasra No. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 kita 15 total area measuring 4015-11 sq metres and Khata No. 700, Khatauni No. 749, Khasra No.s 1997, 2001 kita 2 total measuring 2892-38 Sq. metres as per jamabandi for the year 2019-2020 situate in Village Seri, Mouza Jalari, Tehsil Nadaun, Distt. Hamirpur (H.P.) in favour of Tourism and Civil Aviation Department.

- b. It is pertinent to mention herein that Farm-1 was established by the Sericulture Department in the year 1962, followed by the establishment of Farm-2, in the year 1972. In the year 2017, approximately 6,200 mulberry saplings were planted in Farm-2. However, these saplings did not thrive and only 1,355 saplings remained. As a result, the Sericulture Department ceased using Farm-2 for growing mulberry trees and focused exclusively on maintaining and cultivating Farm-1. It is further submitted that the mulberry plants grown by the Sericulture Department are intended to feed silkworm larvae, as mulberry leaves are their sole source of food. **Furthermore, these mulberry plants are classified as bushes and not trees. They are**

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cultivated to a height of only 4 to 5 feet and regular pruning of these mulberry bushes is conducted to control their height and encourage the growth of more abundant and greener leaves.

- c. There were only 1355 mulberry saplings at the site comprised in 20 kanals, which were cut by the permission of the Deputy Commissioner, Distt. Hamirpur (H.P.) dated 30-01-2024. ***It is further submitted before this Hon'ble Tribunal that for cutting of mulberry bushes no permission or NOC was mandatory as the Sericulture is an agro-based industry that involves the cultivation of silkworms to produce raw silk, which is the yarn obtained from cocoons spun by specific insect species. These sericulture bushes/saplings are distinct from forest vegetation and are not classified as part of the forest.***

- d. It will be appropriate to reproduce Section 2 of the Forests Conservation Act 1948 for ready reference:

"Restriction on the de-reservation of forests or use of forest land for non-forest purpose: Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

Principal Secretary (Tourism & Civil Aviation)
Government of Himachal Pradesh

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- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) That any forest land or any portion thereof may be used for any non-forest purpose:

It is clear from the bare reading of the Section that it is applicable to only those lands which are entered as 'Forest' and it does not apply to any private land, which is not classified as Forests Land. As such, it is humbly submitted that the submissions of the Applicant in the present application is based upon misapplication of the legal provisions and on the basis of information which is not supported by any material on record.

e. That vide office letter no. F-No. 10-2/2020-NRM-SMAF issued by Government of India Ministry of Agriculture, Cooperation & Farmers Welfare Department of Agriculture, Cooperation & Farmers Welfare (Natural Resource Management Division- SMAF), copy of which is annexed as **Annexure R-1** the State wise list of Trees Species free from Felling and Transit Regulations growing on Non forest area /private land in following States and UTs as received from MoEF & CC for the State of Himachal Pradesh is as under:-

Sr. No.	Name of States/UTs	Status

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11.	Himachal Pradesh	Kala Siris/Ohi/Srisis, Kachnar/ Karial, Safeda, Kimu/ Chirmu, /Shahtoot/Tut/Mulberry, Poplar, Indian Willow/Biuns,Kuth, Kala Zira, Japanese Shehoot/paper mulberry , Paik, /Koi,/ Kosh/Kunis/ Kunish/Nyun, Khirk/ Khadki, Darark/Bakin, Fagoora/ Phagoora/Tiamble/timla/ tirmal/anjiri/cluster fig/ goolar, Toon, Jamun, Teak/Sagun/Sagwan, Arjun,
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It can therefore be inferred that mulberry being a sapling is not covered under the definition of word tree. Rather there is no embargo on their cutting as done in the instant case. That it is respectfully submitted before this Hon'ble Court that permission for development/ construction of Hotel building in question has been granted in favour of District Tourism Office, Hamirpur by Nagar Panchayat Nadaun, Urban Development Department vide sanction letter dated 05.06.2024, copy of which is hereby annexed as **Annexure R-2** for kind perusal of this Hon'ble Tribunal. The copy of approved maps is hereby enclosed as **Annexure R-3**

- f. That it is pertinent to mention herein that the Himachal Pradesh State Pollution Control Board has issued consent to establish under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 read with Section 21 of Air (Prevention & Control of Pollution) Act, 1981 vide sanction

Principal Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh

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order dated 03.01.2025, copy of which is hereby annexed as **Annexure R-4** for kind perusal of this Hon'ble Tribunal.

g. That it is submitted before this Hon'ble Tribunal that there are certain land-holdings of private owners in the project under reference. The respondent State is strictly adhering to the statutory provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. The respondent Department of Tourism & Civil Aviation vide its office letter dated 02.09.2024, copy of which is hereby annexed as **Annexure R- 5** had requested the Himachal Institute of Public Administration to carry out social impact assessment for acquisition of land under the aforesaid Act. There after vide notification dated 25.11.2024 the respondent State has issued the social impact assessment Unit, copy of which is hereby annexed as **Annexure R-6** for kind perusal of this Hon'ble Tribunal. The draft SIA report has been submitted to the respondent State which is being finalized shortly.

h. That so far as proposed construction of Hotel Building is concerned, the main Hotel Building is to be constructed on Khasra nos. 1997, 2001, 2006, 2007, 2011 and 2015. The area statement of proposed construction is as under:-

AREA STATEMENT					
Sr. No.	Item	Area mtrs.	(Sq. Ft.)	Area	(Sq. Ft.)

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Executive Registrar
H.P. Sectt., Shimla

ATTESTED
Executive Registrar
H.P. Sectt., Shimla

1.	Basement Floor	1845	19860
2.	Ground Floor	1787	19240
3.	First Floor	725	7803
4.	Second Floor	980	10549
5.	Third Floor	980	10549
6.	Fourth Floor	980	10549
	Total Built Up area.	7297.00	78550.00

- i. That it would be relevant to mention that as per (EIA) Notification dated 14.09.2006 issued by MoEF, under paragraph no.2 following are requirement of prior Environmental Clearance (EC):-

*"2. Requirements of prior Environmental Clearance (EC):-
The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management **except for securing the land, is started on the project or activity:***

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with

Principal Secretary (Tourism & Civil Aviation) to the
Government of Himachal Pradesh

ATTESTED


Executive Magistrate
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addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization"

- j. That the respondent State is also placing on record the relevant pleadings of the pending writ petitions to ascertain if the same issue is under consideration before the High Court, copy of which are annexed as **Annexure R-7**

In view of the above submissions, it is, respectfully and humbly prayed that the supplementary affidavit on behalf of respondent Department of Tourism & Civil Aviation may kindly be taken on record in the interest of justice, equity & fair play.


....Deponent
 Principal Secretary (Tourism & Civil Aviation) to the
 Government of Himachal Pradesh


Verification:-

I, the above named deponent, do hereby further solemnly affirm that the contents of para 1 to 3 are true and correct to the best of my knowledge and nothing has been concealed there from.


Signed and Verified at Shimla on this 10th day of January' 2025

ATTESTED

Executive Magistrate
H.P. Sectt., Shimla


.....Deponent
 Principal Secretary (Tourism & Civil Aviation) to the
 Government of Himachal Pradesh

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 Declared before me on 10th day of Jan
 2025 on oath (Solemnly Affixation)
 by Shri Deven Kumar S. Secy. (Tourism CA)
 who is personally known to the or who
 has been identified by Sh. Manoj Kumar S. Secy. (Tourism CA)
 who is personally known to me.


 Executive Magistrate
H.P. Sectt., Shimla

ANNEXURE R-1

F. No. 10-2/2020-NRM-SMAF

Government of India

Ministry of Agriculture, Cooperation & Farmers Welfare
 Department of Agriculture, Cooperation & Farmers Welfare
 (Natural Resource Management Division– SMAF)

State wise list of Trees Species free from Felling and Transit Regulations growing on Non forest area /private land in following States and UTs as received from MoEF & CC.

S.No.	Name of States/UTs	Status
1.	Andaman n Nicobar Islands	<ul style="list-style-type: none"> Transit Permit is required for transit of forest produce in A & N Islands and no exemption for any sps. has been provided in the Regulation.
2.	Assam	<ul style="list-style-type: none"> No Felling Permission (FP) is required for home grown bamboo. No Transit Pass (TP) is required. Certificate from Gram Panchayat is required.
3.	Andhra Pradesh	<ul style="list-style-type: none"> NO FP. All spp exempted. NO TP, All spp exempted.
4.	Arunachal Pradesh	<ul style="list-style-type: none"> No FP is for bonafide use except commercial use No TP is required except commercial and other use
5.	Bihar	<ul style="list-style-type: none"> Tree sps currently exempted from Transit Regulations (as on 27.02.2009) <p>Poplar, Eucalyptus, Kadamb, Gamhar, Mango, Litchi, Toddy palm, Khajur, Bamboo sps (Except <i>Dandrocalamus strictus</i>), Semul.</p> <ul style="list-style-type: none"> Some more sps are in process to be exempted.
6.	Chandigarh	<ul style="list-style-type: none"> No interstate transit permit is being issued by Forest Department as no forest check posts have been established. The permission for felling of trees on private /non forest land is given only in two cases, i.e either for any development work or trees are dangerous to human life or property. As such no tree sps. is exempted under this.
7.	Chhattisgarh	<ul style="list-style-type: none"> Timber Sps that have been exempted from transit regulations are Poplar, Casuarina, Su-babul, Israili babul, Vilayati babul, Manziium , Nilgiri
8.	Delhi	<ul style="list-style-type: none"> Since land is premium commodity in Delhi, farmers generally do not practice agroforestry here. Sps. like

		<p>Poplar, Kikar and Eucalyptus have been proposed for exemption. So FP is required</p> <ul style="list-style-type: none"> • There is no transit rules in Delhi for transportation of timber.
9.	Goa	<ul style="list-style-type: none"> • No FP. Omitted Bamboo from the definition of tree. • NO TP. All types of bamboo grown in private areas (non forest areas) will not fall under the purview of forest produce and hence transit permit for bamboo felled from private areas are exempted
10.	Gujarat	<ul style="list-style-type: none"> • Nilgiri, Subabul, Saru, Champa, Laxmanfal , Ramfal, Sitafal, Asopalav, Pendula, Nagkesar, Nagchampha, Falsa, Ingorio/Angarea, Kamrakh, Kadhipatta, Limbu, Chikotru, Bijoru/Turanj, Narangi, Mausambi, Maharuk, Rukhdo, Motoarduso, Limdo, Neem, Bakan, Bakan, nim, Irani nim, Nimbara, Limbara, Mahanim, Mahogany, Bordi, Bor, Khati bor, Ghulbor, Liehi, Lilchi, Aritha, Aritha, Amba, Kadvo Saragavo, Saragavo , Agathin, Segto, Agastin, Desi Baval, Goras amlili, Gando baval, Ganda baval , Bottle Brush, Jamphal, Dadam, Chikoo, Boralli/Mursal/Vakal/ Varasd/ Bakul, Saptaparni, Champo, Safed champo, Liar/ Nani/ Gundi/ Nagod, Nirgund/ Nargundi, Lingur Nirgudi, Ambla, Fanas, Pipli/papri, Shetur, Haredo, Harero, Poplar, Golden cane palm, Oilplam
11.	Himachal Pradesh	<ul style="list-style-type: none"> • Kala Siris/Ohi/Siris, Kachnar/ Karial, Safeda, Kimu/ Chirmu, /Shahtoot/Tut/Mulberry, Poplar, Indian Willow/Biuns, Kuth, Kala Zira, Japanese Shehoot/paper mulberry, Paik, /Koi,/ Kosh/Kunis/ Kunish/Nyun, Khirk/ Khadki, Darark/Bakin, Fagoora/ Phagoora/Tiamble/timla/ tirmal/anjiri/cluster fig/ goolar, Toon, Jamun, Teak/Sagun/Sagwan, Arjun,

		Semal, Shalmaltas, Bihul/ Beul/ Bhimal/ Bhiunal/Dhaman, Paza/ Padam, Kamala/ Raini/Rohan/Rohini/ Sinduri, Aam(Mango wild variety), Rishtak/Ritha/Dode
12.	Haryana	<ul style="list-style-type: none"> Some sps are exempted from regulations under Punjab Land Preservation Act, 1900. These are Eucalyptas, Poplar, Alianthas , and Acacia tortilis. There is no transit rules applied for timber sps.
13.	Jharkhand	<ul style="list-style-type: none"> Eucalyptus (Safeda), Poplar, Casuarina, Maha Neem, Baken Kadmb, Subabool, Silver Oak, Israeli Babool Vilayati Babool, Babool, Plam, Ber, Munga, Mulberry Guava, Nimboo, Santra, Mussambi, Ashok,
14.	Jammu & Kashmir	<ul style="list-style-type: none"> Kikar, Bel, Siris, Champ, Neem, Malugarh, Kakrad, Palas, Amaltus/ Karangal, Sisoo/Tali, Dhamman, Nili Gulmohar, Akhrot(khod), Kehbal jhingar, Baronkal, Bilati Kikar, Safeda, Poplar, Robin, Chitta banddha, Rondu banddha, Sagwan, Arjun, Beheda, Tun/Toon, Bana, Dhoi
15.	Karnataka	<ul style="list-style-type: none"> Acacia hybrid, Acacia mangium, Tree of Heaven, Rain tree, All Cassias except Golden Rain tree, Cashew, Christmas tree, Arecanut, Casuarina, India Beef wood, Lemon, Ornage, Coconut, Coffee, Mayflower, Indian coral tree, Eucalyptus, Glyceridia/ Quick stick, Silver Oak, Rubber, Jacaranda, Sausage tree , Subabul, Umbrella tree, Sapota/Chikoo fruit, Melia, Indian Cork tree, Drumstick, Mulberry , Curry leaf tree, Peltiform, Purple bauhinia, Pagoda tree, False Ashoka, Guava, Sesbania, Hummingbrid tree, Paradise tree, African tulip , Tabebula, Trumpet tree
16.	Kerala	<ul style="list-style-type: none"> Species for Ply wood: Vellappine, Kurangandi/Narivenga/Mundani,

		<p>Karakily/Kalpine, Kulamavu/ Kulirmavu/Ooravu, Pali/Palendinjan, Thellipine/Undapine, Kulavu, Red Cedar, Poon/Punna/Punnappa, VEDIPLAVU/Mullampali, Charu, Pothundi/Perunthondi, Cheeni, Nedunar, Vallabham/Varangu, Chorapine, Chemmaram, Champakam, Cherukonna, Mulliam, Neeramruthu, Peenary, Kumbil, Veembu, Gnavel, Kattunelli, Vakka, Thavala</p> <ul style="list-style-type: none"> • Species for Matchwood :Aspin/Kanala/Nasakam, Elavu/Poola, Pala/Mukkampala, • Species for Bobbin wood : Vellakil, Manjakdambu, Species for pencil wood : Venkotta, Perumtholi/Poochakadmbu, Attuthekkku/Cadambu, • Species for packing wood: Kara/ Bhadraksham, Amazham,Aval, Arayanjili, Kalaveppu/Malaveppu, Vatta/Uppathi, • Fire wood : Palvu(Jack),Parankimavu (cashew), Kattadi (Casuarina), Poovarasu (Poovarasu), Mavu (Mango tree),Puli(Tamarind tree), Nattupunna (Nattupunna), Aanjili(Aanjili), Vaka (Vaha- species), Poovam, (Poovam), Konna), Thanni (Thanni), Uthi (Uthi), Aal Jatikal (Ficus species), Matti (Matti), Murukku(Murukku), Elappu(Iioia) and Kodamuli(Koadampuli)
17	Lakshadweep	<ul style="list-style-type: none"> • NO FP. IFA or any Forest Act is not enforced in Lakshadweep. Also, Bamboo is not grown anywhere in Lakshadweep. Therefore amendment in IFA or any Forest Act does not arise in this state. • No TP
18.	Madhya Pradesh	<ul style="list-style-type: none"> • Neelgiri, Casuarina , Poplar, Subabul, Israili Babul, Vilayati Babul, Australian Babul, Babul, Khamer, Maharukh, Kadamb, Cassia Siamea, Gulmohar,

		Jacaranda, Silver oak, Plam, Ber, Mulberry , Katahal, Amrood, Nimbu, Santra, Mussambi, Munga, Molshri, Ashok, Putranjiva, Imli, Jamun, Mango, Saptarni, Kaitha, Jungle Jalebi, Petltaphorum, Neem, Bakain, Sissoo, Karanj, Palash, Safed Sirus, Pipal, Bargad, Gular, Rubber, Semal, Kapok, Chirol, Gliricidea, Rimjha , meithi Neem, Gurhal, , Jasoun, Conifers , imported Timber Species
19.	Maharashtra	<ul style="list-style-type: none"> • Nilgiri trees, Babhul, Subabhul , Prosopis, Ashok, Drumstick, Sindi, Orange, Chiku, Bhendi, Acacia, Poplar, Lac, Casuarina equisetifolia , Rubberwood
20.	Meghalaya	<ul style="list-style-type: none"> • Meghalaya being a Hilly state, there is no Agroforestry at all, since percentage of states land covered by agriculture is very small.If any blank inter-state movement of timber is permitted, state will lose meagre resource of forests under control of the State Government.
21.	Mizoram	<ul style="list-style-type: none"> • Kothal, Tung, Eucalyptus spp. ,Mulberry, Neem, Rubber tree, Imli, Silver Oak, Subabul, Mango, Guava, Coconut, Citrus, Areca nut
22.	Manipur	<ul style="list-style-type: none"> • No Felling Permission (FP) is required • No Transit Pass (TP) is required for home grown within state. • TP is required outside state
23.	Nagaland	<ul style="list-style-type: none"> • Aam, Korei, Walnut, Neem, Alder, Manipur Sim, Kadam, Hollock , Khokan, Teak, Gamari
24.	Odisha	<ul style="list-style-type: none"> • Bada chakunda, Sana Chakunda, Jhaun, Sliver Oak, Patas/Nilgiri,Sunajhari/Acacia, Subabul, Kaitha, Ambada, Batapi, Oau, Sajana, Karamanga, Sahada, Plam tree, Debadaru, Bhersunga, Gohira, Giliricidia, Paladhua, Coconut

25.	Punjab	<ul style="list-style-type: none"> • <i>"forest produce"</i> shall specifically mean timber (converted or otherwise), firewood, charcoal, katha and resin, but shall not include Non Timber Forest Produces (NTFPs) like bamboos and agro-forestry species such as Populus spp., Eucalyptus spp., Melia azedarach (Drek), Morus alba (Mulberry), Leucaena leucocephala (Subabul), Casuarina spp., Grevillea robusta (Silver Oak), Acacia mangium, Melia dubia (Malabar Neem), Prosopis cineraria (Khejri), Salix alba (Indian willow), Gmelina arborea (Gamari) or any other species declared by the State/ authorised agency as agro-forestry species from time to time.
26.	Rajasthan	<ul style="list-style-type: none"> • <i>Casuarina, Australian babul, Khamer, Cacia Siamea, Gulmohar, Jaccaranda, Silver oak, Plam, Ber, Mulberry, Katahal, Amrood, Sehjana, Molshri, Ashok, Putranjiva, Imli, Jamun, Saptarni, Kaitha, Jungle Jalebi, Petaphorum, Bakain, Karanj, Safed Sirus, Semal, Kapok, Churel, Mithi neem</i>
27.	Sikkim	<ul style="list-style-type: none"> • No permission for felling of trees on any private or Forest land has been granted.If anyone wishes, he have to apply to Block Officer.
28.	TamilNadu	<ul style="list-style-type: none"> • <i>Mesquite, Casuarina, Subabul, Palmyrah, Dadops, Umbrella thom, White Back Acacia/ Paniced Acacia, Maharuch, Maharukh/East India Walnut/Siris, Cashew, Kadam, Jack, Neem/Margosa, Red silk cotton/ Kapok, Sappan, Cassia, white silk cotton tree/kapok, Sissoo, Coral tree, Eucalyptus, Gamari, Rubber, Sea Hibiscus, Mohua, Mango, Persian Lilac, Malabar Neem, Morinda /Suranji, Manila/ Tamarind, Pongam/ Indian Beach, Rain tree, Mahogeny, Jamun/Indian cherry, Tamarind, Esperanaza, Indian</i>

		Portia tree/Indian Tulip, Red Cedar/Toon, Silver Oak.
29.	Telagana	<ul style="list-style-type: none"> (i) Eucalyptus, Neelagiri,Jama oil (ii) Casurina, Sarugudu, Sarvi, Saru(iii) Poplar(iv) Subabul (v) Israeli Babool (vi) Seema,Thumma(vii) <i>Australian babul(viii) Gummaadi teak (ix) Pddamanu (x) Kadamb, (xi) Seema/ Tangedu (xii) Jacaranda (xiii) Silver oak (xiv) Regu, Ber(xv) Mulberry (xvi) Jama, Guava (xvii) Orange and related species,(xviii) Munga (xix) Ashok/ Naramamidi (xx) Mahaputrajivi/Putrajeevi (xxi) Edakulapala (xxii) Turakavepa(xxiii) Kanuga (xxiv) Rubber / Seemamarri (XXV) Tella Tumma (xxvi) Gliricidea/Seema/Kanuga(xxvii) Tella Tumma (xxviii) Kaivepaku (xxix)Mandara (xxx) Conifers(chir, Kail, Deodar, Pine species) (xxxi) Tati, Tadi, Palmyrah (xxxii) Sapota (xxxiii)Coconut, Kobbari, Tenkai, (xxxiv) Cashew , Jeedimamidi (xxxv) Semma, Chinta, ((xxxvi) Raint ree, Nidragannreru, (xxxviii) Mango,Mamidi(xxix) Panasa, Jackfruit</i>
30.	Tripura	<ul style="list-style-type: none"> Tree species like Mango, Litchi, Drumstick, Guava, Rubber and bamboo are exempted from extraction from private land. Bamboo sps. have been exempted from transit permits both from Private and Forest land. Transport of Timber is also permitted .
31.	U.P.	<ul style="list-style-type: none"> Aru, Casuarina, Jangal Jalebi, Poplar, Babool, Vilayati Babool, Rabania, Siris, Su-babool, Kathber, Jamun, Eucalyptus, Dhak Palas, Paper Mulberry, Ber, Sainjana, Shah toot, Mango (Desi, Tukhmi or Kalmi)
32.	Uttarakhand	<ul style="list-style-type: none"> 27 tree species have been exempted from the provision of Tree protection Act, 1976. This includes fodder and small timber species that are being used

		<p>in small scale industries, animal husbandry, agricultural implements and allied activity. Other 07 tree species like Walnut , Neem, Oak , Ficus (Peepal and Banyan) and Deodar have been placed in the restricted category and felling permission can be granted only in case of dead or dangerous trees.</p>
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Sr. No. : 16185

Nagar Panchayat Nadaun

Permission for Development / Construction of building

No. : 02202400923 Dated : 05/Jun/2024

To

Sh./Smt./M/s O/O TOURISM HP C/o : S/o
DISTRICT TOURISM OFFICE HAMIRPUR NEAR HAMIR HOTEL, , DISTRICT TOURISM DEVELOPMENT
OFFICE HAMIRPUR, Hamirpur, Hamirpur, Himachal Pradesh

Subject :- Permission for Development / Construction of building.

You are hereby granted permission under 12 of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) and under section-203 HP Municipal Act.1994 (Act no 13 of 1994) on Khasra no. **1914,2002,2003,2004,2005,2006,2007,2008,2009,2010,2011,2012,2013,2014,2015,1997,2001** Revenue Mohal **SERRI** situated at Ward **3-Jain Mohalla** to carry out the development/ sub-division of land/ construction of building as mentioned in your Application under reference, subject to the following conditions, namely:-

1. Building operation shall be carried out strictly in accordance with the approved building plan.
2. Front, side rear set back should be left as per approved plan.
3. No tree should be cut without the prior permission from the Competent Authority.
4. The date of commencement of development shall be intimated to this office.
5. The no objection certificate at plinth level shall be obtained from this office. Otherwise NOC for service connection shall not be issued.
6. Minimum permissible distance of construction from the circumference of a tree/boundary of forest shall be 2.00m. & 5.00m. respectively.
7. Building shall not be put to use prior to the issue of completion certificate by the Competent Authority.
8. The height of parking floor shall be as per approved plan.
9. The height of sloping roof shall be as per approved plan.
10. Submission of Structural Stability Certificate of the building at the time of its completion shall be mandatory.
11. Maximum hill cut of 3.50m.height shall be permissible.
12. The construction of rain harvesting tank is mandatory.
13. The safety norms of H.P.S.E.B. may be followed where HT/LT lines are crossing over the plot.
14. The construction shall be carried out strictly as per approved plan otherwise NOC for service connection shall not be issued.
15. Approval is granted subject to the condition that the land use other than existing required to be changed or If involved to be changed as per Development Plan of town,It will be changed by the concerned department before construction.

Note :- Sanction shall be valid for 3 years and may be further extended under Law.

156

20

Enclosers: As above :-

Sh. Raman Kumar
Secretary
Nagar Panchayat Nadaun
Urban Development Department
Himachal Pradesh

Copy to :-

1. The Chairman, Urban Development Department Authority along with a copy of the approved plan for information and further necessary action.
2. The Registrar/ Sub-Registrar, Tehsildar/ Naib Tehsildar District Himachal Pradesh alongwith a copy of the approved plan for information and making necessary entries in the Revenue record.

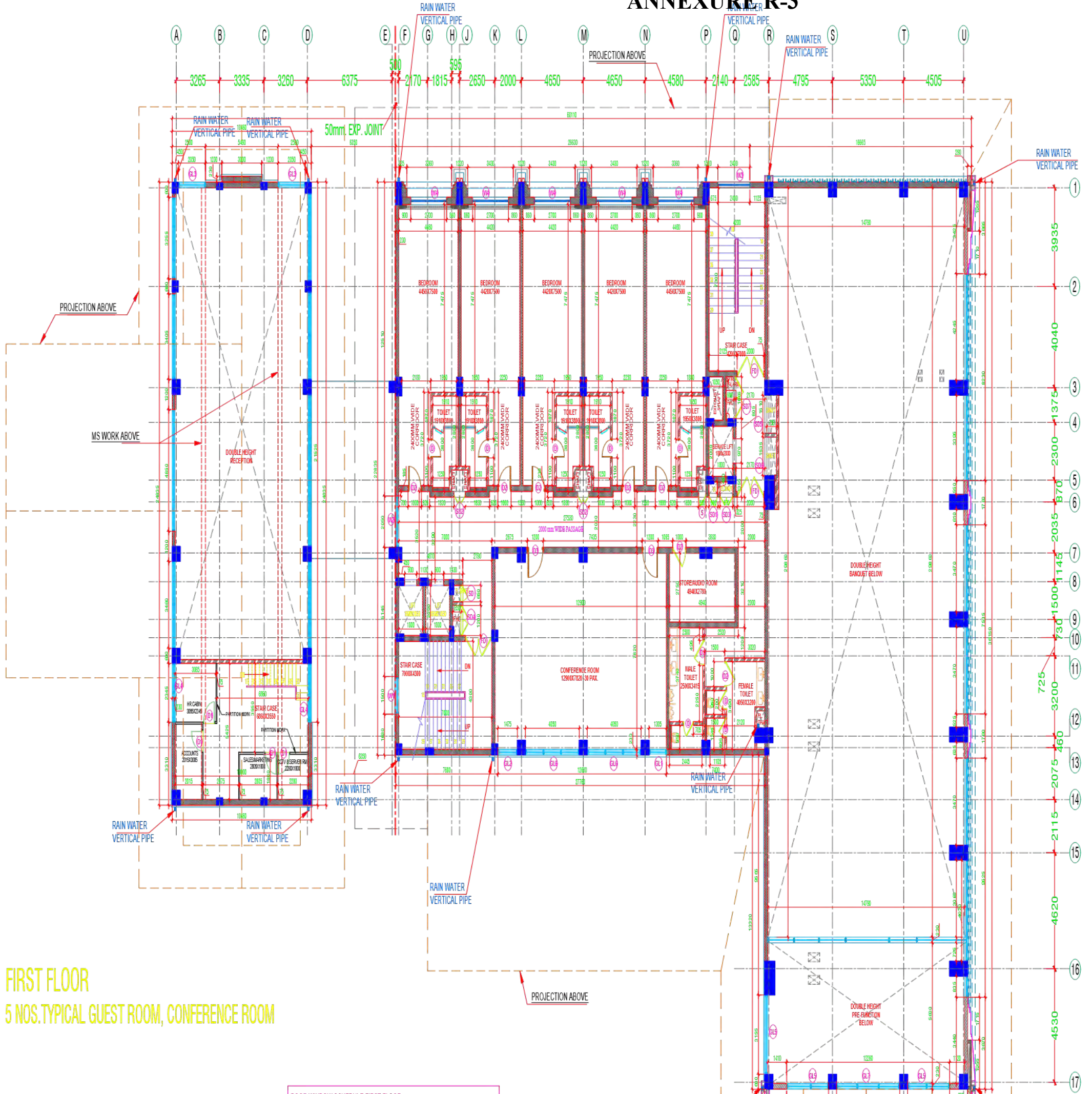
Enclosers : As above :-

एक कदम स्वच्छता की ओर



Sh. Raman Kumar
Secretary
Nagar Panchayat Nadaun
Urban Development Department
Himachal Pradesh

ANNEXURE R-3



FIRST FLOOR
5 NOS. TYPICAL GUEST ROOM, CONFERENCE ROOM

GLAZING SCHEDULE-FIRST FLOOR						
MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
GL1	1	UPVC fixed glazing	1300	as elevation		
GL2	1	UPVC fixed glazing	1475	as elevation		
GL3	2	UPVC fixed glazing	2050	as elevation		
GL4	2	UPVC fixed glazing	2345	as elevation		
GL5	3	UPVC fixed glazing	3155	as elevation		
GL6	2	UPVC fixed glazing	4050	as elevation		
GL7	1	UPVC fixed glazing	4750	as elevation		

DOOR WINDOW SCHEDULE-FIRST FLOOR						
MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
D	8	Wooden Door	750	-	2100	
D1	4	Wooden Door	900	-	2100	
D2	8	Wooden Door	1000	-	2100	
D3	2	Wooden Door	1200	-	2100	
FD	3	Fire Door-double leaf	2000	-	2100	
W1	1	UPVC fixed window	1500	as elevation	2100	
W2	1	UPVC fixed window	2050	100	B.O.B.	
W3	1	UPVC fixed window	2400	as elevation	2300	
W4	5	UPVC fixed window	2700	100	B.O.B.	

SHAFTS DOOR-FIRST FLOOR						
MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
S	1	Shaft door	550	100	2100	
SD	1	Shaft door	650	100	2100	
SD1	1	Shaft door	680	100	2100	
SD2	2	Shaft double door	850	100	2100	
SD3	1	Shaft double door	970	100	2100	
SD4	1	Shaft double door	1200	100	2100	
SD5	1	Shaft double door	1510	100	2100	
SD6	1	Shaft double door	1535	100	2100	
SD7	1	Shaft double door	1685	100	2100	

PROJECT
HOTEL AT NADAUN, HIMACHAL

RELEASED FOR:

NOTE:
THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

1. ALL DIMENSIONS ARE INCLUDING FINISHES
2. DO NOT SCALE DRAWINGS ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED.
3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE.
4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.

REVISION			
S.NO.	REMARKS	DATE	DATE

TITLE: FIRST FLOOR CML LAYOUT

ARCHITECT/INTERIOR DESIGN: TVASTRA THE ARCHITECT
2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P.)
Mob- 8727992665
E-mail: ar.akhil2194@gmail.com

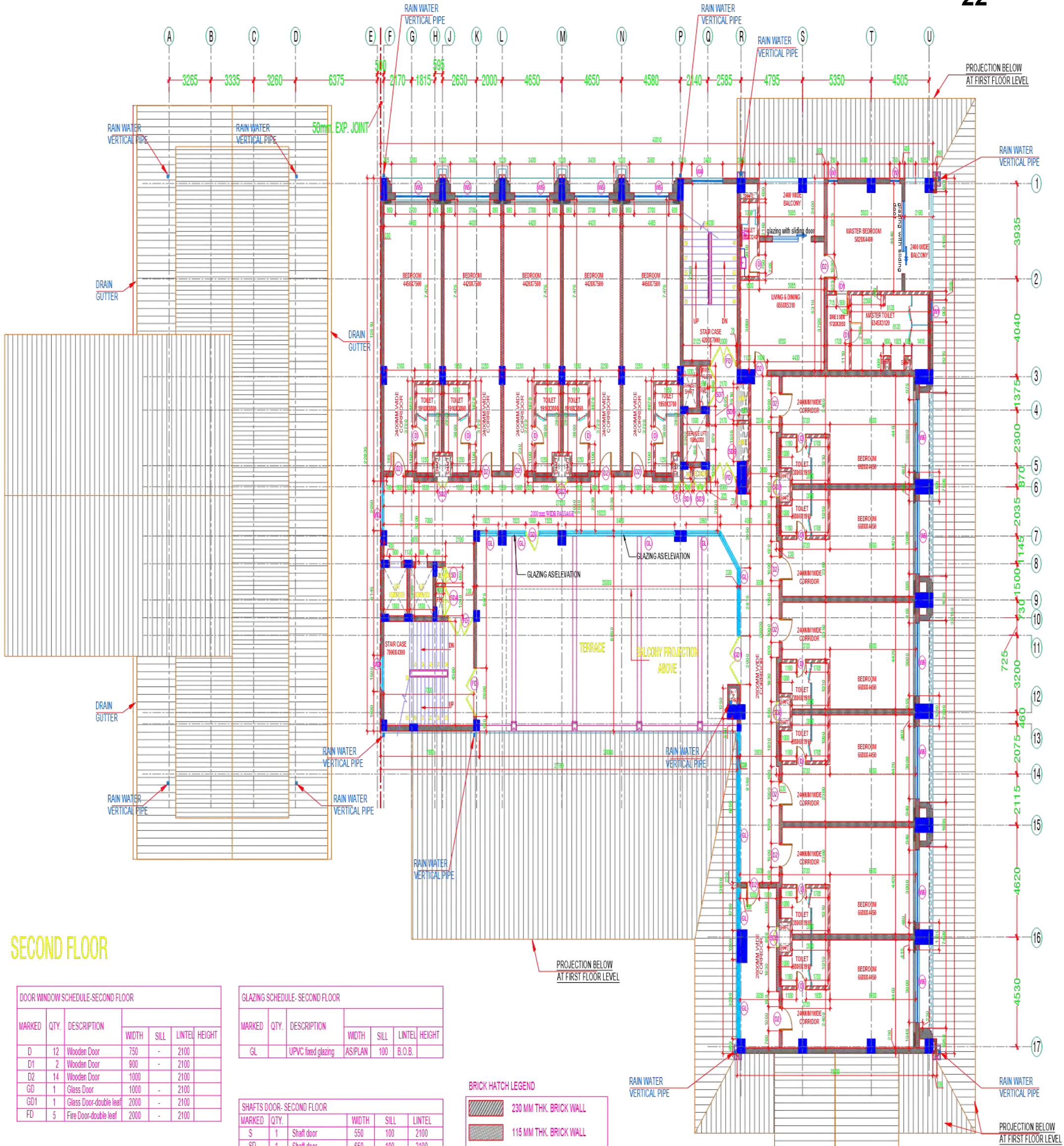
ARCHITECT SIGN: [Signature]

CLIENT SIGN: [Signature]

BRICK HATCH LEGEND

- 230 MM THK. BRICK WALL
- RETAINING WALL AS/STPC
- 100 MM THK. AAC BLOCK WORK
- 115 MM THK. BRICK WITH PLASTER WALL

Sh. Raman Kumar
Secretary
Nagar Panchayat, Nadaun
Urban Development Department
Government of Himachal Pradesh



SECOND FLOOR

DOOR WINDOW SCHEDULE-SECOND FLOOR					
MARKED	QTY.	DESCRIPTION	DIMENSIONS		
			WIDTH	SILL	LINTEL HEIGHT
D	12	Wooden Door	750	-	2100
D1	2	Wooden Door	900	-	2100
D2	14	Wooden Door	1000	-	2100
GD	1	Glass Door	1000	-	2100
GD1	1	Glass Door-double leaf	2000	-	2100
FD	5	Fire Door-double leaf	2000	-	2100

GLAZING SCHEDULE-SECOND FLOOR					
MARKED	QTY.	DESCRIPTION	DIMENSIONS		
			WIDTH	SILL	LINTEL HEIGHT
GL		UPVC fixed glazing	AS/PLAN	100	B.O.B.

SHAFTS DOOR-SECOND FLOOR					
MARKED	QTY.	DESCRIPTION	DIMENSIONS		
			WIDTH	SILL	LINTEL
S	1	Shaft door	550	100	2100
SD	1	Shaft door	650	100	2100
SD1	1	Shaft door	680	100	2100
SD2	2	Shaft double door	850	100	2100
SD3	1	Shaft double door	970	100	2100
SD4	1	Shaft double door	1200	100	2100
SD5	1	Shaft double door	1510	100	2100
SD6	1	Shaft double door	1535	100	2100
SD7	1	Shaft double door	1885	100	2100

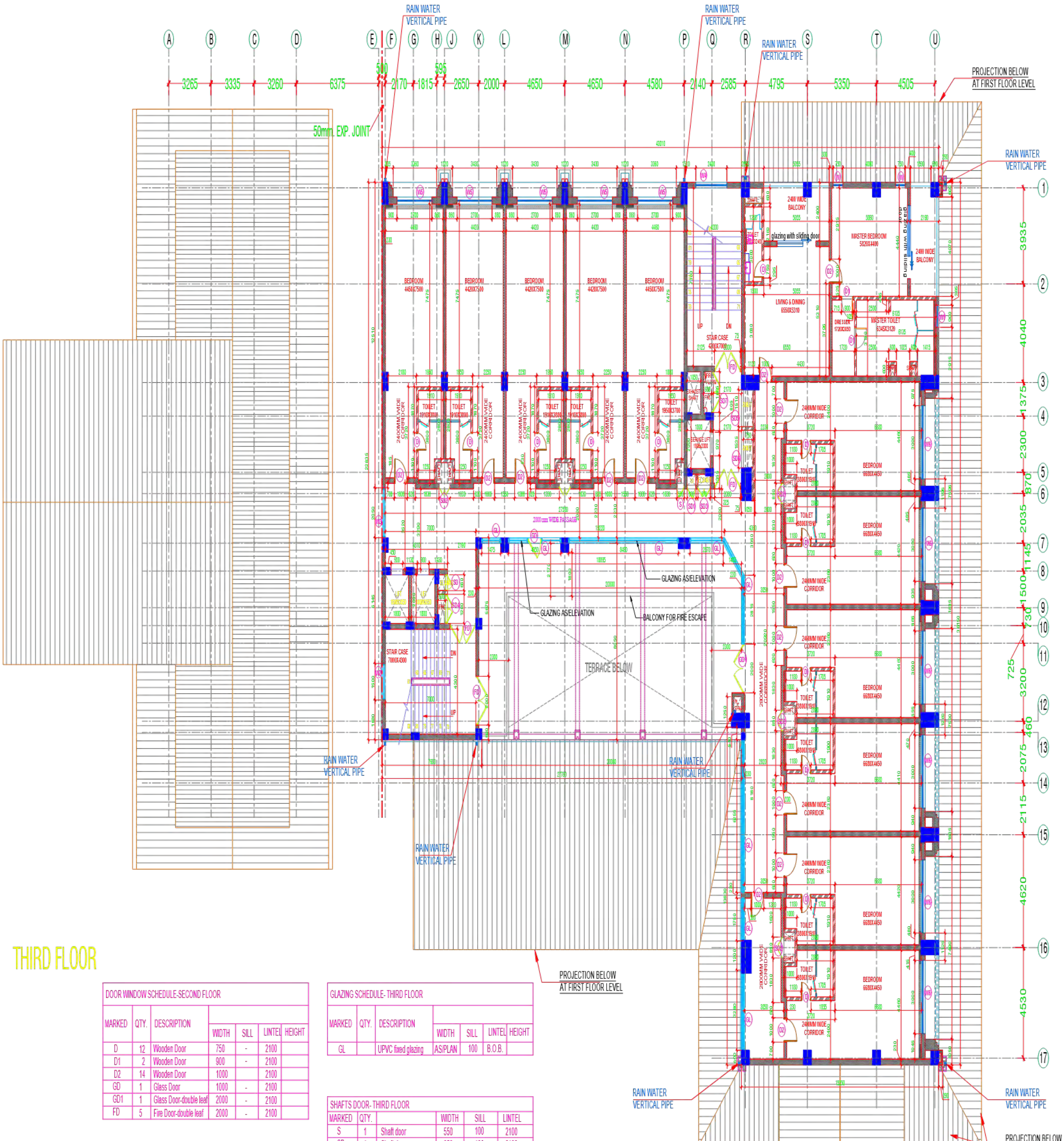
BRICK HATCH LEGEND

- 230 MM THK. BRICK WALL
- 115 MM THK. BRICK WALL
- 200 MM THK. AAC BLOCK WORK
- RETAINING WALL AS/STRC.
- 100 MM THK. AAC BLOCK WORK
- 115 MM THK. BRICK LOW HT. LEDGE WALL

MARKED	QTY.	DESCRIPTION	DIMENSIONS		
			WIDTH	SILL	LINTEL HEIGHT
W	2	UPVC fixed window	750	300	B.O.B.
W1	1	UPVC fixed window	900	150	B.O.B.
W2	1	UPVC fixed window	1500	as/elevation	2100
W3	1	UPVC fixed window	2050	100	B.O.B.
W4	1	UPVC fixed window	2400	as/elevation	2300
W5	5	UPVC fixed window	2700	100	B.O.B.
W6	6	UPVC fixed window	3000	100	B.O.B.

<p>PROJECT</p> <p>HOTEL AT NADAUN, HIMACHAL</p>	<p>NOTE</p> <p>THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.</p> <p>1. ALL DIMENSIONS ARE INCLUDING FINISHES</p> <p>2. DO NOT SCALE DRAWINGS ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED.</p> <p>3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE.</p> <p>4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.</p>	<p>RELEASED FOR:</p>	<p>TITLE: SECOND FLOOR CIVIL LAYOUT</p>		<p>ARCHITECT/ INTERIOR DESIGN</p> <p>TVASTRA THE ARCHITECT</p> <p>2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P)</p> <p>Mob- 8727992665</p> <p>E-mail: ar.akhi2194@gmail.com</p>	<p>ARCHITECT SIGN-</p>	<p>CLIENT SIGN-</p>		
			<p>REVISION</p> <table border="1"> <thead> <tr> <th>S.NO</th> <th>REMARKS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	S.NO	REMARKS	DATE			
S.NO	REMARKS	DATE							

Sh. Raman Kumar
 Secretary
 Nagar Panchayat Nadaun
 Urban Development Department
 Government of Himachal Pradesh



THIRD FLOOR

MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
D	12	Wooden Door	750	-	2100	
D1	2	Wooden Door	900	-	2100	
D2	14	Wooden Door	1000	-	2100	
GD	1	Glass Door	1000	-	2100	
GD1	1	Glass Door-double leaf	2000	-	2100	
FD	5	Fire Door-double leaf	2000	-	2100	

MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
W	2	UPVC fixed window	750	300	B.O.B.	
W1	1	UPVC fixed window	900	150	B.O.B.	
W2	1	UPVC fixed window	1500	as elevation	2100	
W3	1	UPVC fixed window	2050	100	B.O.B.	
W4	1	UPVC fixed window	2400	as elevation	2300	
W5	5	UPVC fixed window	2700	100	B.O.B.	
W6	6	UPVC fixed window	3000	100	B.O.B.	

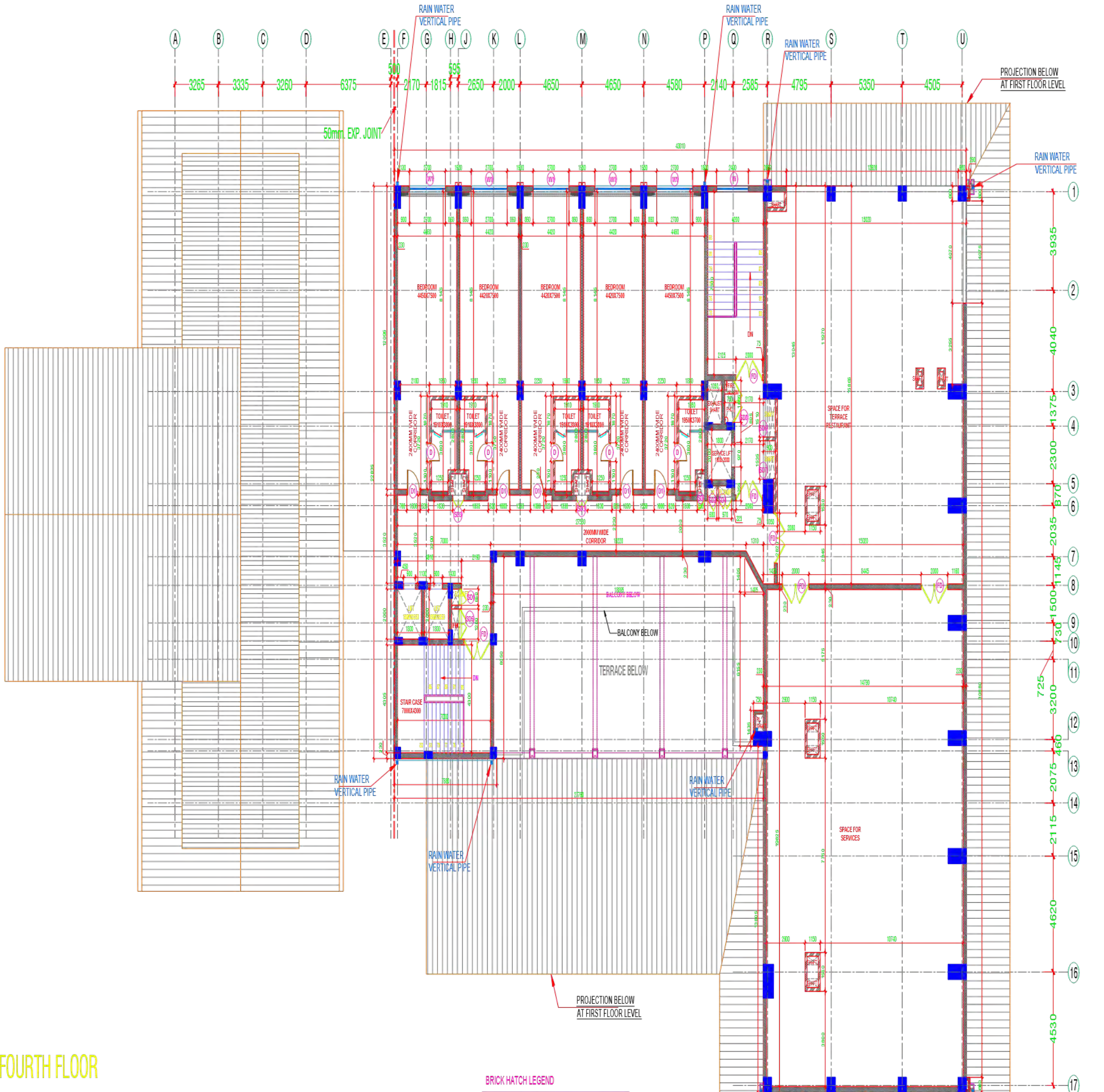
MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
GL		UPVC fixed glazing	AS/PLAN	100	B.O.B.	

MARKED	QTY.	DESCRIPTION	DIMENSIONS			
			WIDTH	SILL	LINTEL	HEIGHT
S	1	Shaft door	550	100	2100	
SD	1	Shaft door	650	100	2100	
SD1	1	Shaft door	680	100	2100	
SD2	2	Shaft double door	850	100	2100	
SD3	1	Shaft double door	970	100	2100	
SD4	1	Shaft double door	1200	100	2100	
SD5	1	Shaft double door	1510	100	2100	
SD6	1	Shaft double door	1535	100	2100	
SD7	1	Shaft double door	1665	100	2100	

	230 MM THK. BRICK WALL
	RETAINING WALL AS/STRC.
	115 MM THK. LOW WALL

PROJECT HOTEL AT NADAUN, HIMACHAL	NOTE THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. 1. ALL DIMENSIONS ARE INCLUDING FINISHES 2. DO NOT SCALE DRAWING ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED. 3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE. 4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.	RELEASED FOR: _____ _____ _____	TITLE: THIRD FLOOR CIVIL LAYOUT ARCHITECT/ INTERIOR DESIGN: TVASTRA THE ARCHITECT 2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P.) Mob- 8727992665 E-mail: ar.akhil2194@gmail.com	ARCHITECT SIGN:- 	CLIENT SIGN:- 							
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REVISION												
S.NO	REMARKS	DATE										

Secretary
Nagar Panchayat Nadaun
Urban Development Department
Government of Himachal Pradesh



FOURTH FLOOR

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL
SD	1	Shaft door	550	100	2100
SD1	1	Shaft door	850	100	2100
SD2	1	Shaft door	880	100	2100
SD3	2	Shaft double door	850	100	2100
SD4	1	Shaft double door	970	100	2100
SD5	1	Shaft double door	1200	100	2100
SD6	1	Shaft double door	1510	100	2100
SD7	1	Shaft double door	1535	100	2100
SD8	1	Shaft double door	1665	100	2100

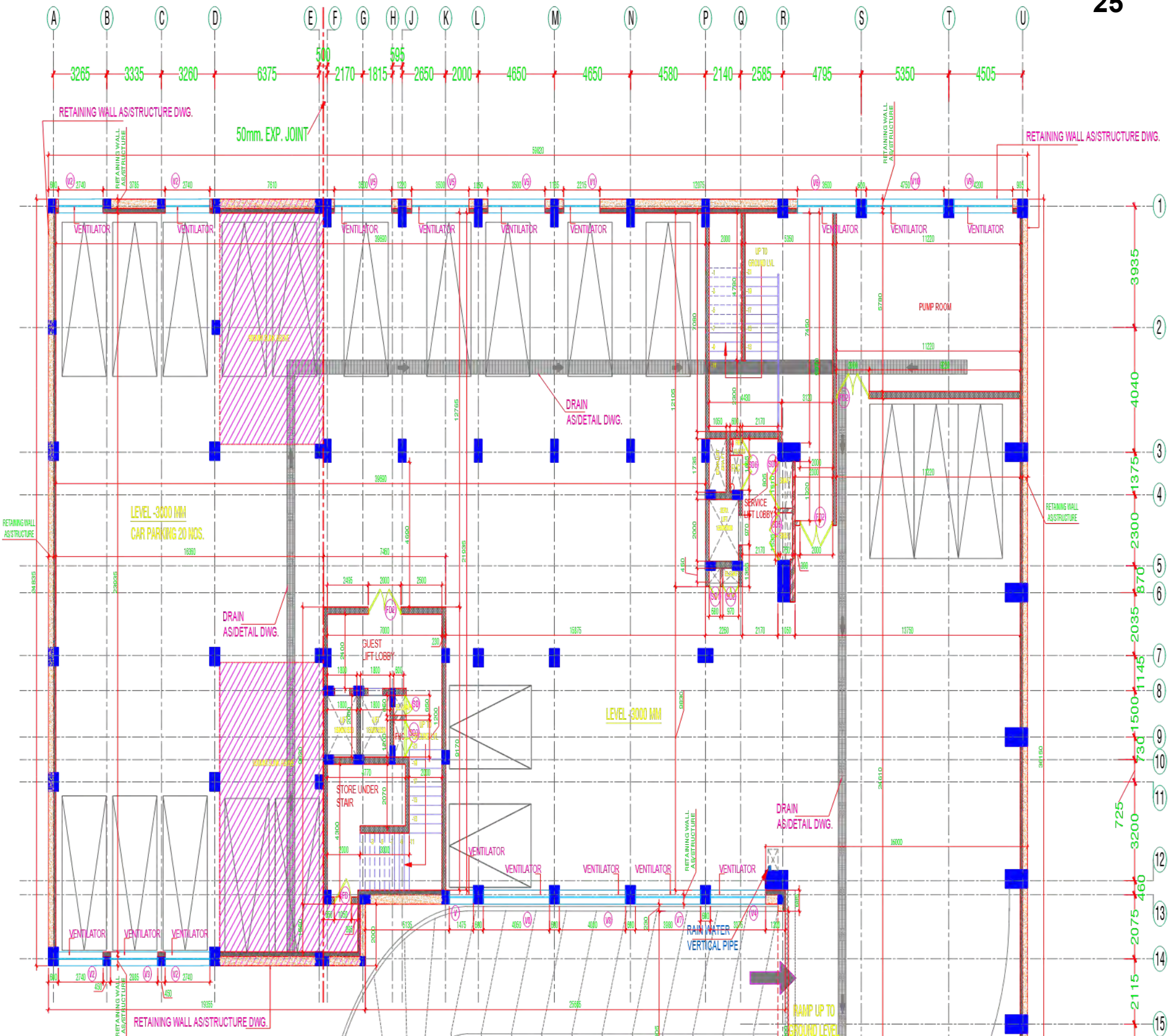
MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL	HEIGHT
D	5	Wooden Door	750	-	2100	
D1	5	Wooden Door	1000	-	2100	
FD	6	Fire Door-double leaf	2000	-	2100	
W	1	UPVC fixed window	2400	asilevelation	2300	
W1	5	UPVC fixed window	2700	100	B.O.B.	

BRICK HATCH LEGEND

- 230 MM THK. BRICK WALL
- 115 MM THK. BRICK WALL
- 200 MM THK. AAC BLOCK WORK
- RETAINING WALL AS/STRC.
- 100 MM THK. AAC BLOCK WORK
- 115 MM THK. BRICK LOW HT. LEDGE WALL

<p>PROJECT</p> <p>HOTEL AT NADAUN, HIMACHAL</p>	<p>NOTE</p> <p>THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNERS</p> <p>1. ALL DIMENSIONS ARE INCLUDING FINISHES 2. DO NOT SCALE DRAWINGS ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED. 3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE. 4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.</p>	<p>RELEASED FOR:</p>	<p>TITLE: FOURTH FLOOR CIVIL LAYOUT</p>		<p>ARCHITECT/ INTERIOR DESIGN</p> <p>TVASTRA THE ARCHITECT 2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P) Mob- 8727992665 E-mail: ar.akhil2194@gmail.com</p>	<p>ARCHITECT SIGN-</p>	<p>CLIENT SIGN-</p>		
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Sh. Raman Kumar
 Secretary
 Nagar Panchayat Nadaun
 Urban Development Department
 Government of Himachal Pradesh



BASEMENT PLAN

DOOR WINDOW SCHEDULE-BASEMENT

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL
FD	1	Fire Door	1050	-	2100
FD1	1	Fire Door	1250	-	2100
FD2	3	Fire Door-double leaf	2000	-	2100

SHAFTS DOOR-BASEMENT

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL
SD	1	Shaft door	650	100	2100
SD1	1	Shaft door	680	100	2100
SD2	1	Shaft double door	970	100	2100
SD3	1	Shaft double door	1200	100	2100
SD4	1	Shaft double door	1510	100	2100
SD5	1	Shaft double door	1535	100	2100
SD6	1	Shaft double door	1665	100	2100

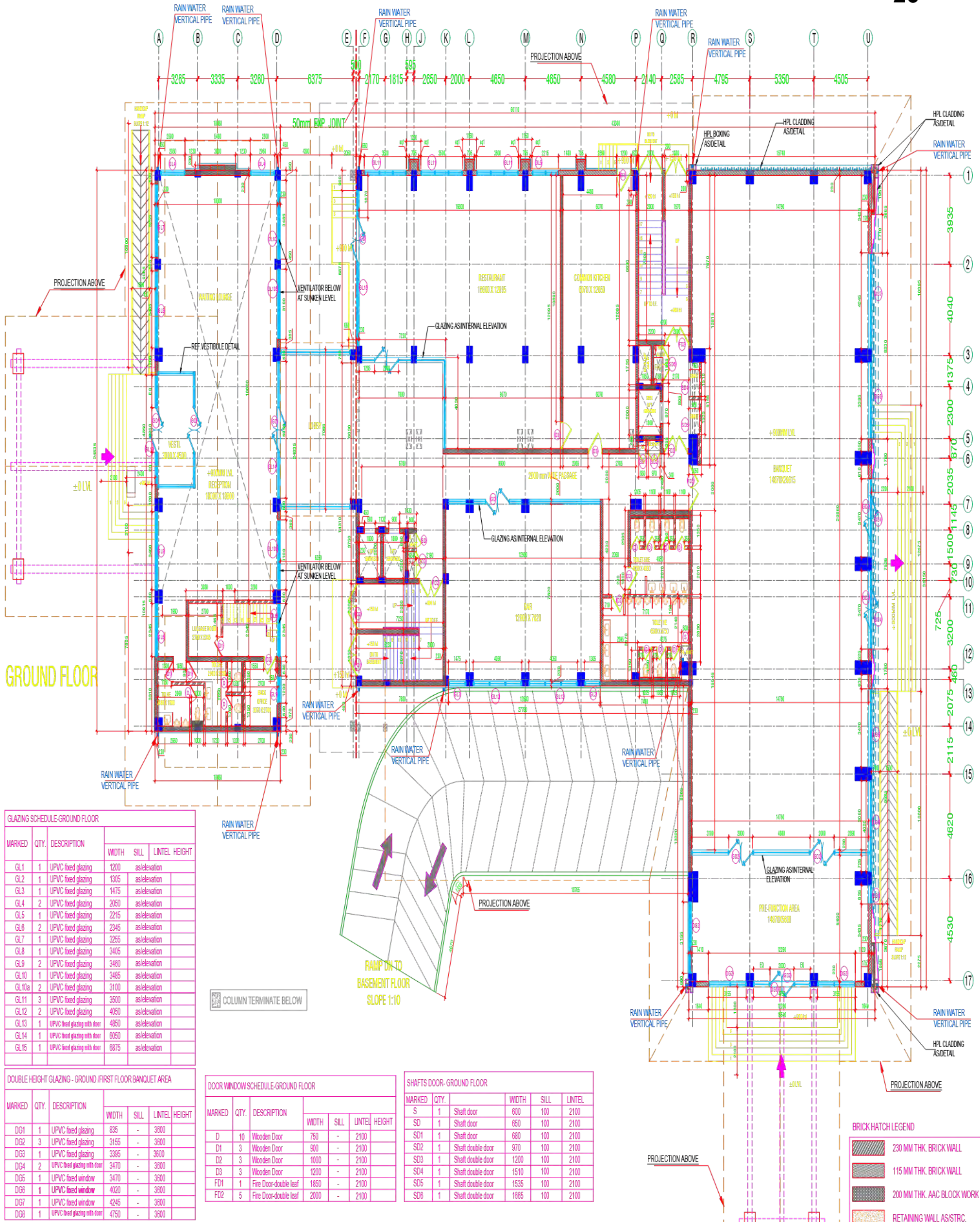
BRICK HATCH LEGEND

- 230 MM THK. BRICK WALL
- 115 MM THK. BRICK WALL
- 200 MM THK. AAC BLOCK WORK
- RETAINING WALL AS/STRC.
- 100 MM THK. AAC BLOCK WORK
- 115 MM THK. BRICK LOW HT. LEDGE WALL

VENTILATOR OPENING SCHEDULE-BASEMENT FLOOR

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL	HT.
V	1	ventilator with frame	1475	150	-	600
V1	1	ventilator with frame	2215	150	-	550
V2	4	ventilator with frame	2740	150	-	550
V3	1	ventilator with frame	2885	150	-	550
V4	1	ventilator with frame	3375	150	-	600
V5	3	ventilator with frame	3500	150	-	550
V6	1	ventilator with frame	3600	150	-	550
V7	1	ventilator with frame	3980	150	-	600
V8	2	ventilator with frame	4050	150	-	600
V9	1	ventilator with frame	4200	150	-	550
V10	1	ventilator with frame	4750	150	-	550

<p>PROJECT</p> <p>HOTEL AT NADAUN, HIMACHAL</p>	<p>NOTE</p> <p>THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.</p> <p>1. ALL DIMENSIONS ARE INCLUDING FINISHES</p> <p>2. DO NOT SCALE DRAWING ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED.</p> <p>3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE.</p> <p>4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.</p>	<p>RELEASED FOR:</p>	<p>TITLE: BASEMENT CIVIL LAYOUT</p>	<p>ARCHITECT/ INTERIOR DESIGN</p> <p>TVASTRA THE ARCHITECT</p> <p>2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P)</p> <p>Mob- 8727992665</p> <p>E-mail: ar.akhil2194@gmail.com</p>	<p>ARCHITECT SIGN:-</p>	<p>CLIENT SIGN:-</p>	<p>Sh. Raman Kumar Secretary Nagar Panchayat Nadaun Urban Development Department Government of Himachal Pradesh</p>
S.NO	REMARKS	DATE					
R1	STRUCTURE CHANGE-SOMEV	25-01-2024					



MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL HEIGHT
GL1	1	UPVC fixed glazing	1200	as/elevation	
GL2	1	UPVC fixed glazing	1305	as/elevation	
GL3	1	UPVC fixed glazing	1475	as/elevation	
GL4	2	UPVC fixed glazing	2050	as/elevation	
GL5	1	UPVC fixed glazing	2215	as/elevation	
GL6	2	UPVC fixed glazing	2345	as/elevation	
GL7	1	UPVC fixed glazing	3255	as/elevation	
GL8	1	UPVC fixed glazing	3405	as/elevation	
GL9	2	UPVC fixed glazing	3480	as/elevation	
GL10	1	UPVC fixed glazing	3485	as/elevation	
GL10a	2	UPVC fixed glazing	3100	as/elevation	
GL11	3	UPVC fixed glazing	3500	as/elevation	
GL12	2	UPVC fixed glazing	4050	as/elevation	
GL13	1	UPVC fixed glazing with door	4850	as/elevation	
GL14	1	UPVC fixed glazing with door	6050	as/elevation	
GL15	1	UPVC fixed glazing with door	6875	as/elevation	

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL HEIGHT
DG1	1	UPVC fixed glazing	835	-	3600
DG2	3	UPVC fixed glazing	3155	-	3600
DG3	1	UPVC fixed glazing	3395	-	3600
DG4	2	UPVC fixed glazing with door	3470	-	3600
DG5	1	UPVC fixed window	3470	-	3600
DG6	1	UPVC fixed window	4020	-	3600
DG7	1	UPVC fixed window	4245	-	3600
DG8	1	UPVC fixed glazing with door	4750	-	3600

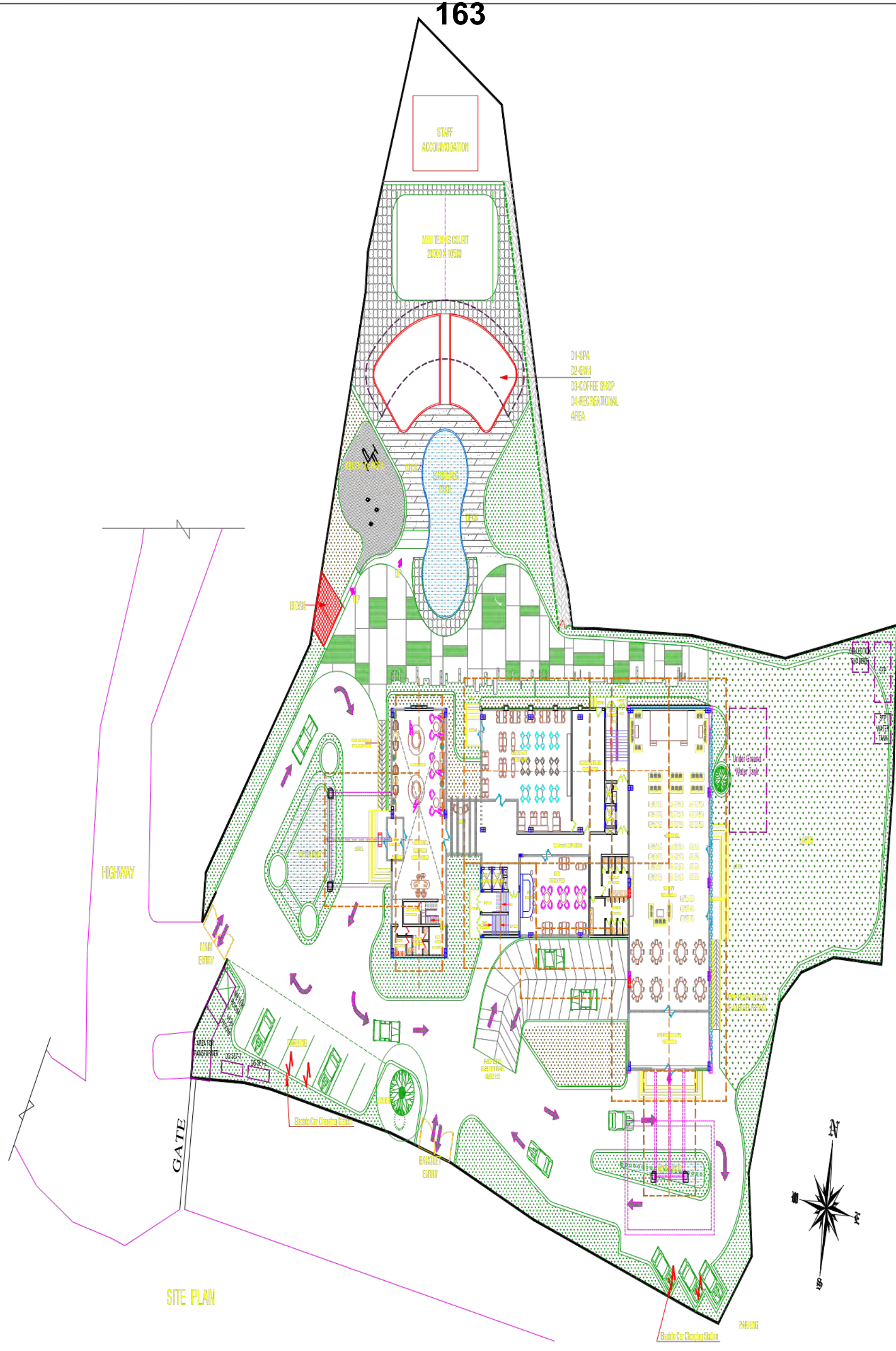
MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL HEIGHT
D	10	Wooden Door	750	-	2100
D1	3	Wooden Door	900	-	2100
D2	3	Wooden Door	1000	-	2100
D3	3	Wooden Door	1200	-	2100
FD1	1	Fire Door-double leaf	1850	-	2100
FD2	5	Fire Door-double leaf	2000	-	2100

MARKED	QTY.	DESCRIPTION	WIDTH	SILL	LINTEL HEIGHT
S	1	Shaft door	600	100	2100
SD	1	Shaft door	650	100	2100
SD1	1	Shaft door	680	100	2100
SD2	1	Shaft double door	970	100	2100
SD3	1	Shaft double door	1200	100	2100
SD4	1	Shaft double door	1510	100	2100
SD5	1	Shaft double door	1535	100	2100
SD6	1	Shaft double door	1665	100	2100




	230 MM THK. BRICK WALL
	115 MM THK. BRICK WALL
	200 MM THK. AAC BLOCK WORK
	RETAINING WALL AS/STRC.

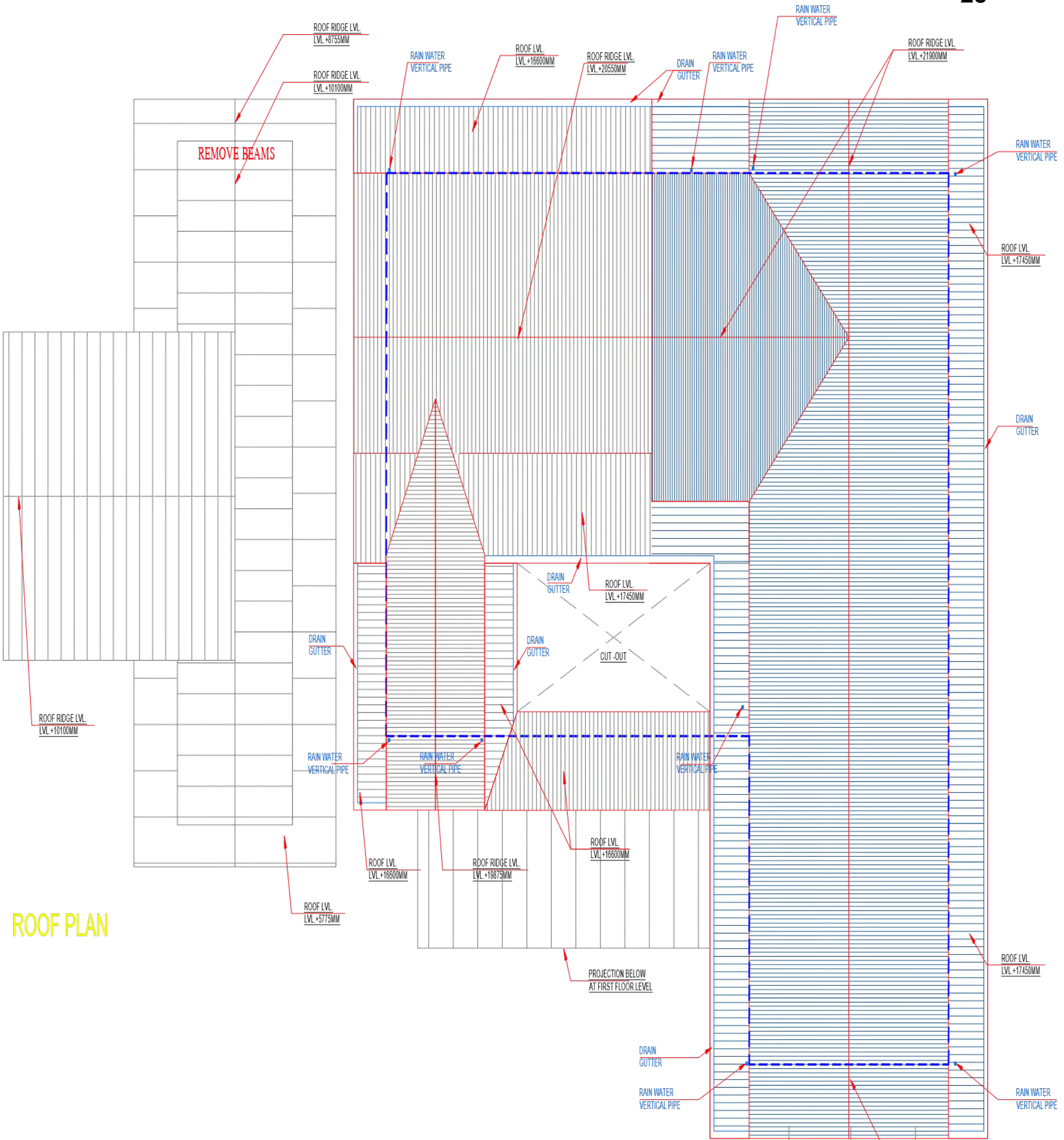
PROJECT HOTEL AT NADAUN, HIMACHAL	NOTE THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. 1. ALL DIMENSIONS ARE INCLUDING FINISHES 2. DO NOT SCALE DRAWINGS ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED. 3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE. 4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.	RELEASED FOR: _____ _____ _____	TITLE: GROUND FLOOR CIVIL LAYOUT		ARCHITECT/ INTERIOR DESIGN TVASTRA THE ARCHITECT 2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P) Mob- 8727992665 E-mail: ar.akhil2194@gmail.com	ARCHITECT SIGN:- 	CLIENT SIGN:- 																			
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SITE PLAN

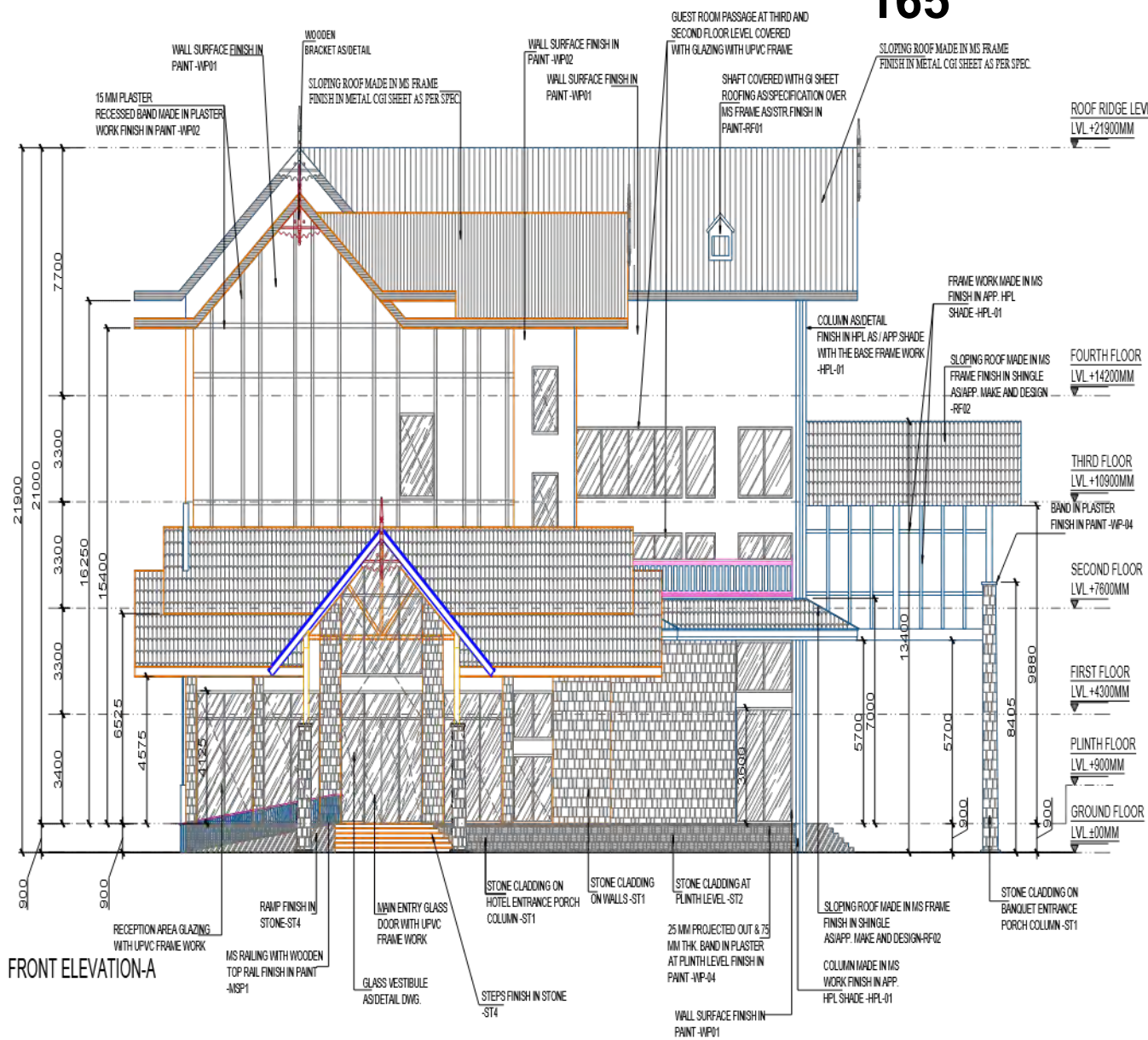
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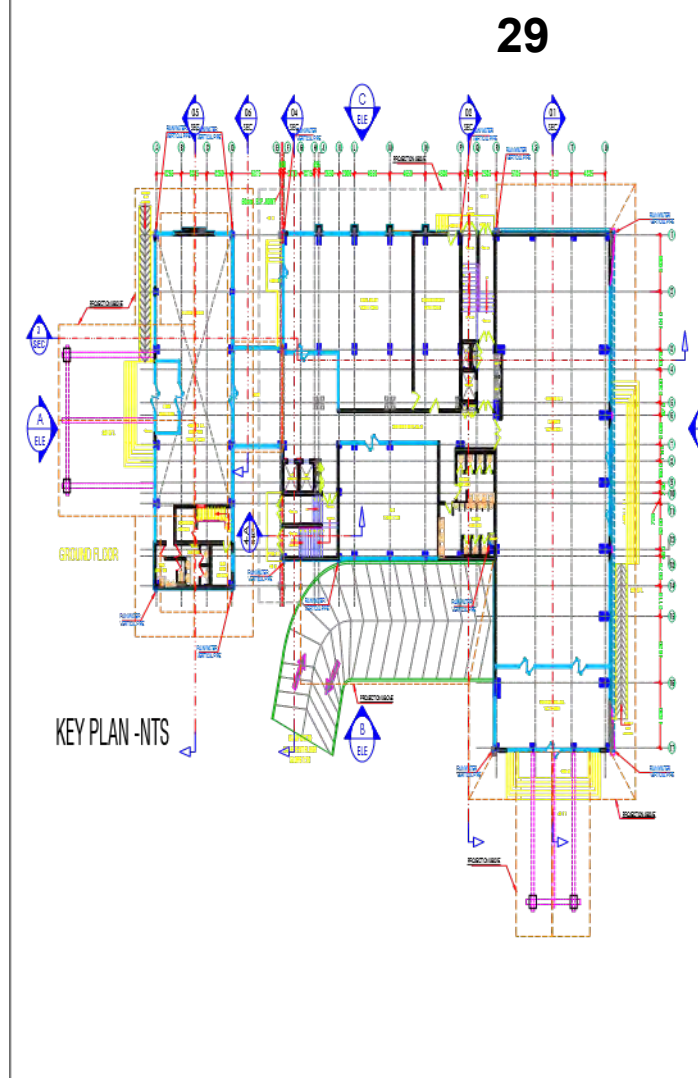
ROOF PLAN

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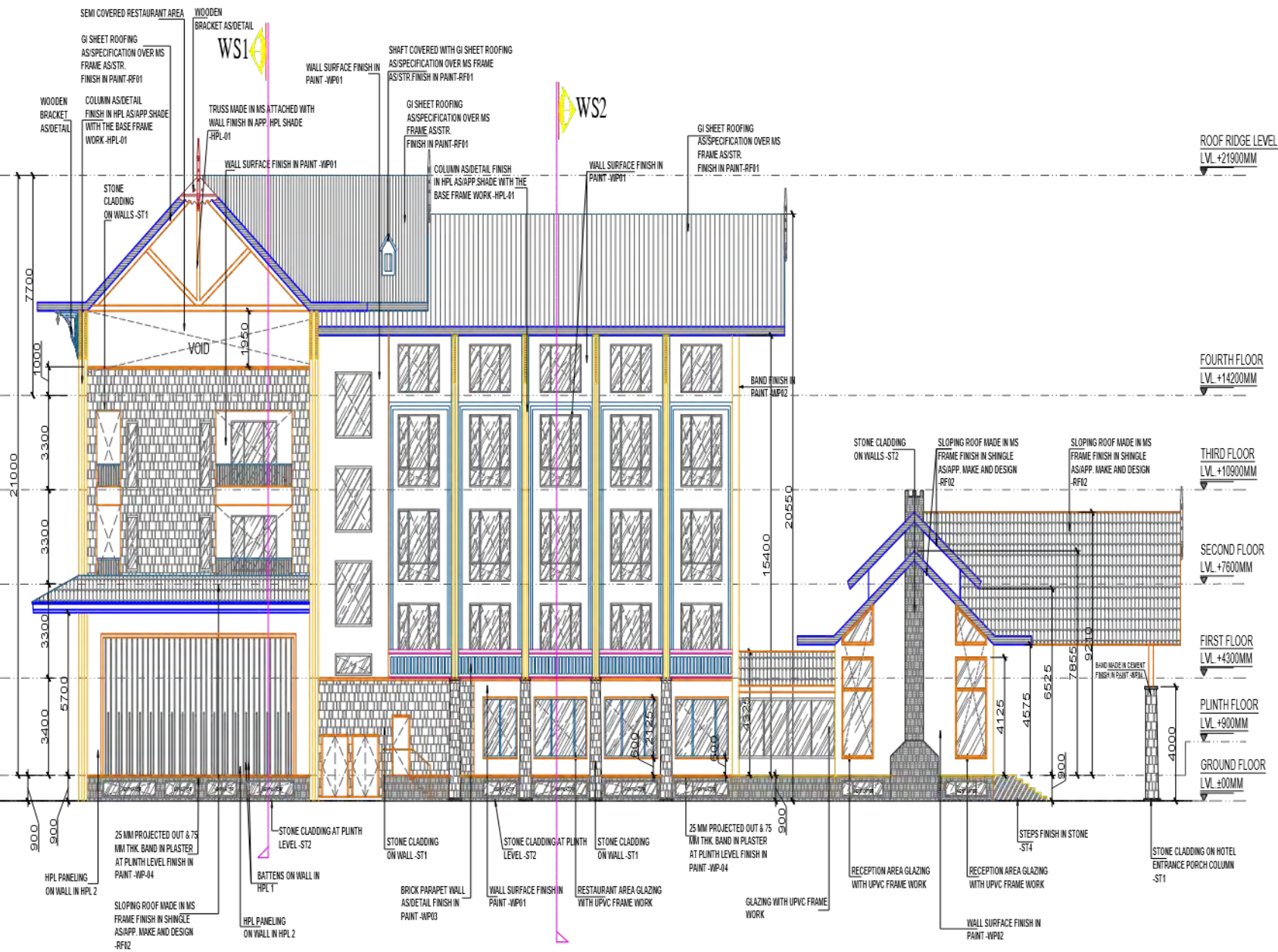

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 Urban Development Department
 Government of Himachal Pradesh






FRONT ELEVATION-A




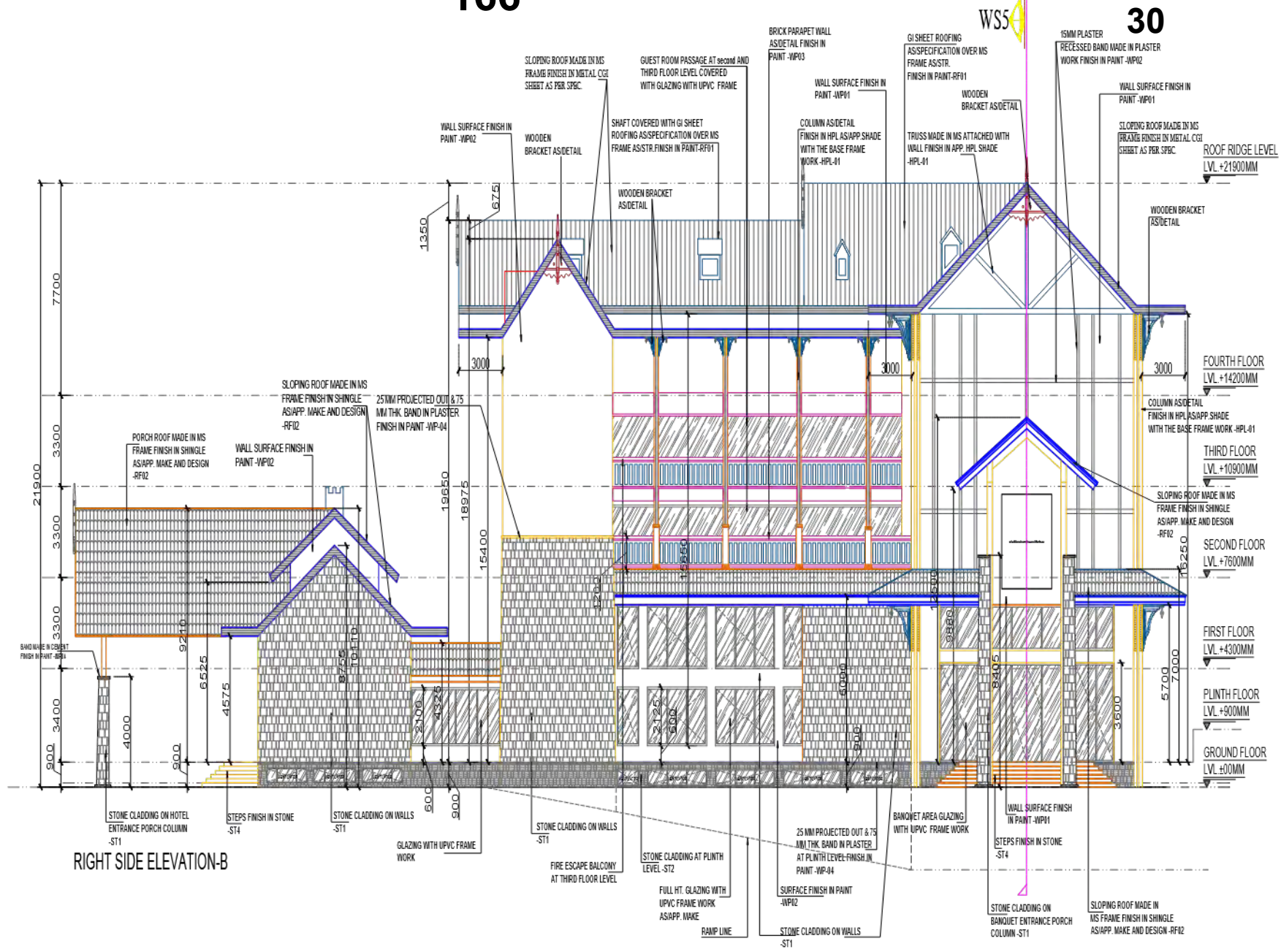
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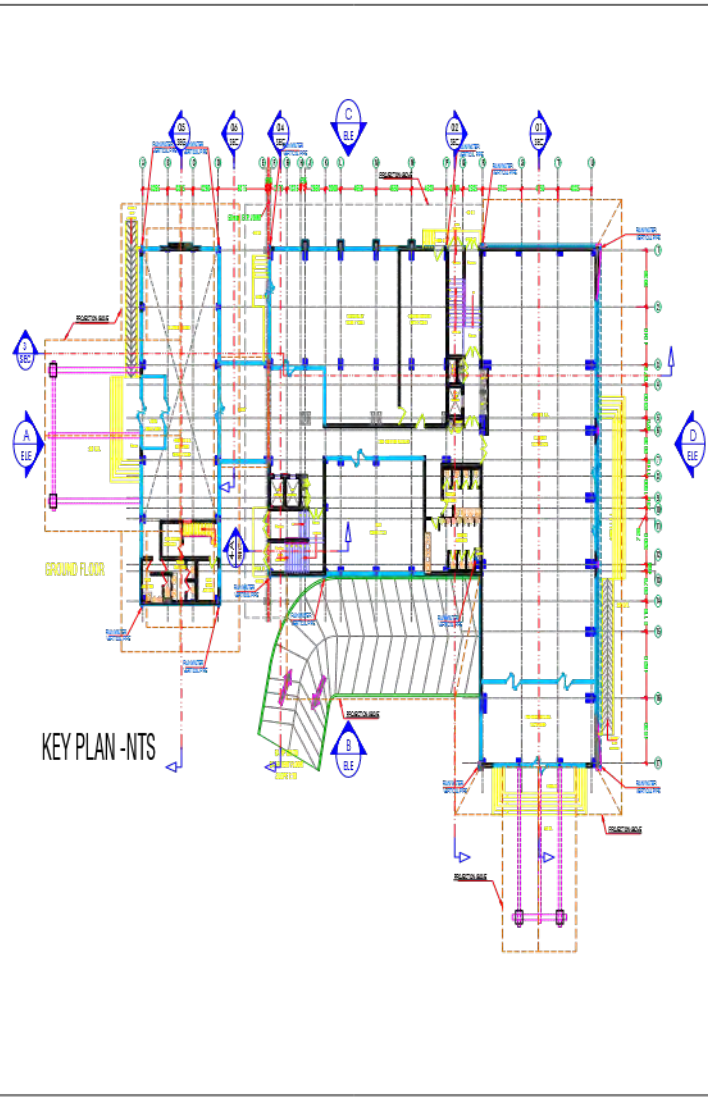
LEFT SIDE ELEVATION-C

PROJECT HOTEL AT NADAUN, HIMACHAL	NOTE THIS DRAWING & DESIGN IS THE COPYRIGHT OF THE DESIGNER. NO PORTION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. 1. ALL DIMENSIONS ARE INCLUDING FINISHES 2. DO NOT SCALE DRAWINGS ONLY MENTIONED DIMENSIONS ARE TO BE CONSIDERED. 3. ALL DIMENSIONS MUST BE CHECKED BEFORE COMMENCING WORK ON SITE. 4. ANY DISCREPANCIES SHALL BE BROUGHT UNDER THE NOTICE OF ARCHITECTS PRIOR COMMENCEMENT OF WORK.	RELEASED FOR: REVISION <table border="1"> <thead> <tr> <th>S.NO</th> <th>REMARKS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	S.NO	REMARKS	DATE				TITLE: ELEVATION-A	ARCHITECT/ INTERIOR DESIGN TVASTRA THE ARCHITECT 2nd Floor, Above Tumbledry, Ward no. 8, New road Hamirpur (H.P) Mob- 8727992665 E-mail: ar.akhil2194@gmail.com	ARCHITECT SIGN:- 	CLIENT SIGN:- 
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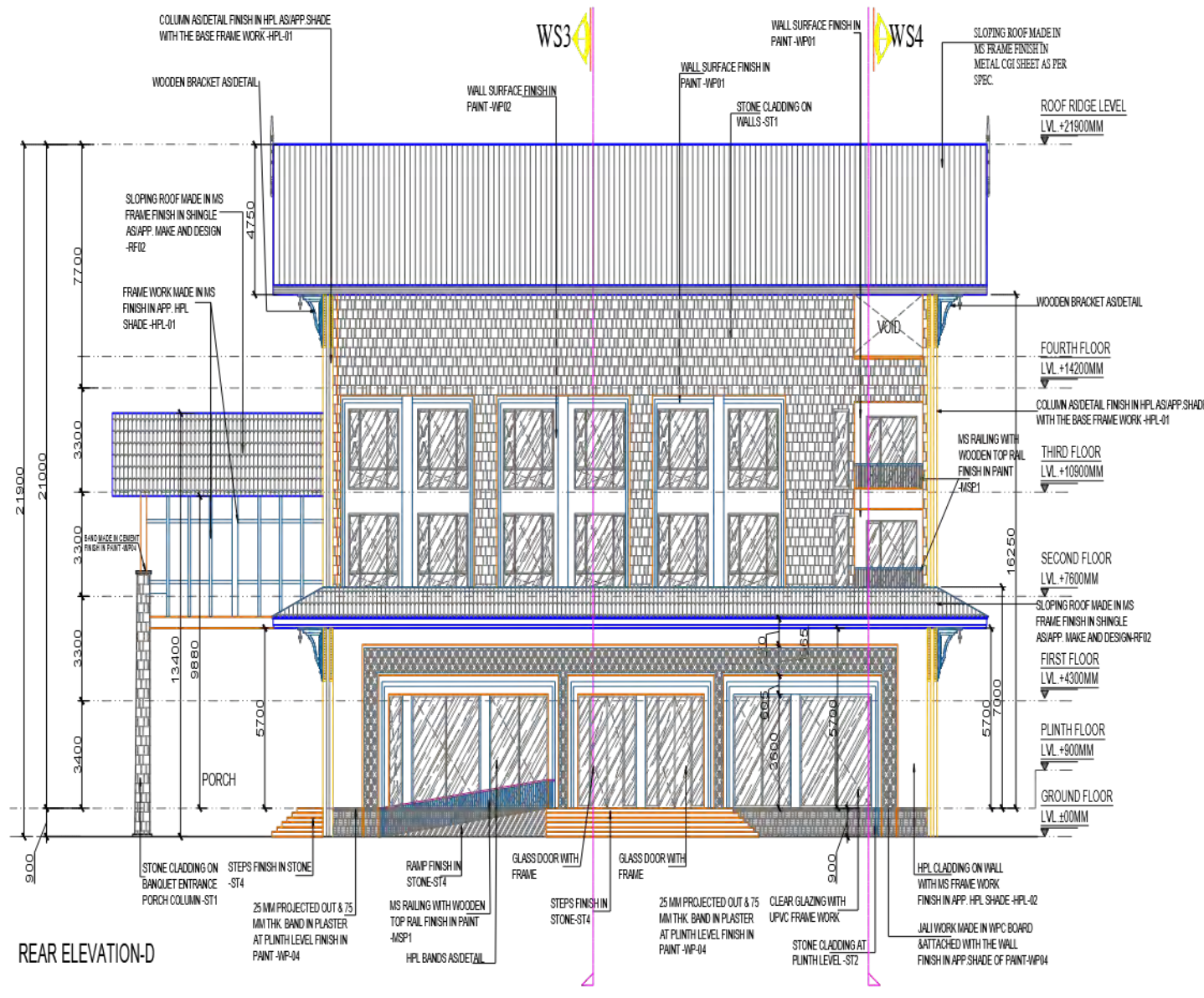

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RIGHT SIDE ELEVATION-B



KEY PLAN - NTS

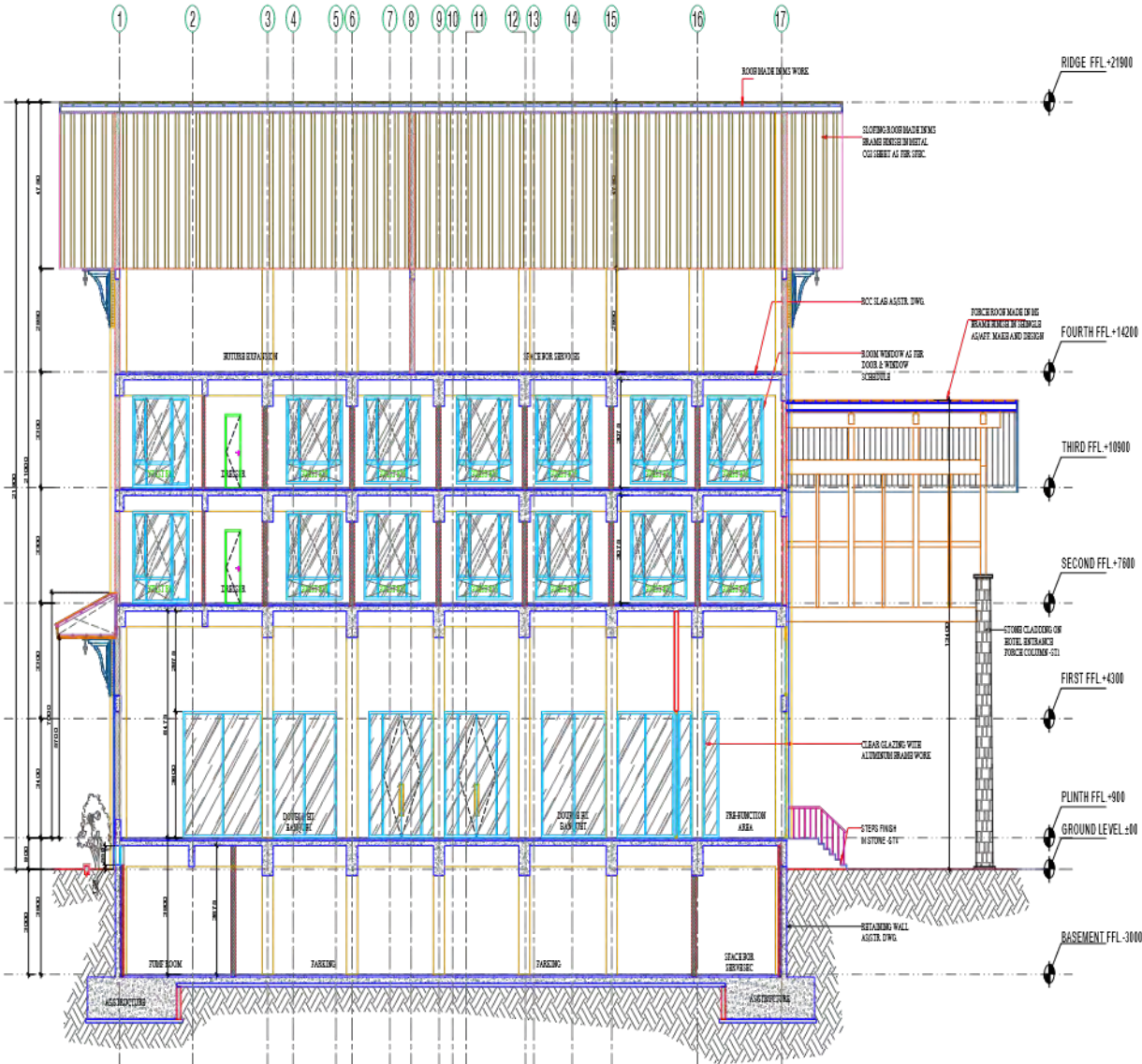


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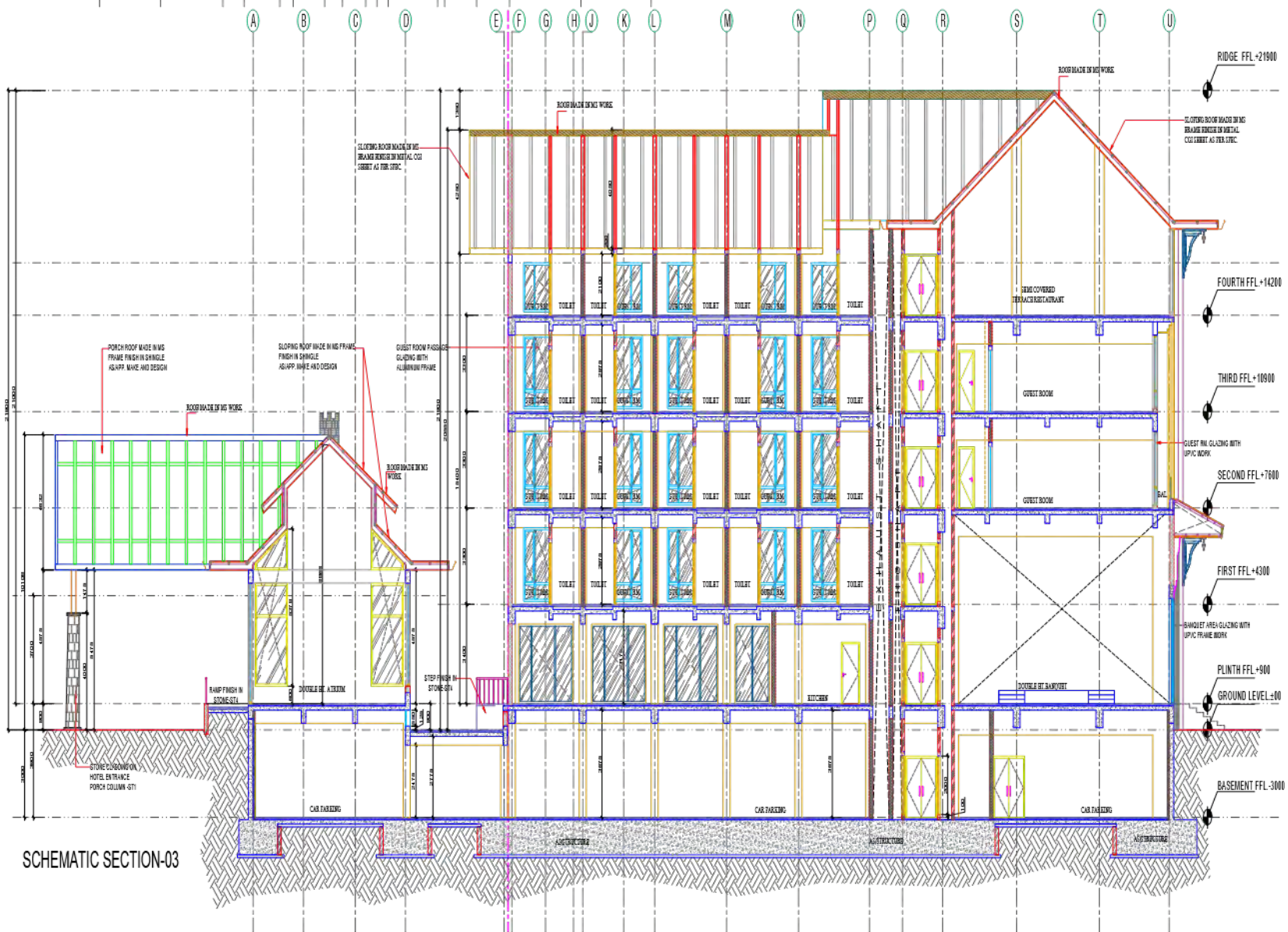
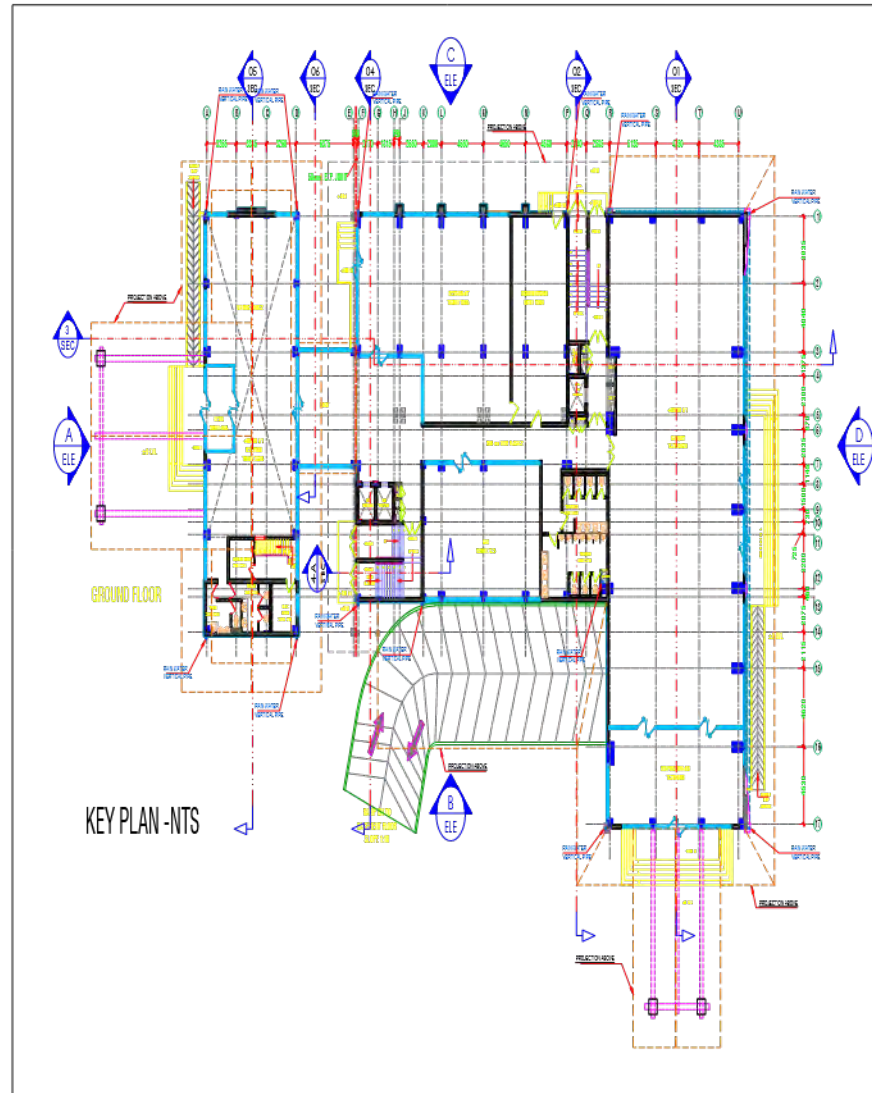
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SCHMATIC SECTION-01

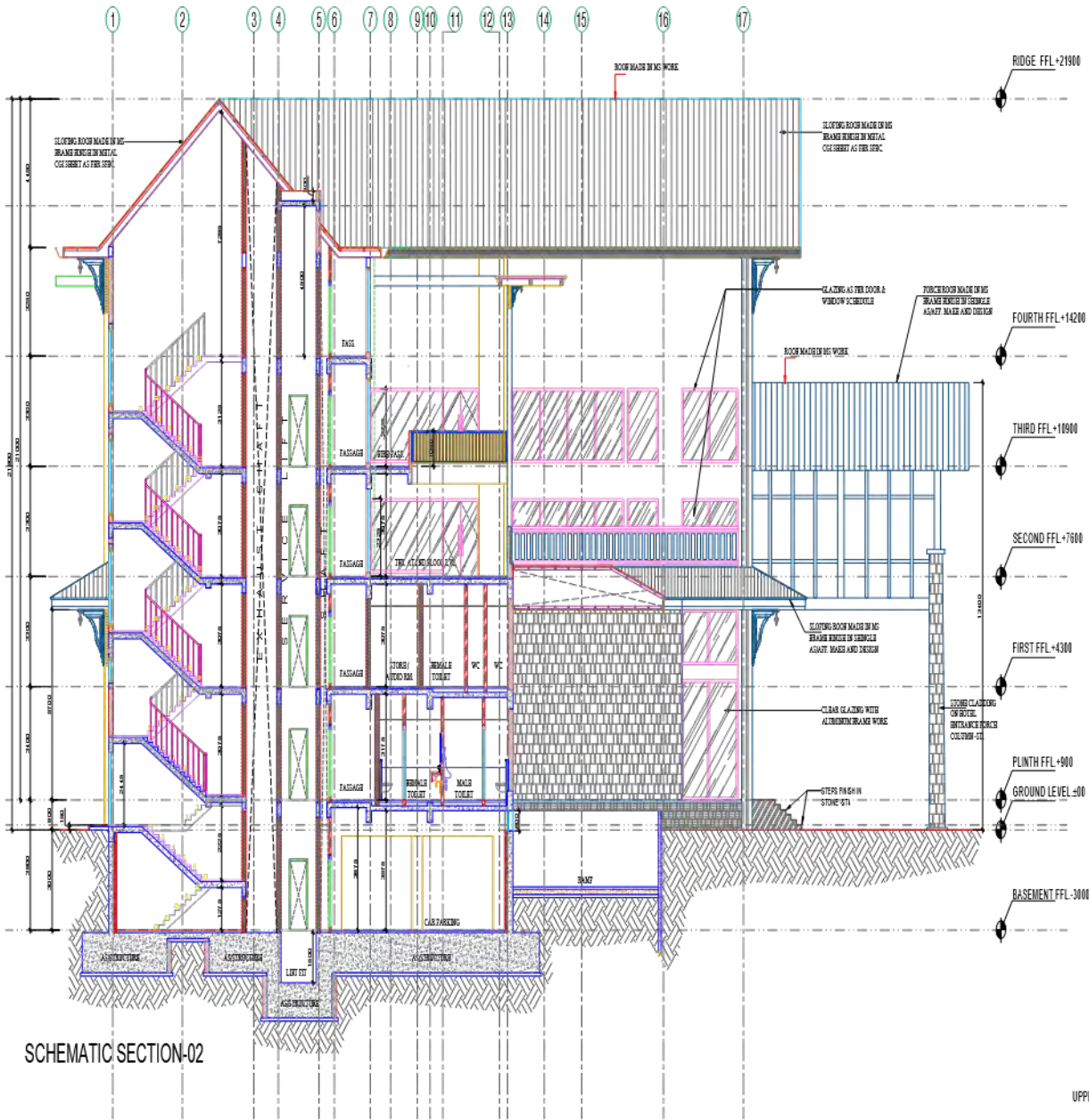


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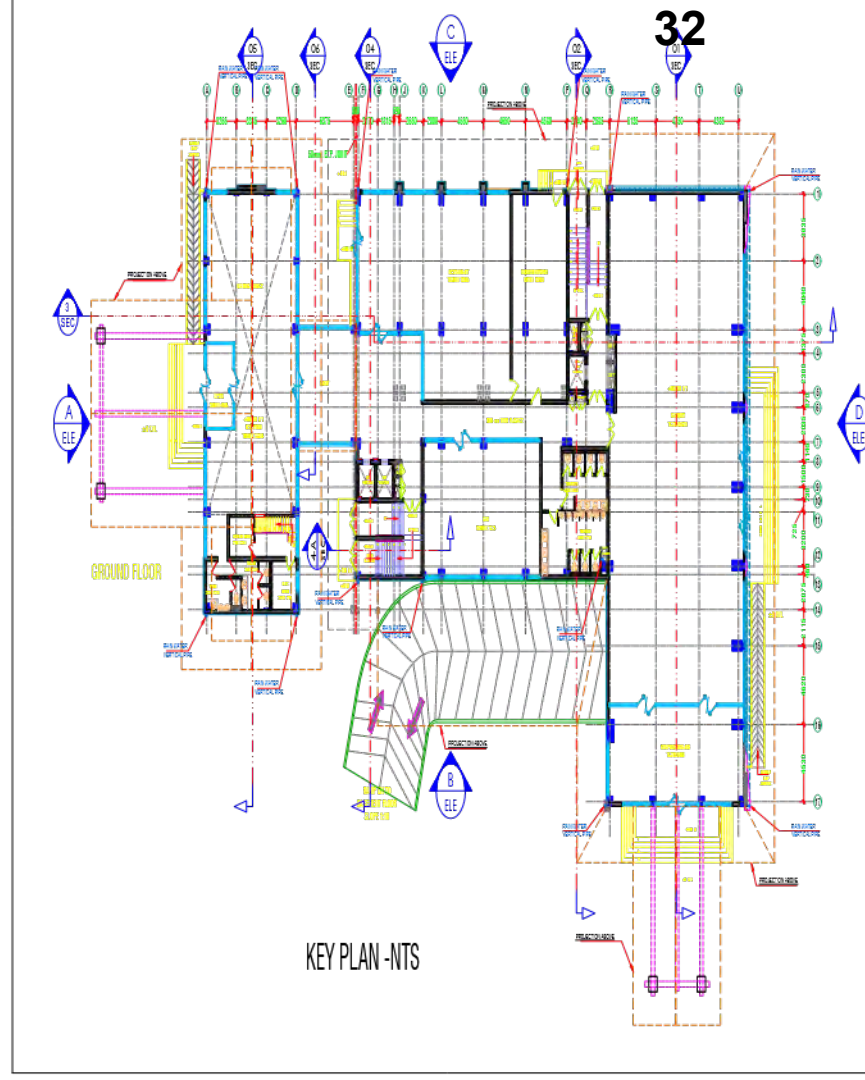
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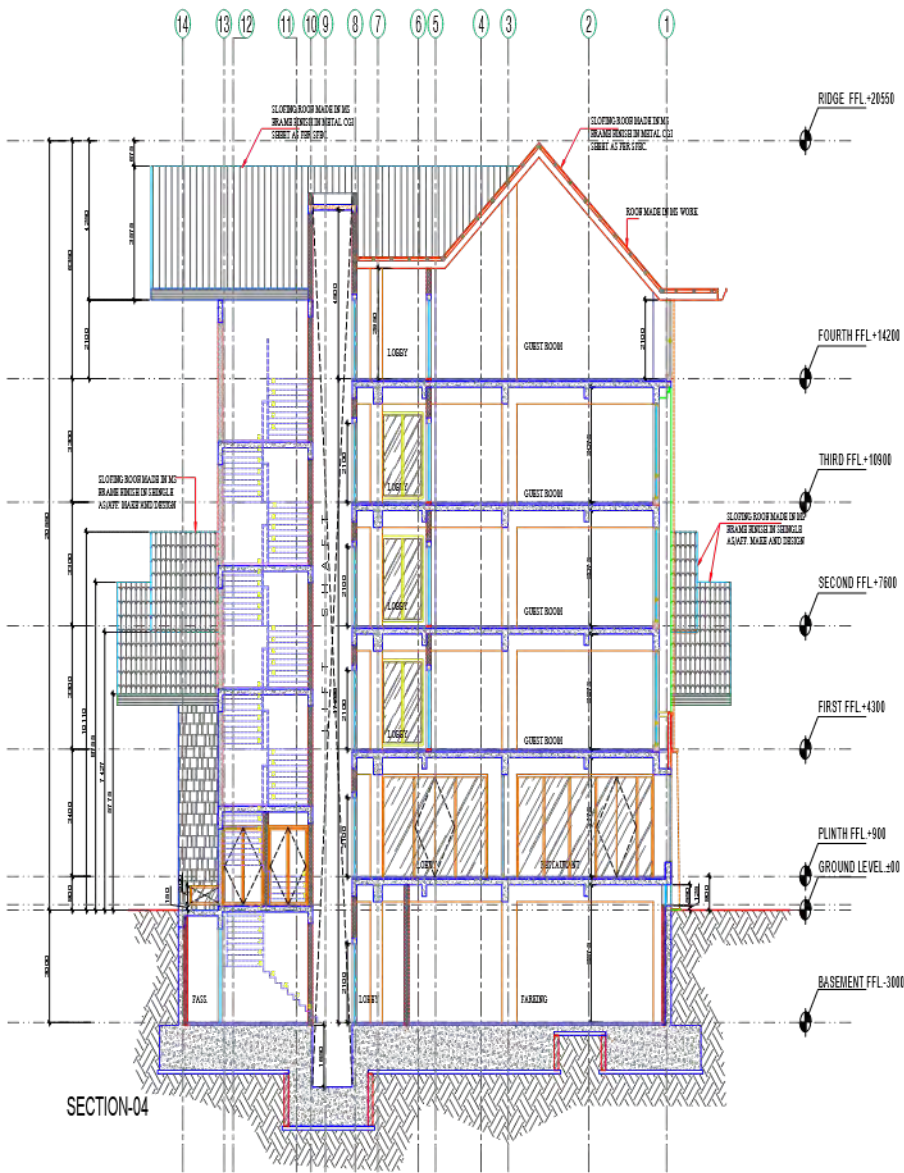
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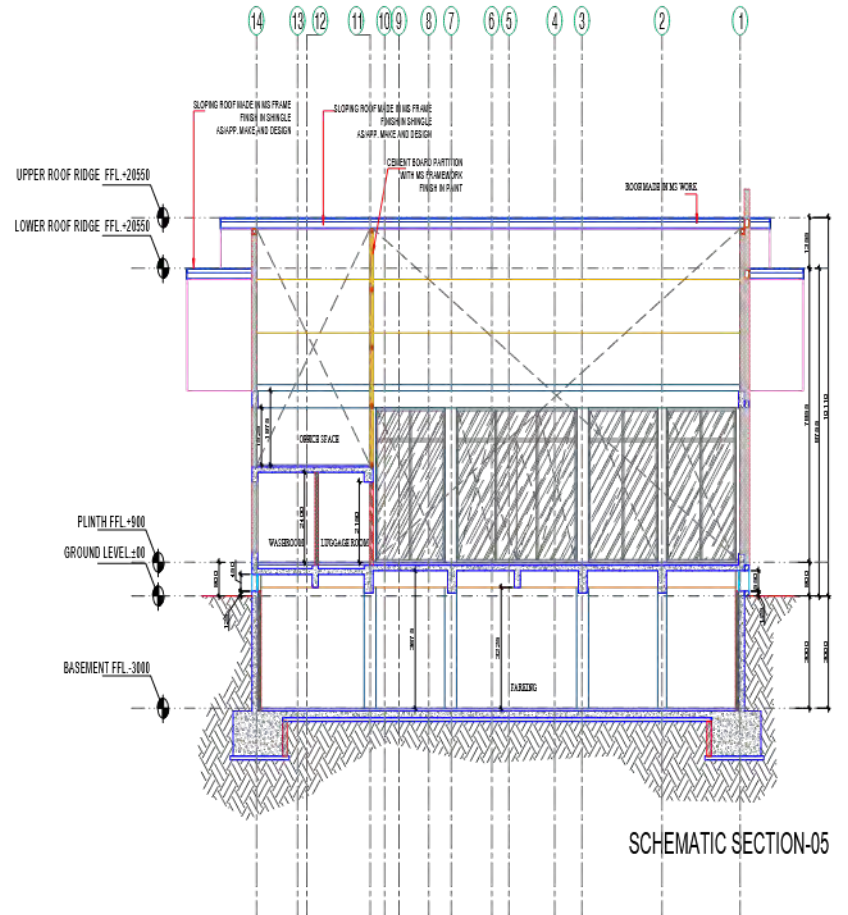
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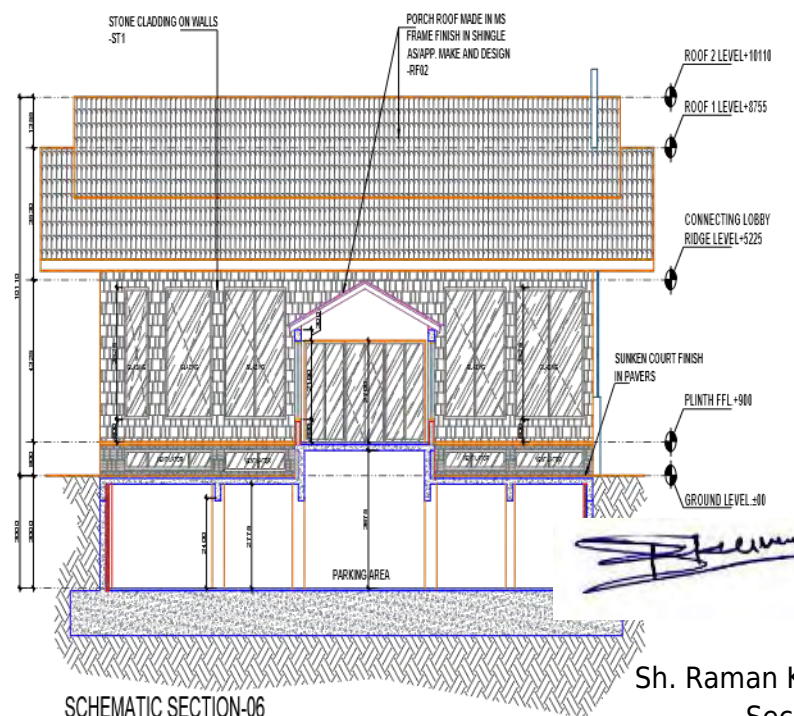
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SECTION-04



SCHEMATIC SECTION-05

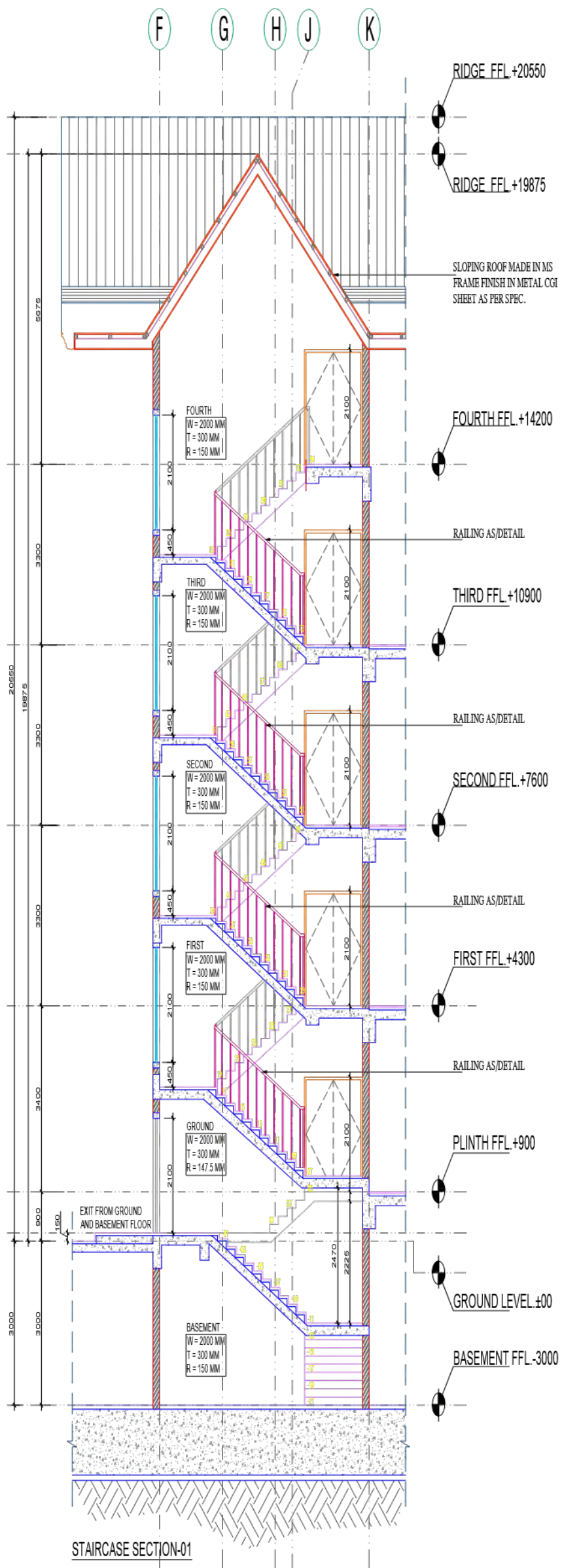


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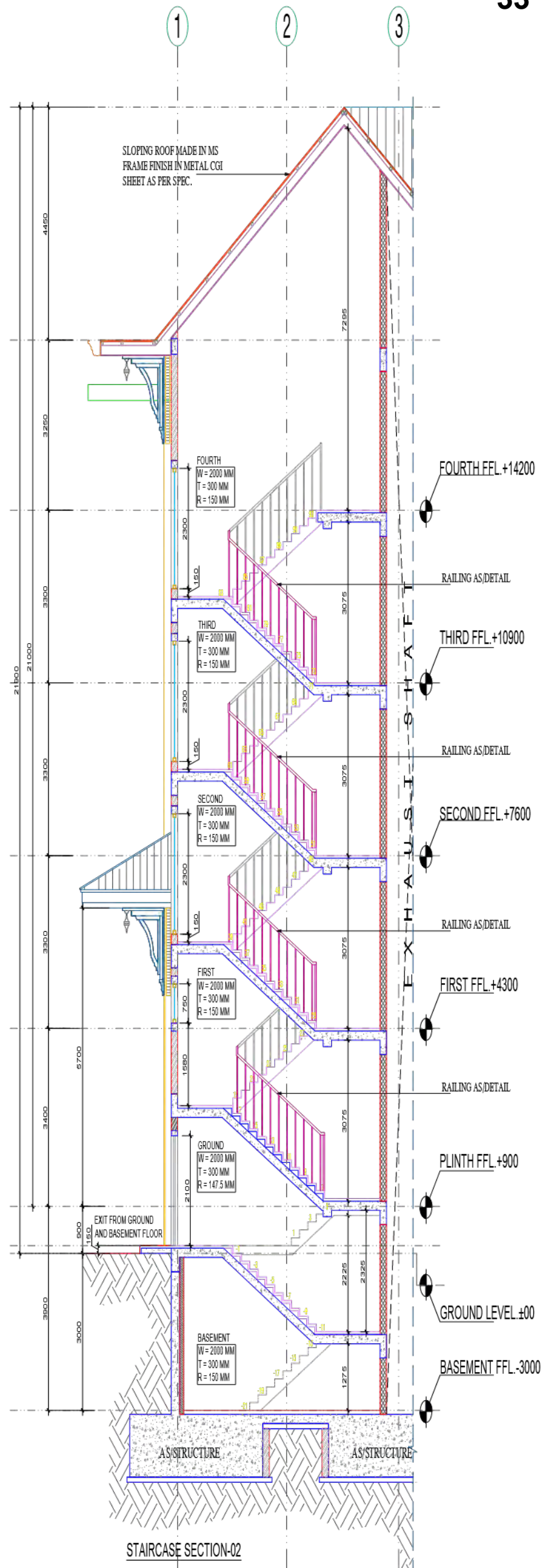
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STAIRCASE SECTION-01



STAIRCASE SECTION-02

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HOTEL AT NADAUN, HIMACHAL

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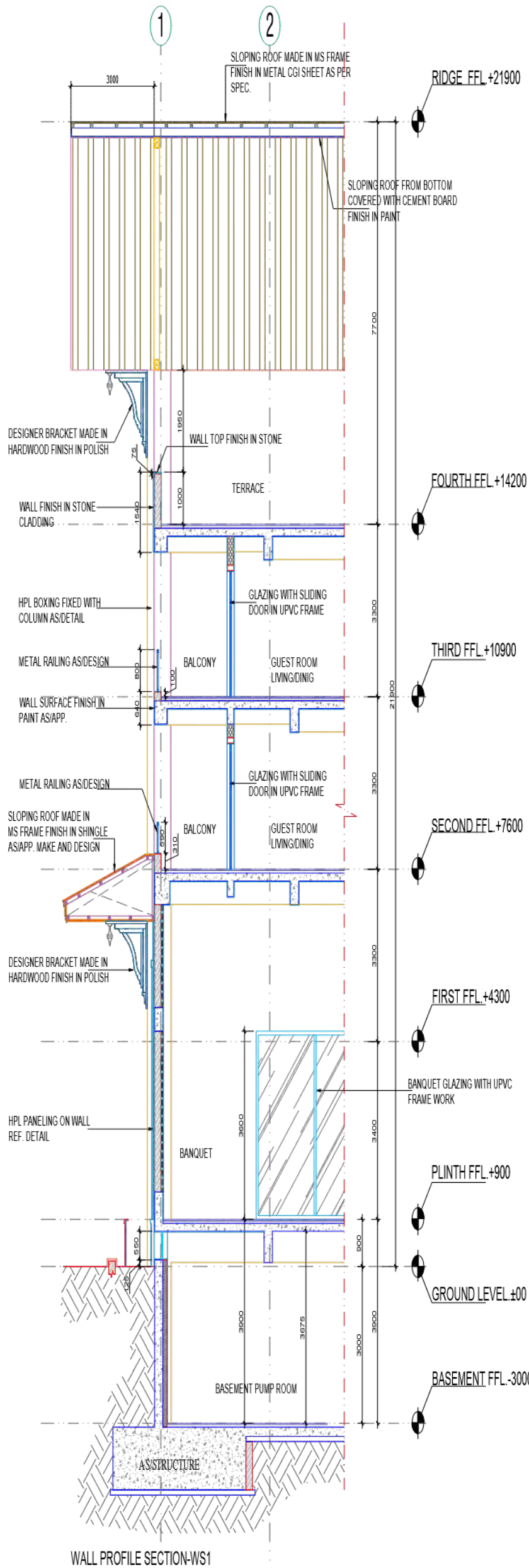
TITLE:
STAIRCASE SECTION

ARCHITECT/ INTERIOR DESIGN:
TVASTRA THE ARCHITECT
2nd Floor, Above Tumbledry,
Ward no. 8, New road Hamirpur (H.P.)
Mob- 8727992665
E-mail: ar.akhil2194@gmail.com

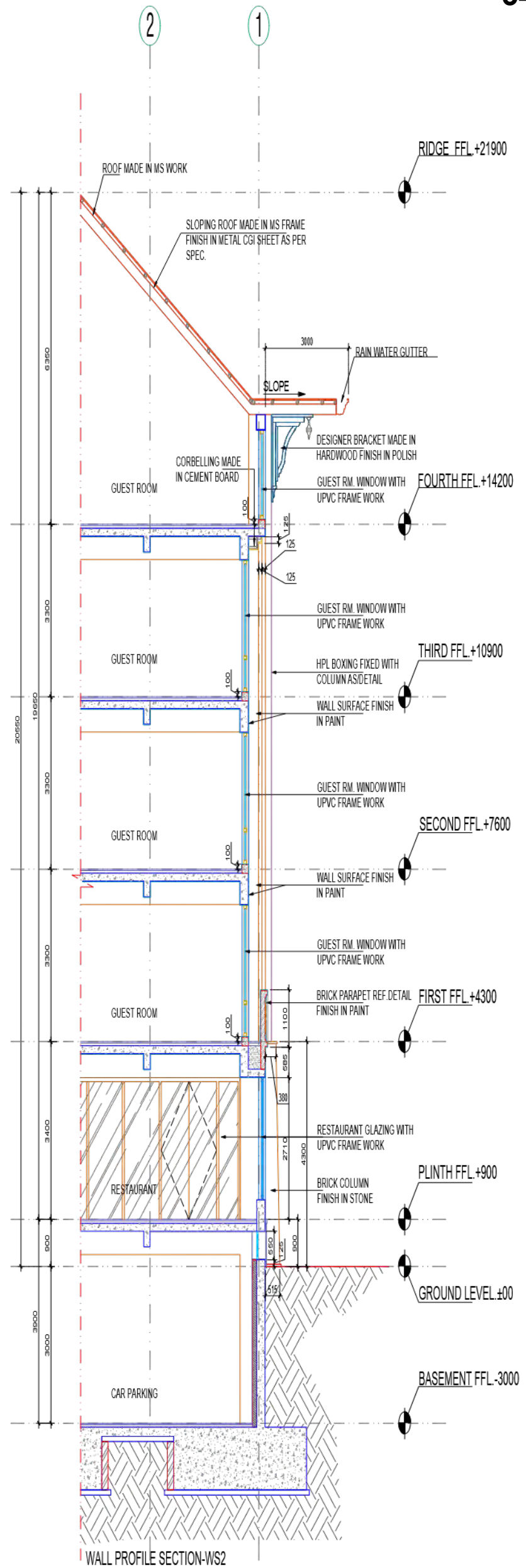
ARCHITECT SIGN:-

CLIENT SIGN:-

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Nagar Panchayat Nadaun
Urban Development Department
Government of Himachal Pradesh



WALL PROFILE SECTION-WS1



WALL PROFILE SECTION-WS2

PROJECT
HOTEL AT NADAUN, HIMACHAL

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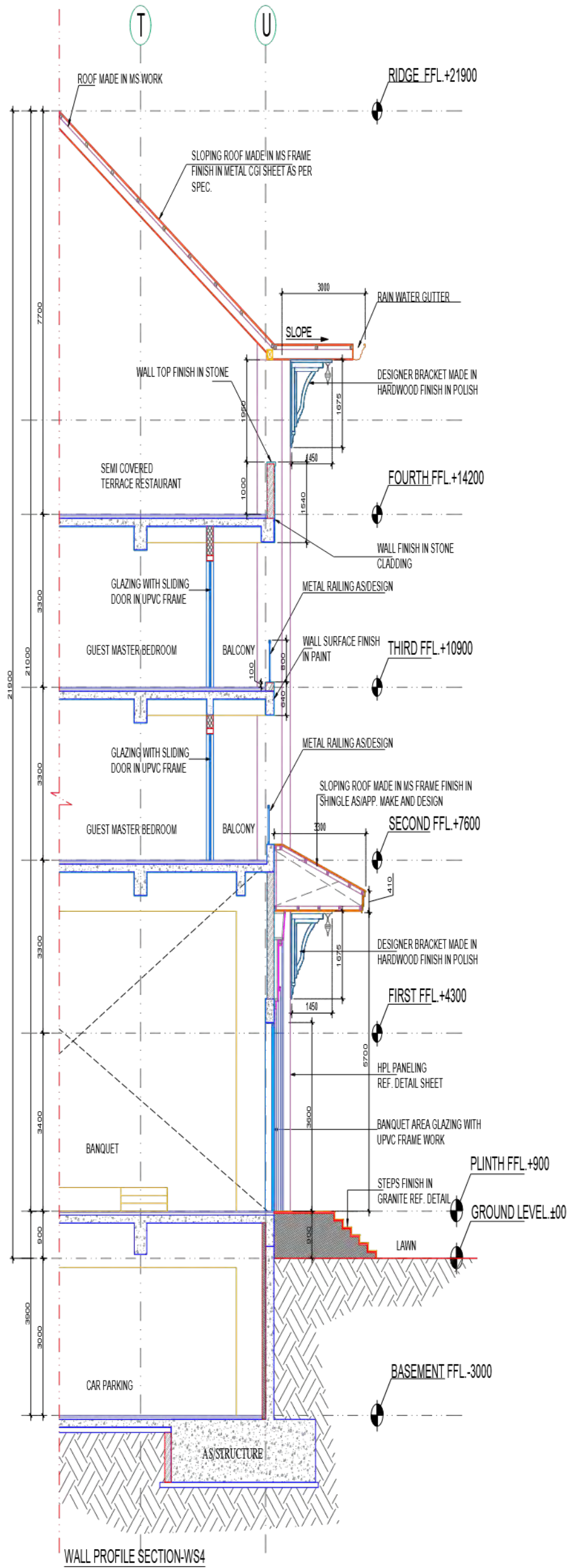
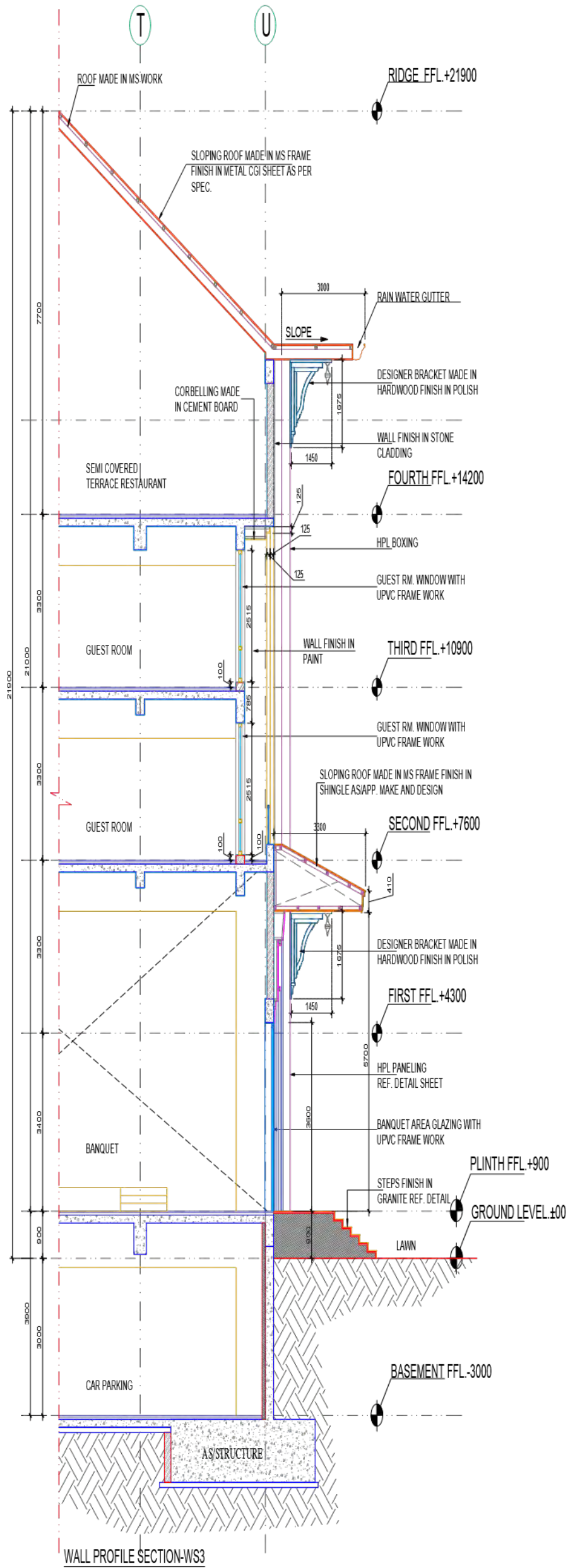
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			CHK BY	
			DWG. NO.	ARCH/HTL/ND/VELE/SEC-02




ARCHITECT/ INTERIOR DESIGN
ARCHITECT SIGN:-
CLIENT SIGN:-

ARCHITECT SIGN:-
CLIENT SIGN:-

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Urban Development Department
Government of Himachal Pradesh

(Handwritten Signature)



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			REVISION	DATE				



H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

HPSPCB No : 2

Date: 03/01/2025

Industry Registration ID: HP03917568

Application No : 13424822

To,

HPTDC Hotel at Mohal SERRI W Nadaun Distt Hamirpur
HPTDC Mohal SERRI Ward-3 Jain Mohalla Nadaun Distt Hamirpur
Hamirpur
Hamirpur
177033

Subject: Consent to Establish u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981.

With reference to your application for obtaining 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, you are hereby, authorized to Establish an industrial unit subject to the Terms and Conditions as mentioned in this Consent letter.

1. Particulars of Consent to Establish under Water Act, 1974 and Air Act, 1981 granted to the industry

Consent No.	CTE/BOTH/NEW/HW/2025/13424822
Date of issue :	03/01/2025
Date of expiry :	02/01/2026
Certificate Type :	NEW
Previous CTE/CTO No. & Validity :	

2. Particulars of the Industry

Name & Designation of the Applicant	District Tourism Development, (Inspector)
Address of Industrial premises	HPTDC Hotel at Mohal SERRI W Nadaun Distt Hamirpur, HPTDC Mohal SERRI Ward-3 Jain Mohalla Nadaun Distt Hamirpur , Hamirpur, Hamirpur-177033
Capital Investment of the Industry	4305.83 lakhs
Category of Industry	Orange
Type of Industry	2038-Hotels (< 3 star) (or) hotels having > 20 rooms and less than 100 rooms (or) having waste water generation > 10 KLD and less than 100 KLD and having a coal/Oil fired Boiler
Scale of the Industry	Small
Office District	Hamirpur
Capacity	

Raw Materials (Name with quantity per day)

Raw Materials	Quantity	Unit
Raw Foods	As per Requirement	K.G./Year

Products (Name with quantity per day)

Name of Products	Unit	Quantity	Intermediate Product	Principal Use
Restaurant & Bar	Number/Year	1	200 person sitting capacity	toursim project
PARTY HALL, SWIMMING POOL etc.	Number/Year	1	----	toursim project
Rooms (DBR)	Number/Year	34	---	toursim project

Details of the Effluent Treatment Plant

Type of Effluent	Capacity	Quantity
Pre-treatment	30 kld	1

Mode of Disposal

Description	Quantity(in KLD)	Method of Treatment	Method of Disposal
Domestic	30	Sewer line having terminal treatment facility	Common STP

Quantity of fuel required (in TPD) and capacity of boilers/ Furnace/Thermo heater etc.

Type	No.of Boiler/'Heater /Evaporator/Incinerator/DG Set/Other	Capacity	Type of Boiler/'Heater s/Evaporators /Incinerator/DG Sets/Others	Type of Fuel	Fuel consumption rate in MT/hour or KL/hour or M3 /hour
Others	1 No.	-	Coal Tandoor	Coal	3 kg/Hr
DG Sets	1	625 KVA	na	Diesel	120/130 ltr pr hours

Type of Air Pollution Control Devices installed

Equipment Type	Equipment Name	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
Acoustic Enclosure & canopy	DG Sets	2025-01-01	99 %	Nox+HC<=4.0 g/kW-hr, CO<=3.5 g/kWhr, PM<=0.2 g/kW-hr, Smoke Limit<=0.7 per meter
Exhaust Fans	Others	2025-01-01	99 %	As Per CPCB Norms

Sources of emissions and type of pollutants

Name and location of the process vessel to which the stack/ vent is attached	Rate of emission in Kg./hr	Concentration of pollution like SO 2 , NOX, H 2 S, Cl, HCl etc. in mg/NM 3	Height of Vent/outlet/stack from ground level in meters
NA	NA	NA	NA



Approved By
Chairman
(H. P. State Pollution Control Board)

Endst. No.:

Copy To:-

The Regional Officer, HPSPCB, Hamirpur to ensure compliance of the unit to consent conditions.



Anil Joshi, IFS
Member Secretary
For & on behalf of
(H. P. State Pollution Control Board)

TERMS AND CONDITIONS

A. SPECIFIC CONDITIONS

1. This Consent to Establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearance before taking any steps to establish industry/ industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
2. Nothing in this Consent shall be deemed to neither preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected to under this or any other Act.
3. The unit shall apply for further extension in the validity of the Consent to Establish, at least two months before the expiry of this 'Consent to Establish', if applicable.
or
The unit shall obtain prior Consent to Operate from the State Board, before starting operational activity and gets its completion plan approved by the Competent Authority (As applicable).
4.
 - i) The unit shall made provisions for the compliance of Waste Management Rules i.e. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016/ Plastic Waste Management Rules, 2016/ E-Waste (Management) Rules, 2016/Construction & Demolition Waste Management Rules, 2016 and Manufacture, Storage & Import of Hazardous Chemical Rules, 1989 and provisions made thereunder, as amended from time to time, without any adverse effect on the environment, in any manner (As Applicable)
 - ii) The unit shall made provisions for the compliance Solid Waste Management Rules, 2016 and provisions made thereunder and unit shall also not practice burning activity of solid waste/waste generated from fuel within/outside premises, to avoid public nuisance.
5. This 'Consent to Establish' is for:-
 - i) The emissions from all sources conforming to the norms as prescribed in Schedule-I of Environment (Protection) Rules, 1986 as amended from time to time.
 - ii) Noise and Ambient Air Quality shall be maintained within Ambient Air Quality Standards for noise as specified in Schedule-III of Environment (Protection) Rules, 1986 and Noise Pollution (Regulation and Control) Rules, 2000, as amended from time to time.
 - iii) The effluent (Domestic/Industrial) shall conform to the limits as prescribed in Schedule-I or Schedule-VI or Industry specific standards of Environment (Protection) Rules, 1986 as amended from time to time.
 - iv) Sewage and sullage generated from the unit to be disposed-off in a properly designed septic tank system/Sewage Treatment Plant/ Public Sewer System (as applicable).
6. The unit shall install adequate pollution control devices and provide the separate energy meter and flow meter. The unit shall maintain the logbook/ record with respect to operation of pollution control devices (As applicable). The achievement of the adequacy and efficiency of the effluent treatment plant/pollution control devices/re-circulation system installed shall be the entire responsibility of the unit.
7. **CONDITIONS UNDER WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974.**
 - a) The unit shall provide terminal manhole(s) at the end of each collection system and a manhole upstream of final outlet (s) out of the premises of the industry for measurement of flow and for taking samples.
 - b) The unit shall install flow meter and maintain the record regarding the daily water consumption.

- c) The pollution control devices shall be interlocked with the manufacturing process of the industry (if applicable) and the authorized outlet and mode of disposal shall not be changed without the prior written permission of the Board. Unit shall not use any unauthorized out-let(s) for discharging effluents from its premises.
- d) Solids, sludge, filter backwash or other pollutant removed from or resulting from treatment or control of waste waters shall be disposed-off in scientific manner.
- e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.

8. CONDITIONS UNDER AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981.

- a) The unit shall provide canopy and stack of adequate height of the D.G sets so as to control the noise & air pollution in order to comply with the provision of notification No GSR-371 E dated 17-5-2002 or direction as issued by MOEF from time to time, under Environment (Protection) Act, 1986.
- b) The unit shall ensure disposal of boiler ash/fuel ash through authorized person or within premises in a scientific manner (as the case may be) and shall maintain proper record for the same, if applicable.
- c) The unit shall provide proper and adequate air pollution control arrangements for control emission from its coal/fuel handling area and emissions from handling, transportation and processing of raw material & product of the industry, as applicable.
- d) The unit shall provide port-holes, platforms and/or other necessary facilities as may be required for collecting samples of emissions from any chimney, flue or duct or any other outlets as per the specifications.

Specifications of the port-holes shall be as under:-

- i) The sampling ports shall be provided atleast 8 times chimney diameter downstream and 2 times upstream from the flow disturbance. For a rectangular cross section the equivalent diameter (D_e) shall be calculated from the following equation to determine upstream, downstream distance:-

$$D_e = 2 LW / (L+W)$$
 Where L= length in mts. W= Width in mts.
- ii) The sampling port shall be 7 to 10 cm in diameter
- e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.

(i) Stack height for boiler plants

S.NO. Boiler with Steam Generating Capacity

1.	<i>Less than 2 ton/hr.</i>	9 meters or 2.5 times the height of neighboring building which ever is more
2.	<i>More than 2 ton/hr. to 5 ton/hr.</i>	12 meters
3.	<i>More than 5 ton/hr. to 10 ton/hr</i>	15 meters
4.	<i>More than 10 ton/hr. to 15 ton/hr</i>	18 meters

5. *More than 15 ton/hr. to 20 21 meters ton/hr*
6. *More than 20 ton/hr. to 25 24 meters ton/hr.*
7. *More than 25 ton/hr. to 30 27 meters ton/hr.*
8. *More than 30 ton/hr.* 30 meters or using the formula
 $H = 14 Q_g^{0.3}$ or
 $H = 74 (Q_p)^{0.24}$
 Where Q_g = Quantity of SO₂ in Kg/hr.
 Q_p = Quantity of particulate matter in Ton/day.

Note : Minimum Stack height in all cases shall be 9.0 mtr. or as calculated from relevant formula whichever is more.

(ii) For industrial furnaces and kilns, the criteria for selection of stack height would be based on fuel used for the corresponding steam generation.

(iii) Stack height for diesel generating sets:

Capacity of diesel generating set	Height of the Stack	
0-50 KVA	Height of the building	+ 1.5 mt
50-100 KVA	-do-	+ 2.0 mt.
100-150 KVA	-do-	+ 2.5 mt.
150-200 KVA	-do-	+ 3.0 mt.
200-250 KVA	-do-	+ 3.5 mt.
250-300 KVA	-do-	+ 3.5 mt.

For higher KVA rating stack height H (in meter) shall be worked out according to the formula:

$$H = h + 0.2 (KVA)^{0.5}$$

where h = height of the building in meters where the generator set is installed.

9. The unit shall submit on-site and off-site emergency plan approved by the Chief Inspector of Factories, Himachal Pradesh (If applicable)
10. The unit shall provide real time online monitoring equipment's and provisions for the un-interrupted transfer of data as per guidelines of CPCB (if applicable).
11. The unit shall provide adequate arrangements for fighting the accidental leakages/ discharge of any air pollutant/gas/liquids from the vessels, mechanical equipment's etc. which are likely to cause environmental pollution.
12. The unit shall plant minimum three layer of trees so far possible as per plantation guide (may be download from the website <http://hppcb.nic.in/plantationguide.pdf>) all along the boundary of the industrial premises and check air/water/noise pollution at source.
13. Any guidelines issued by the Central Government/State Government/MoEF/CPCB/SPCB/any other authority concerned, shall be binding.
14. This 'Consent to Establish' is subject to orders on any litigation pending in any Court of Law. Any direction/order issued by any court shall be binding (if any).
15. The Board reserves the right to revoke the 'Consent to Establish' granted to the industry at any time, in case the industry is found violating the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as amended from time to time.
16. The unit shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

B. OTHER CONDITIONS

1. The unit shall comply with the conditions imposed by the MoEF/State Level Environment Impact Assessment Authority/ District Level Environment Impact Assessment Authority in the environmental clearance granted to it as required under EIA notification dated 14-9-06, if applicable.
2. The issuance of this consent does not convey any property right in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State or Local Laws or Regulations.
3. Stone Crusher units shall comply with the provisions of guidelines notified by the State Government vide Notification No. STE-E(3)-11/2012, dated 29-05-2014 (If Applicable).
4. Brick Kiln units shall comply with the provisions of guidelines notified by the MoEF vide Notification No. G.S.R.233.(E), dated-15-03-2018 and by the State Government vide Notification No. STE-E(5)-6/2013, dated-07-03-2014 (If Applicable).
5. Hydroelectric Projects shall install Online Real Time Monitoring System for the measurement of 15% of minimum discharge in lean season as per orders of Court/Government. The unit shall also ensure provisions for the regular and uninterrupted transfer of data from the real time online monitoring system for 15% of minimum discharge of flow to SPCB, failing which unit shall be liable for action on account of violation of the directions issued by Court/Government/SPCB in this regard (If Applicable).
6. Unit shall strictly adhere to the capacity approved by the Industries Department/ Department of Tourism & Civil Aviation/any other concerned Authority (As Applicable).
7. The unit shall not cause any nuisance/traffic hazard in vicinity of the area.
8. The unit shall ensure that there will not be significant visible dust emissions beyond the property line.
9. The unit shall obtain and submit Insurance cover as required under the Public Liability Insurance Act, 1991.
10. The unit shall put display Board indicating environmental data in the prescribed format at the main entrance gate.
11. The unit shall maintain record regarding the operation of effluent treatment plant i.e. record of quantity of chemicals and energy utilized for treatment and sludge generated from treatment so as to satisfy the Board regarding regular and proper operation of pollution control equipment.
12. Any amendments/revisions made by the Board/CPCB/MOEF in the emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.

C. SPECIAL CONDITIONS

1. The unit shall submit copy of provisional registration.



**By Order
Chairman
(H. P. State Pollution Control Board)**

ANNEXURE R-5

No. ISM-F(5)-11/2022
 Government of Himachal Pradesh
 Department of Tourism & Civil Aviation

Pr. Secretary (Tourism & CA) to the
 Government of Himachal Pradesh

The Director
 HHPA, Fairlawm Shimla-171012

Dated: Shimla-02.



subject:-

Requirement of notification of Social Impact Assessment for acquisition of land under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for c/o Tourist complex at Village Seri, Tehsil Nadaun, District Hamirpur (HP).

Stt.

I am directed to refer to your letter No. SIAU/HHPA(SIA Process)-II-11/2021-Spl-I dated 29th June, 2024 on the subject cited above and to say that the State Government intends to acquire land measuring 97-65 hectare situated in Mohal Seri Tehsil Nadaun under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act-2013 for construction of Tourism complex at village Seri, Tehsil Nadaun, District Hamirpur (HP). The necessary certificates/documents as required under Rule 5(1) alongwith Feasibility Report and Land details are enclosed herewith.

You are, therefore, requested to carry out Social Impact Assessment (SIA) of the area for the above land acquisition as per IIP SIA rules, 2015 at the earliest.


Yours faithfully,

(Vijay Kumar)

Special Secretary (Tourism & CA) to the
 Government of Himachal Pradesh

Dated: Shimla-02. 02-09-2024

Indst. No. As above
 Copy for information to :-
 The Director, Tourism and Civil Aviation, Himachal Pradesh Shimla-09 for information and necessary action


 Spl. Secretary (Tourism & CA) to the
 Government of Himachal Pradesh

Government of Himachal Pradesh
Department of Tourism & Civil Aviation

ANNEXURE R-6

Dated: Shimla-2

No TSM-F(5) 11/2022

NOTIFICATION

In exercise of powers conferred by Rule 3 of the Himachal Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2015, the Governor, Himachal Pradesh is pleased to notify the Social Impact Assessment Unit as under, to carry out Social Impact Assessment for the purpose of proposed land acquisition for construction of Tourist Complex at Village Seri, Tehsil Nadaun, Distt. Hamirpur, H.P.

The proposed land at Village Seri, Tehsil Nadaun, Distt. Hamirpur measuring 97-66 Sq. Mtrs. (Private land) comprising of Khata No. 3, Khatauni No. 7, Khasra No. 2016 and 2017 is to be acquired by the Government of Himachal Pradesh for the construction of Tourist Complex, Village Seri, Tehsil Nadaun, Distt. Hamirpur, H.P.

The selected site is imperative by virtue of its location near Shimla - Hamirpur- Matour Highway and tourist inflow in the area. The famous Shaktipeeths i.e. Mata Jawalaji and Baba Balaknath ji are situated in the vicinity of proposed site, therefore, this area witnesses tourist inflow throughout the year. This area has also seen tourist influx in recent past due to opening of river rafting activities at Nadaun. Therefore, the development of Tourist Complex at the proposed site is the need of the hour.

It is made clear that any attempt at coercion or threat during Social Impact Assessment will render this exercise as null and void. The Social Impact Assessment will be carried out within a period of 6 months from its commencement. The Social Impact Assessment Unit shall hold consultation, survey and public hearings. The Social Impact Assessment Unit shall also ensure that adequate representation be given to the representatives of Panchayats and Gram Sabhas at the stage of carrying out the Social Impact Assessment Study.

While undertaking a Social Impact Assessment Study the Social Impact Assessment Unit shall amongst other things, take into consideration the Impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, source of drinking water, source of water for cattle, community ponds, grazing land, plantation, public utilities such as post office, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadi children parks, place of worship, land of

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ATDO / Supdt.

Plg. Asstt.

28/11/24

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traditional tribal institutions and burial and cremation grounds. The Social Impact Assessment Unit shall amongst other matters consider all the aspects as mentioned under Section 4 (4) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed thereunder.

The Social Impact Assessment Unit after completion of consultation, survey and public hearing shall prepare a Social Impact Assessment Study Report in Form- III under Sub-Rule (3) of Rule 3 and a Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact for a specific component under Sub-Rule (4) of Rule 3.

The land is proposed to be acquired in favour of the Department of Tourism and Civil Aviation, Government of Himachal Pradesh under Section 2 (1) (b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 therefore, consent provision as laid down under section 2 (2) of the Act, 2013 shall not apply for acquiring land for the State Government.

The Himachal Pradesh Revenue Department vide Notification No. Rev. - B (I) A (3) - 3/2014- II dated 27.11.2015 has already constituted the Social Impact Assessment Unit for the information of the general public in the following manner :-

Sr. No.	Name & Address		Contact No.
1	Director, Himachal Pradesh Institute of Public Administration, Fairlawns, Shimla	Chairperson	0177-2731777
2	The In charge, State Institute of Rural Development, HIPA Shimla	Member	
3	Head of Department of Sociology and Social Works, HP University Shimla	Member; and	
4	Chief Scientific Officer, Department of Environment Science and Technology	Member	

By Order

Devesh Kumar
Pr. Secy. (Tourism & CA) to the
Govt. of Himachal Pradesh

Endts. No. TSM- F (5) 11/2022 Dated Shiml-171002 25.11.2024

Copy for information and necessary action is forwarded to:

1. The Addl. Chief Secretary (Revenue) to the Government of Himachal Pradesh
2. The Divisional Commissioner, Mandi, Himachal Pradesh.
3. The Director, Tourism & Civil Aviation, H.P. Shimla-9 with directions to upload the aforesaid notification on the official website of the Department.
4. The Deputy Commissioner, Distt. Hamirpur, Himachal Pradesh.
5. The Director, Information and Public Relations, Shimla HP with the request to publish the notification in two daily newspapers.

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6. The Chairman, Social Impact Assessment Unit, Himachal Institute of Public Administration, Fairlawans, Shimla.
7. All the members of the Social Impact Assessment Unit.
8. The Controller, Printing and Stationary Department Himachal Pradesh, Shimla-5.
9. The Sub- Divisional Magistrate, Nadaun, Distt. Hamirpur, H.P.
10. The Land Acquisition Collector- cum- SDM, Nadaun, Distt. Hamirpur with the request to advertise the Notification in the suitable places of the concerned area for publicity amongst the public for their information.
11. The Tehsildar Nadaun, Distt. Hamirpur. H.P.
12. Guard file



(Vijay Kumar)
Spl. Secy (Tourism & CA) to the
Govt. of Himachal Pradesh
Phone 0177-2880749



ANNEXURE R-7

Yadvender Singh vs. State of Himachal Pradesh and others

CWP No. 381 of 2024

09.01.2024 Present: M/s Suneet Goel and Vivek Negi, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pushpender Jaswal, Addl. AG, for the respondents-State.

CWP No. 381 of 2024 & CMP No. 619 of 2024

Notice. Mr. Pushpender Jaswal, learned Additional Advocate General, accepts notice on behalf of respondents No. 1 to 4 and 6 to 13. Separate notice be issued to respondent No. 5, on taking steps within one week, returnable for 19.04.2024. Reply to the petition, as prayed for be filed within six weeks.

List on 19.04.2024. Any action taken by the respondents in the meanwhile shall abide by final outcome of the writ petition.

At this stage, learned Counsel for the petitioner, on instructions submits that the petitioner may be granted liberty not to press relief No. (vi) by way of this petition so that he is able to agitate this issue by way of appropriate remedy available to him in law. Statement of learned Counsel for the petitioner is taken on record and the petitioner is granted liberty not to press relief No. (vi), to challenge the point before the appropriate Forum.

(Ajay Mohan Goel)
Judge

January 09, 2024
(narendar)

**Yadvender Singh Vs. State of HP & Ors.****CWP No. 381 of 2024**

19.04.2024 Present: M/s Suneet Goel and Vivek Negi, Advocates, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar & Mr. B.C Verma, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General, for respondents No. 1 to 4/ State.

Mr. Atul Jhingan, Advocate, for the respondent No. 5.

Mr. Atul Jhingan, Advocate, has put in appearance on behalf of respondent No. 5. He prays for and is granted four weeks' time to file Power of Attorney as well as reply to the petition.

In the meantime, respondents No. 1 to 4 may also file reply, if not already filed.

April 19, 2024

(Sunil)

(Sandeep Sharma)

Judge

Yadvender Singh Vs. State of HP and Others**CWP No.381 of 2024**

28.05.2024 Present: M/s Suneet Goel and Vivek Negi, Advocates, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents No.1 to 4/State.

Mr. Atul Jhingan, Advocate, for the respondent No.5.

Last opportunity of four weeks, as prayed for, is granted to respondents to file reply, failing which, this Court would be constrained to consider the prayer made on behalf of the petitioner for grant of interim relief.

List thereafter.

May 28, 2024

Rajeev Raturi

**(Sandeep Sharma),
Judge**



Yadvinder Singh Vs. State of H.P. & Ors. a/w connected matters

**CWP No.5373 of 2023 a/w CWP
No.10857 of 2023 & 381 of 2024**

31.07.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos.5373 & 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP No.381 of 2024.

Mr. Anup Rattan, Advocate General with Mr. L.N. Sharma & Mr. Amandeep Sharma, Additional Advocates General and Ms. Avni Kochhar, Deputy Advocate General, for the respondents-State in all the matters.

Ms. Nisha Nalot, Advocate vice Ms. Ambika Kotwal, Advocate, for respondent No.12 in CWP No.5373 of 2023, though proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Ms. Nisha Nalot, learned vice counsel states that she intends to move an application for recalling the order dated 01.11.2023, whereby respondent No.12 was proceeded against ex-parte.

Learned Advocate General submits that the record as was directed to be produced vide order dated 24.05.2024 has not been brought by the concerned officials. He prays for and is allowed three weeks' time to comply with the order dated 24.05.2024. The record in terms of this order be now made available on the next date of hearing.

CWP No.381 of 2024

Learned Advocate General submits that respondents No.1, 4 and 7 to 11 have filed their reply. He

further submits that respondents No.2 and 3 shall adopt the reply filed by these respondents. The reply, however, is not on record. Be placed in file, if in order. Final opportunity of three weeks, as prayed for, is made available to file reply on behalf of such respondents, who have not filed the same till date.

List all these matters on **24.08.2024**.

July 31, 2024
Mukesh

Jyotsna Rewal Dua
Judge

High Court



Yadvinder Singh Vs. State of HP & Ors. and connected matters

**CWP No.5373 of 2023 a/w
CWP No. 10857 of 2023
and CWP No.381 of 2024**

24.08.2024 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos. 5373 and 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP Nop. 381 of 2024

Mr. Anup Rattan, Advocate General with Mr. Y. P. S. Dhaulta and Mr. Amandeep Sharma, Additional Advocates General and Ms. Leena Guleria, Deputy Advocate General, for the respondents—State in all the matters.

Mr. Varun Sharma, Advocate vice counsel for respondent no.12 in CWP No. 5373 of 2023, through proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Learned counsel for respondent No.12 states that application for recalling order dated 01.11.2023 has been moved in the Registry, however, the same is not on record. Learned counsel to ensure that by the next date of hearing, said application is placed in the file after removing objections, if any, therein.

Learned Deputy Advocate General submits that record is not available today.

It is noticed that previously also, record was not produced despite there being a direction issued in that regard on 27.06.2024. Be produced on the next date of hearing.

CWP No.381 of 2024

Despite grant of final opportunity to respondents No. 5 and 6, have not filed their replies. Their right to file the same shall stand closed.

Rejoinder to the replies already on record, be filed within three weeks.

CWP No.5373 of 2023 a/w CWP No. 10857 of 2023 and CWP No.381 of 2024

List all the matters on **19.09.2024**

Jyotsna Rewal Dua
Judge

August 24, 2024
(R.Atal)

12.	Annexure P-8: Copy Mutation No. 2547 dated 19.5.2010.	73
13.	Annexure P-9: Copies of the Jamabandi (s) for the year 2010-2011.	74-75
14.	Annexure P-10: Copies of the Jamabandi (s) for the year 2010-2011.	76
15.	Annexure P-11: Copy of application dated 5.2.2019.	77-78
16.	Annexure P-12: Copy of the report dated 23.1.2019.	79-81
17.	Annexure P-13: Copy of and confirmation order dated 16.12.2019.	82-83
18.	Annexure P-14: Copy of order dated 20.6.2023. along with Title copy	84-89
19.	Annexure P-15 (Collectively): Copies of the plaint and written statement filed by the respective parties.	90-142
20.	Annexure P-16: Copy of order dated 18.4.2023. along with Title copy	143-144
21.	Annexure P-17 (Collectively): Copies of mutations dated 11.5.2023 and 18.7.2023.	145-148
22.	Annexure P-18 (Collectively): Copy of the demarcation application along with accompanying documents	149-184
23.	Annexure P-19 (Collectively): Copy of the replies/objections.	185-206
24.	Annexure P-20: Copy of the communication dated 30.5.2023 containing the endorsement of the Sub Divisional Magistrate, Nadaun	207
25.	Annexure P-21: Copy of	208-217

	demarcation report dated 21.7.2023.	
26.	Annexure P-22: Copy of the order dated 5.8.2023. along with file copy	218-225
27.	Annexure P-23: Copy of reply/objection	226-265
28.	Annexure P-24: Copy of the order dated 17.10.2023	266-267
29.	Annexure P-25: Copy of communication dated 19.10.2023	268
30.	Annexure P-26: Copy of the order dated 1.12.2023.	269-295
31.	Annexure P-27 (Collectively): Copies of communication(s) along with electricity and telephone bills.	296-302
32.	Annexure P-28: Copy of the order dated 5.12.2007.	303
33.	Annexure P-29: Copy of the order dated 21.10.2010	304-306
34.	Annexure P-30: Copy of the order dated 27.7.2023.	307
35.	Annexure P-31: Copy of Google Map showing old structures of the petitioner existing over the land(s) in question along with photographs.	
36.	Annexure P-32: Copy of the Tender Summary Report dated 28.12.2023	
37.	Application for interim directions with affidavit	
38.	Application for exemption	
39.	Vakalatnama	

Petitioner

Through counsels

Shimla
4.1.2024

Suneet Goel & Vivek Negi
Advocate

(R)

IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA

C.W.P. No. of 2024

In the matter of:

Yadvender Singh

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

LIST OF EVENTS

24.10.1939	Land comprised in <i>Khewat</i> No. 105, <i>Khatauni</i> No. 138, <i>Khasra</i> No. 128 measuring 6 <i>Kanal</i> 19 <i>Marla</i> [6 <i>Kanal</i> 2 <i>Marla</i> (<i>Barani Do Fasli</i>) and 17 <i>Marla</i> (<i>Gair Mumkin Makan</i>)] situated at Tikka Seri, Mauja Jalari, Tehsil Hamirpur, District Kangra HP as per the <i>Jamabandi</i> 1937-38 was acquired by the grand-father of the petitioner namely Kesari Chand through auction, mutation whereof was entered and sanctioned vide No. 541 dated 24.10.1939.
1950	Aforesaid land came to be devolved, inter alia, upon the father of the petitioner namely Roop Chand and he established <i>Atta Chakki/Gharat-Chah</i> , <i>Kuan</i> (Well) and <i>Haudi</i> (Storage Tank), over <i>Khasra</i>

(C)

	No. 411/127 since year 1950
1971-72	Roop Chand was also absolute owner in possession of the land comprised in <i>Khewat</i> No.85, <i>Khatauni</i> No. 109, <i>Khasra</i> No. 411/127 measuring 23 <i>Kanal</i> 17 <i>Marla</i> [21 <i>Kanal</i> 17 <i>Marla</i> (<i>Barani Do Fasli</i>) and 1 <i>Kanal</i> (<i>Gair Mumkin Chah</i>) 4 <i>Marla</i> (<i>Gair Mumkin Abadi</i>) and 16 <i>Marla</i> (<i>Gair Mumkin Kabristan</i>)] situated at Tikka Seri, Mauja Jalari, Tehsil Nadaun, District Hamirpur as per the <i>Jamabandi</i> 1971-72.
19.1.1974	Out of the aforesaid land(s), portion(s) comprised in <i>Khasra</i> No. 128/2 measuring 6 <i>Kanal</i> 1 <i>Marla</i> (<i>Barani Do Fasli</i>) and 411/127/4 measuring 11 <i>Kanal</i> 10 <i>Marla</i> (<i>Barani Do Fasli</i>) was acquired by Industries/Sericulture Department, Himachal Pradesh for plantation of Mulberry plants, (which was already in possession of Industries/sericulture Department as lessee and had been enclosed by it by putting fencing/boundary wall) vide Award dated 19.1.1974 passed by Land Acquisition Collector, Hamirpur.

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	<p>It is submitted that Sericulture Department was already in occupation of the said land being a lessee, which fact finds mention in the award dated 19.1.1974 itself.</p>
7.6.1976	<p>Subsequent thereto, mutation qua the acquisition was entered and sanctioned vide No. 1028 dated 7.6.1976. It is relevant to pointed out here that even though land measuring <i>6 Kanal 1 Marla</i> had been acquired in <i>Khasra</i> No. 128/2 and possession thereof had been taken over, however, the same came to be wrongly entered and mentioned as <i>6 Kanal 2 Marla</i> in Mutation No. 1028 dated 7.6.1976. This fact is clear from the <i>Tatima</i> and Field book of <i>Khasra</i> No. 128/2 prepared at the time of mutation. Even though the possession of <i>1 Marala</i> remained with the father of the petitioner and thereafter the petitioner, this mistake was replicated in subsequent <i>Jambandi(s)</i> and remained merely a mistaken paper entry without in any manner conferment of any right, title or interest qua <i>1 Marla</i>. It is further submitted that as far as <i>Khasra</i></p>



No. 411/127/4 is concerned mutation of lesser area of only 10 *Kanal* 11 *Marla* against acquired area of 11 *Kanal* 10 *Marlas* was entered vide Mutation No. 1028 dated 7.6.1976, which was replicated in subsequent *Jamabandi*(s). It may be mentioned here that during the updating of record of rights *Khasra* No. 128/2 was changed to *Khasra* No. 422/128 (In the *Jamabandi* for the year 1981-182) and thereafter to *Khasra* No. 184 (In the *Jamabandi* for the year 1986-187) measuring 6 *Kanal* 2 *Marla* and *Khasra* No. 411/127/4 was changed to *Khasra* No. 426/411/127 (In the *Jamabandi* for the year 1981-182) and thereafter to *Khasra* No. 183 (In the *Jamabandi* for the year 1986-87) measuring 10 *Kanal* 11 *Marla*. It is relevant to mention at this juncture while preparing *Tatima* of the acquired land proper Identification thereof/*pehchan* was not made by depicting the land surrounding the acquired land by mentioning the same in each of the North South East West direction. A perusal of

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	copies of the Mutation No. 1028 dated 7.6.1976 would show that the concerned authority has made tampering in the mutations.
5.3.1980	Share of Roop Chand devolved upon the mother of the petitioner namely Oma Devi through Will vide Mutation No. 1134 dated 5.3.1980.
Year 1993	Petitioner carried out construction of vehicle service station/center in the year 1993, as well as that of a commercial space (now housing the branch of UCO Bank since 2015) upon area where Atta Chakki and Abadi existed.
12.1.2006	The property in question devolved upon the petitioner along-with his brothers through Will vide Mutation No. 2304 dated 12.1.2006. .
Year 1986-87	It appears that vide <i>Fard Badar</i> No. 16 the area of <i>Khasra</i> No. 183 (New) (<i>Khasra</i> No. 426/411/127:411/127/4 Old) was arbitrarily, illegally and unilaterally changed from 10 <i>Kanal</i> 11 <i>Marla</i> to 11 <i>Kanal</i> 10 <i>Marlas</i> . <i>Fard Badar</i> No. 16 is duly reflected in remarks column of

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	Jamabandi for the year 1986-87.
19.5.2010	Vide Mutation No. 2547 dated 19.5.2010 the area of <i>Khasra No. 184 (New) (Khasra No. 422/128 and 128/2 Old)</i> was arbitrarily, illegally and unilaterally changed from 6 <i>Kanal 2 Marla</i> to 7 <i>Kanal 11 Marlas</i> . In as much as area to the extent of 1 <i>Kanal 10 Marla</i> was increased in favour of Sericulture Department arbitrarily, illegally and unilaterally to the one that had been acquired. It is submitted that the aforesaid changes were made behind the back of the petitioner and without any notice to him and any further acquisition proceedings having initiated in respect thereof.
2010-2011	<i>Khasra No. 183 (New) (Khasra No. 426/411/127: 411/127/4 Old)</i> was subsequently changed to <i>Khasra Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015</i> . It is further submitted that <i>Khasra No. 184 (New) (Khasra No. 422/128 : 128/2 Old)</i> was changed to 2001 and 1997. That fact of the matter is that

	<p>the predecessor-in-interest(s) of the petitioner and the petitioner remained as owner in possession of aforesaid land(s) as detailed hereinabove, which had not been acquired.</p>
5.2.2019	<p>Sericulture Department applied for demarcation of land comprised in <i>Khewat</i> No. 688 <i>Khatauni</i> No. 736 <i>Khasra</i> Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 and <i>Khewat</i> 689 <i>Khatauni</i> No. 737, <i>Khasra</i> Nos. 1997 and 2001 vide application dated 5.2.2019 and the same was registered as Case No.7/2019.</p>
23.1.2019/ 16.12.2019	<p>Petitioner sought time to produce/file documents regarding his long standing and continuous ownership and possession over <i>Khasra</i> Nos. 1914, 2002, 2003 and 2004 out of the aforesaid <i>Khasra</i> Nos., however, Assistant IIst Grade, Nadaun did not afford any opportunity to the petitioner to do the needful and sought the report from the field agencies. It is relevant to point out at this juncture that the demarcation of Government land adjoining Private land</p>

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could not have been undertaken/conducted by the Field Kanoongo. Hence, Assistant IIst Grade, Nadaun was not competent to proceed in the matter, much less call for any report from the field agencies. Nevertheless, the report dated 23.1.2019 was made by field Kanoongo and forwarded to Assistant IIst Grade, Nadaun and confirmed by him vide order dated 16.12.2019. That without prejudice it is submitted that a bare perusal of the aforesaid report would show that the petitioner was found to be in possession of *Khasra* Nos. 1914, 2002, 2003 and 2004 in the shape of *Abadi*, *Kuan*, service station, shop, *Sehan* and *Rasta* and Sericulture Department was found to be in illegal possession of the land belonging to the petitioner comprised in *Khasra* Nos. 2016 and 2017. Petitioner assailed the aforesaid order dated 16.12.2019 passed by Assistant IIst Grade, Nadaun by way of an appeal under Section 14 of the Land Revenue Act, 1954 before Learned Sub Divisional Collector (Civil), Nadaun.

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3.2.2023

On 3.2.2023 the petitioner had filed a Civil Suit bearing No. 78 of 2023 for declaration to the effect that he was in actual physical possession and prior to him his predecessor-in-interests were in actual and physical possession over the land comprised in Khata No.699 min, Khatauni No.748 min, Khasra No.1914, 2002, 2003, 2004, measuring 1580-75 sq.mtrs. situated in Mohal Seri, Mauza Jalari, Tehsil Nadaun, District Hamirpur, H.P., as per the Jamabandi for the year 2019-20, since the year 1963 i.e., more than 50 years being owners of adjoining land comprised in Khata No.3 min, Khatauni No.7 min, Khasra Nos. 1915, 1916, 1916/1, Kita-3, measuring 8547-37 situated in Mohal Seri, Mauza Jalari, Tehsil Nadaun, District Hamirpur, H.P., as per the Jamabandi for the year 2019-20 and was entitled to remain as such in future also. In the alternative, the petitioner also sought the declaration that his possession over suit land comprised in Khasra Nos. 1914, 2002, 2003 and 2004 had ripened into

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ownership by way of adverse possession and he was liable to be declared as owner-in-possession of the khasra numbers and was entitled to retain the possession thereof in future also and Fard Badar No.16 and Mutation No. 2547, dated 19.5.2010 was null and void and not binding upon his rights vis-à-vis the defendants therein. The petitioner further sought consequential relief of permanent prohibitory injunction restraining the defendants therein, their members, agents, servants from forcibly trespassing, interfering in the peaceful possession of the petitioner in any manner whatsoever and from dispossessing him forcibly and from changing the nature of the aforesaid land or interfering in any manner whatsoever therein. In the alternative, it was also prayed that in case during the pendency of the suit, the defendants therein succeed in forcibly dispossessing the petitioner, raising new structures, damaging the already constructed structures over the aforesaid land in any

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	<p>manner, changing nature thereof, then decree of possession by way of mandatory injunction directing the defendants therein to restore the aforesaid land in its original position. It is submitted that the said suit is pending adjudication in the Court of Learned Senior Civil Judge, Nadaun HP.</p>
7.3.2023/ 18.4.2023	<p>During the pendency of the said Civil Suit, <i>Khasra</i> Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, 1997, 2001 and 2020 were transferred in favour of Department of Tourism and Civil Aviation, Himachal Pradesh merely on the basis of order dated 18.4.2023 passed by District Collector, District Hamirpur HP pursuant to communication dated 7.3.2023 issued by Director of Industries, H.P</p>
6.5.2023	<p>However, before the mutation was attested in favour of the Department of Tourism and Civil Aviation, H.P., an application dated 6.5.2023 came to be filed by the District Tourism Development Officer, Shimla for fresh demarcation of land comprised in <i>Khasra</i> Nos. 1914, 2002,</p>

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	2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, 1997 2001 and 2020. The same was registered as Case No. 72 of 2023. Nevertheless, petitioner filed his replies/objections to the aforesaid demarcation proceedings
11.5.2023	Mutation of transfer in favour of Department of Tourism and Civil Aviation, Himachal Pradesh was entered and sanctioned on 11.5.2023.
30.5.2023	During the pendency of the fresh demarcation application and for the reasons best known Assistant Tourism Development Officer, Hamirpur addressed communication dated 30.5.2023 to the Sub Divisional Magistrate, Nadaun for fixing the date of demarcation on priority basis, since the same was priority project of Hon'ble Chief Minister of H.P. Pursuant to said communication the Sub Divisional Magistrate, Nadaun directed the Tehsildar, Nadaun to fix 10.7.2023 for demarcation and conduct the demarcation himself
20.6.2023	Vide order dated 20.6.2023 Learned Sub

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	<p>Divisional Collector (Civil), Nadaun was pleased to set aside demarcation order dated 16.12.2019 passed by Assistant IIst Grade, Nadaun.</p>
18.7.2023	<p>Second Mutation of transfer in favour of Department of Tourism and Civil Aviation, Himachal Pradesh was entered and sanctioned on 18.7.2023.</p>
	<p>In these circumstances petitioner had to file an application under Order 1 Rule 10 readwith 151 of the Code of Civil Procedure for impleadment of Department of Tourism and Civil Aviation, H.P. others, as well as an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of plaint and that of stay application in the Civil Suit. It is submitted that notwithstanding the pendency of the aforesaid Civil Suit, present writ petition is maintainable for the reason that the present writ petition emanates out of the fragrant violation of constitutional rights of the petitioner by the respondent authorities and the petitioner has a separate and distinct cause</p>

	of action with respect thereto.
21.7.2023	On 21.7.2023 Assistant Collector I st Grade, Nadaun along-with field staff and active influence exercised by the Sub Divisional Magistrate-cum-Sub Divisional Officer (Civil), Nadaun carried out demarcation in a totally illegal and arbitrary manner vide report dated 21.7.2023.
26.7.2023/ 5.8.2023	Assistant Collector I st Grade, Nadaun forwarded the aforesaid report to the Sub Divisional Officer (Civil), Nadaun vide letter dated 26.7.2023. Consequent thereto, the Sub Divisional Officer (Civil), Nadaun passed order dated 5.8.2023 directing the Assistant Collector II nd Grade, Nadaun to decide the case on merits after affording opportunity of being heard to the respective parties.
17.10.2023	Thereafter petitioner appeared before Assistant Collector II nd Grade, Nadaun pursuant to the notice issued to him and filed his reply/objections. However, Assistant Collector II nd Grade, Nadaun finalized the demarcation vide order dated

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	<p>17.10.2023. Vide aforesaid order the Assistant Collector IInd Grade, Nadaun further forwarded the file to the Sub Divisional Officer (Civil), Nadaun for proceedings against the petitioner under Public Premises (Eviction of Unauthorized Occupants), Act</p>
<p>19.10.2023</p>	<p>Vide communication dated 19.10.2023 i.e., without even waiting for the expiry of statutory period of appeal Assistant Collector IInd Grade, Nadaun forwarded the file to the Sub Divisional Officer (Civil), Nadaun for proceedings against the petitioner under Public Premises (Eviction of Unauthorized Occupants), Act.</p>
<p>1.12.2023</p>	<p>In the above circumstances the petitioner filed an appeal under Section 14 read with section 13(2) of the H.P. Land Revenue Act, 1954 in the Court of Learned Divisional Commissioner, Mandi against the order dated 17.10.2023 passed by Assistant Collector IInd Grade, Nadaun for either hearing the appeal himself or transferring it to some other Sub</p>

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	<p>Divisional Collector (Civil), except Sub Divisional Collector (Civil), Nadaun for adjudication. However, the prayer made by the petitioner was rejected by Learned Divisional Commissioner, Mandi vide order dated 1.12.2023 directing the petitioner to file an appeal before Sub Divisional Collector (Civil), Nadaun only.</p>
	<p>Long standing ownership and possession of the petitioner over the land(s) in question is substantiated by the following:-</p> <ul style="list-style-type: none"> • The service station over the land(s) in question was got registered by the petitioner with the Department of Industries, Hamirpur in the year 1996 in the name and style of Bindra Service Station. It is further submitted that the petitioner also has other relevant and contemporaneous material in the shape of bills to substantiate the said fact, however, the same are not been annexed at this stage in order to avoid making the record unnecessary bulky. The petitioner craves for the leave of this Hon'ble Court to produce

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the same at a subsequent stage, if so required by this Hon'ble Court.

- In the year 2007, Sericulture Department, Nadaun had filed complaint under Section 447 of the Indian Penal Code against the petitioner alleging that he had been trespassing over the land of the Sericulture Department. It is submitted that during the hearing of the said complaint on 5.12.2007, it was found out that the land acquired by the Sericulture Department had been enclosed by them by raising a boundary wall and the petitioner had not crossed the same. It also came on record that the petitioner had been running service station from the land in question, whereupon Atta Chakki established by the ancestors of the petitioner already existed and people of the entire village and town used to come for making flour. It had also come on record that the petitioner had not made any forcible occupation of

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the land and the same was already a subject matter of pending proceedings before Revenue Authorities/Court and the said complaint was dismissed.

- In the year 2000, Sericulture Department had made a complaint alleging therein that the petitioner had encroached upon the Government land, pursuant whereto, proceedings under Section 163 of the H.P. Land Revenue Act, 1954 were initiated against the petitioner. It is submitted that the petitioner was ordered to be evicted by Assistant Collector, 1st Grade, Settlement, Hamirpur vide order dated 19.9.2004 in Case No. 1/2004, titled State Vs. Yadvinder Singh and First Appellate Court i.e., Assistant Settlement Collector, Kangra at Dharamshala, H.P. vide order dated 17.2.2006 in Case No. 26/05, titled Yadvinder Singh Vs. Department of Sericulture. However, the matter was remanded to Sub Divisional Collector, Nadaun by learned Divisional

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	<p>Commissioner, Mandi Division, Mandi, H.P. vide order dated 21.10.2010 passed in Revision Petition bearing Case No.338/06 directing him to hear the case afresh after giving due opportunity of being heard to the respective parties. Subsequent thereto, the case was dismissed vide order dated 27.7.2023 on failure of the Sericulture Department to appear and prosecute the same.</p> <ul style="list-style-type: none"> • Google Map and photographs of the land in question clearly shows old structures of the petitioner existing over the land(s) in question.
28.12.2023	<p>Concerned respondent authority had invited and finalized bid for construction of Tourism Corporation Hotel at Nadaun. It is submitted that the petitioner has every reason to believe that he would be ousted from his property by forcible means by the respondents, who are not following due process of law in the matter and bent upon usurping his property. Hence, the petitioner has no other alternative or</p>

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	efficacious remedy but to file the present writ petition.
4.1.2024	Present writ petition drafted and thereafter filed.

Petitioner

Through counsels

Shimla
4.1.2024

Suneet Goel & Vivek Negi
Advocate



IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH AT SHIMLA

C.W.P. No. of 2024

In the matter of:

Yadvender Singh, S/o Late Roop Chand
Resident of Village Seri, P.O. & Tehsil Nadaun,
District Hamirpur, (H.P.)

...Petitioner

Versus

1. State of Himachal Pradesh
Through Secretary Revenue to the Government of
Himachal Pradesh, Himachal Pradesh Secretariat,
Chota Shimla, Shimla-171002 (H.P.)
2. Department of Industries (Sericulture Wing),
Himachal Pradesh, Shimla-171001 (H.P.)
Through its Director
3. Sericulture Department, Nadaun, District
Hamirpur (H.P.)
Through Silk Seed Production Officer
4. Department of Tourism and Civil Aviation,
Himachal Pradesh, Block No. 28, SDA Complex,
Kasumpti, Shimla, Himachal Pradesh 171009
Through its Director
5. Himachal Pradesh Tourism Development
Corporation Ltd., Ritz Annexe, Shimla-171001
(H.P.) Through its Managing Director
6. District Tourism Development Officer, Shimla
(H.P.)
7. Assistant, Tourism Development Officer,
Hamirpur (H.P.)
8. District Collector cum District Magistrate, District
Hamirpur (H.P.)

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9. Sub Divisional Officer (Civil) cum Sub Divisional Magistrate, Nadaun, District Hamirpur (H.P.)
10. Assistant Collector Ist Grade cum Tehsildar, Nadaun, District Hamirpur (H.P.)
11. Assistant Collector IIst Grade cum Naib Tehsildar, Nadaun, District Hamirpur (H.P.)
12. Himachal Pradesh Public Works Department, Nirman Bhawan, Shimla-171002 (H.P.)
Through Engineer-in-Chief
13. Executive Engineer, Hamirpur Division, HPPWD, Hamirpur.

...Respondents

Petition under Article 226 of the Constitution of India for issuance of appropriate writ, order or direction in favour of the petitioner and against the respondents in the facts and circumstances enumerated here-in-after.

Petitioner

Through counsels

Shimla
4.1.2024

Suneet Goel & Vivek Negi
Advocates

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MAY IT PLEASE YOUR LORDSHIPS:

1. That the petitioner is a citizen of India and permanent resident of the address given in the memorandum of parties. It is submitted that petitioner is entitled to file and maintain present petition in this Hon'ble Court to seek justice and relief in the facts and circumstances enumerated here-in-below.
2. That the respondents are authorities and come within the purview of definition of State as contained in Article 12 of the Constitution of India and are amenable to the writ jurisdiction of this Hon'ble Court under Article 226 of the Constitutional of India.
3. That land comprised in *Khewat* No. 105, *Khatauni* No. 138, *Khasra* No. 128 measuring 6 *Kanal* 19 *Marla* [6 *Kanal* 2 *Marla* (*Barani Do Fasli*) and 17 *Marla* (*Gair Mumkin Makan*)] situated at Tikka Seri, Mauja Jalari, Tehsil Hamirpur, District Kangra HP as per the *Jamabandi* 1937-38 was in the ownership and possession of grand-father of the petitioner namely Kesari Chand. The said land had been acquired by Kesari Chand through auction, mutation whereof was entered and sanctioned

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vide No. 541 dated 24.10.1939. The aforesaid land came to be devolved, inter alia, upon the father of the petitioner namely Roop Chand. Copy of the *Jamabandi(s)* for the year 1937-38 and 1971-72, reflecting the said fact, is annexed hereto as **Annexure P-1 (Collectively)**. It is further submitted that Roop Chand was absolute owner in possession of the land comprised in *Khewat* No.85, *Khatauni* No. 109, *Khasra* No. 411/127 measuring 23 *Kanal* 17 *Marla* [21 *Kanal* 17 *Marla* (*Barani Do Fasli*) and 1 *Kanal* (*Gair Mumkin Chah*) 4 *Marla* (*Gair Mumkin Abadi*) and 16 *Marla* (*Gair Mumkin Kabristan*)] situated at Tikka Seri, Mauja Jalari, Tehsil Nadaun, District Hamirpur as per the *Jamabandi* 1971-72. Copy of the *Jamabandi* for the year 1971-72, reflecting the said facts, is annexed hereto as **Annexure P-2**.

4. That the father of the petitioner had established *Atta Chakki/Gharat-Chah*, *Kuan* (Well) and *Haudi* (Storage Tank), over *Khasra* No. 411/127 since year 1950 and thereafter petitioner carried out construction of vehicle service station/center in the year 1993, as well



as that of a commercial space (now housing the branch of UCO Bank since 2015) upon area where Atta Chakki and Abadi existed.

5. That out of the aforesaid land(s), portion(s) comprised in *Khasra* No. 128/2 measuring 6 *Kanal 1 Marla (Barani Do Fasli)* and 411/127/4 measuring 11 *Kanal 10 Marla (Barani Do Fasli)* was acquired by Industries/Sericulture Department, Himachal Pradesh for plantation of Mulberry plants, (which was already in possession of Industries/sericulture Department as lessee and had been enclosed by it by putting fencing/boundary wall) vide Award dated 19.1.1974 passed by Land Acquisition Collector, Hamirpur, copy whereof is annexed hereto as Annexure P-3. Subsequent thereto, mutation qua the acquisition was entered and sanctioned vide No. 1028 dated 7.6.1976. It is submitted that Sericulture Department was already in occupation of the said land being a lessee, which fact finds mention in the award dated 19.1.1974 itself. It is relevant to pointed out here that even though land measuring 6 *Kanal 1 Marla* had been acquired in *Khasra*

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No. 128/2 and possession thereof had been taken over, however, the same came to be wrongly entered and mentioned as 6 *Kanal* 2 *Marla* in Mutation No. 1028 dated 7.6.1976. This fact is clear from the *Tatima* and Field book of *Khasra* No. 128/2 prepared at the time of mutation. Even though the possession of 1 *Marala* remained with the father of the petitioner and thereafter the petitioner, this mistake was replicated in subsequent *Jambandi(s)* and remained merely a mistaken paper entry without in any manner conferment of any right, title or interest qua 1 *Marla*. It is further submitted that as far as *Khasra* No. 411/127/4 is concerned mutation of lesser area of only 10 *Kanal* 11 *Marla* against acquired area of 11 *Kanal* 10 *Marlas* was entered vide Mutation No. 1028 dated 7.6.1976, which was replicated in subsequent *Jamabandi(s)*. It may be mentioned here that during the updating of record of rights *Khasra* No. 128/2 was changed to *Khasra* No. 422/128 (In the *Jamabandi* for the year 1981-182) and thereafter to *Khasra* No. 184 (In the *Jamabandi* for the year 1986-187) measuring 6 *Kanal* 2 *Marla* and *Khasra*

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No. 411/127/4 was changed to *Khasra* No. 426/411/127 (In the *Jamabandi* for the year 1981-182) and thereafter to *Khasra* No. 183 (In the *Jamabandi* for the year 1986-87) measuring 10 *Kanal* 11 *Marla*. It is relevant to mention at this juncture while preparing *Tatima* of the acquired land proper Identification thereof/*pehchan* was not made by depicting the land surrounding the acquired land by mentioning the same in each of the North South East West direction. Copies of the Mutation No. 1028 dated 7.6.1976 are annexed hereto as Annexure P-4 and P-5. A perusal thereof would show that the concerned authority has made tampering in the mutations. Copies of the *Jamabandi*(s) for the years 1981-82 and 1986-1987, showing the aforesaid fact(s), are annexed hereto Annexure P-6 and P-7 respectively.

6. That the share of Roop Chand devolved upon the mother of the petitioner namely Oma Devi through Will vide Mutation No. 1134 dated 5.3.1980 and thereafter upon the petitioner along-with his brothers also through Will vide Mutation No. 2304 dated 12.1.2006.

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7. It appears that in the year 1986-87 vide *Fard Badar* No. 16 the area of *Khasra* No. 183 (New) (*Khasra* No. 426/411/127:411/127/4 Old) was arbitrarily, illegally and unilaterally changed from 10 *Kanal* 11 *Marla* to 11 *Kanal* 10 *Marlas*. *Fard Badar* No. 16 is duly reflected in remarks column of *Jamabandi* for the year 1986-87 (Annexure P-7). It is further submitted that vide Mutation No. 2547 dated 19.5.2010 the area of *Khasra* No. 184 (New) (*Khasra* No. 422/128 and 128/2 Old) was arbitrarily, illegally and unilaterally changed from 6 *Kanal* 2 *Marla* to 7 *Kanal* 11 *Marlas*. In as much as area to the extent of 1 *Kanal* 10 *Marla* was increased in favour of Sericulture Department arbitrarily, illegally and unilaterally against what had been actually acquired. Copy Mutation No. 2547 dated 19.5.2010 is annexed hereto as Annexure P-8. It is submitted that the aforesaid changes were made behind the back of the petitioner and without any notice to him and any further acquisition proceedings having initiated in respect thereof.
8. That *Khasra* No. 183 (New) (*Khasra* No. 426/411/127: 411/127/4 Old) was subsequently

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changed to *Khasra* Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015. It is further submitted that *Khasra No. 184 (New) (Khasra No. 422/128 : 128/2 Old)* was changed to 2001 and 1997. Copies of the Jamabandi (s) for the year 2010-2011 reflecting the said fact are annexed hereto as **Annexure P-9 and P-10**.

9. That fact of the matter is that the predecessor-in-interest(s) of the petitioner and the petitioner remained as owner in possession of aforesaid land(s) as detailed hereinabove, which had not been acquired.
10. That Sericulture Department applied for demarcation of land comprised in *Khewat* No. 688 *Khatauni* No. 736 *Khasra* Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 and *Khewat* 689 *Khatauni* No. 737, *Khasra* Nos. 1997 and 2001 vide application dated 5.2.2019, copy whereof is annexed hereto as **Annexure P-11**. Said application was registered as Case No.7/2019. It is submitted that the petitioner sought time to produce/file documents regarding his long standing and

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continuous ownership and possession over *Khasra* Nos. 1914, 2002, 2003 and 2004 out of the aforesaid *Khasra* Nos., however, Assistant IIst Grade, Nadaun did not afford any opportunity to the petitioner to do the needful and sought the report from the field agencies. It is relevant to point out at this juncture that the demarcation of Government land adjoining Private land could not have been undertaken/conducted by the Field Kanoongo. Hence, Assistant IIst Grade, Nadaun was not competent to proceed in the matter, much less call for any report from the field agencies. Nevertheless, the report was made by field Kanoongo and forwarded to Assistant IIst Grade, Nadaun and confirmed by him. Copy of the report dated 23.1.2019 and confirmation order dated 16.12.2019 are annexed hereto as **Annexure P-12 and P-13 respectively.**

11. That without prejudice it is submitted that a bare perusal of the aforesaid report would show that the petitioner was found to be in possession of *Khasra* Nos. 1914, 2002, 2003 and 2004 in the shape of *Abadi*, *Kuan*, service station, shop, *Sehan* and *Rasta* and Sericulture

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Department was found to be in illegal possession of the land belonging to the petitioner comprised in *Khasra* Nos. 2016 and 2017.

12. That the petitioner assailed the aforesaid order dated 16.12.2019 passed by Assistant IIst Grade, Nadaun by way of an appeal under Section 14 of the Land Revenue Act, 1954 before Learned Sub Divisional Collector (Civil), Nadaun, who was pleased to set aside the same vide order dated 20.6.2023, copy whereof is annexed hereto as **Annexure P-14**.
13. That in the meantime on 3.2.2023 the petitioner had filed a Civil Suit bearing No. 78 of 2023 for declaration to the effect that he was in actual physical possession and prior to him his predecessor-in-interests were in actual and physical possession over the land comprised in Khata No.699 min, Khatauni No.748 min, Khasra No.1914, 2002, 2003, 2004, measuring 1580-75 sq.mtrs. situated in Mohal Seri, Mauza Jalari, Tehsil Nadaun, District Hamirpur, H.P., as per the Jamabandi for the year 2019-20, since the year 1963 i.e., more than 50 years being owners of adjoining land comprised in

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Khata No.3 min, Khatauni No.7 min, Khasra Nos. 1915, 1916, 1916/1, Kita-3, measuring 8547-37 situated in Mohal Seri, Mauza Jalari, Tehsil Nadaun, District Hamirpur, H.P., as per the Jamabandi for the year 2019-20 and was entitled to remain as such in future also. In the alternative, the petitioner also sought the declaration that his possession over suit land comprised in Khasra Nos. 1914, 2002, 2003 and 2004 had ripened into ownership by way of adverse possession and he was liable to be declared as owner-in-possession of the khasra numbers and was entitled to retain the possession thereof in future also and Fard Badar No.16 and Mutation No. 2547, dated 19.5.2010 was null and void and not binding upon his rights vis-à-vis the defendants therein. The petitioner further sought consequential relief of permanent prohibitory injunction restraining the defendants therein, their members, agents, servants from forcibly trespassing, interfering in the peaceful possession of the petitioner in any manner whatsoever and from dispossessing him forcibly and from changing the nature of the

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aforesaid land or interfering in any manner whatsoever therein. In the alternative, it was also prayed that in case during the pendency of the suit, the defendants therein succeed in forcibly dispossessing the petitioner, raising new structures, damaging the already constructed structures over the aforesaid land in any manner, changing nature thereof, then decree of possession by way of mandatory injunction directing the defendants therein to restore the aforesaid land in its original position. Copies of the plaint and written statement filed by the respective parties in the said Civil Suit are annexed hereto as **Annexure P-15 (Collectively)**. It is submitted that the said suit is pending adjudication in the Court of Learned Senior Civil Judge, Nadaun HP. It is submitted that during the pendency of the said Civil Suit, *Khasra* Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, 1997, 2001 and 2020 were transferred in favour of Department of Tourism and Civil Aviation, Himachal Pradesh merely on the basis of order dated 18.4.2023 passed by District Collector,

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District Hamirpur HP pursuant to communication dated 7.3.2023 issued by Director of Industries, H.P. and mutation of such transfer was entered and sanctioned on 11.5.2023 and 18.7.2023. Copy of order dated 18.4.2023 is annexed hereto as Annexure P-16 and copies of mutations dated 11.5.2023 and 18.7.2023 are annexed hereto as Annexure P-17 (Collectively). In these circumstances petitioner had to file an application under Order 1 Rule 10 readwith 151 of the Code of Civil Procedure for impleadment of Department of Tourism and Civil Aviation, H.P. others, as well as an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of plaint and that of stay application. It is submitted that notwithstanding the pendency of the aforesaid Civil Suit, present writ petition is maintainable for the reason that the present writ petition emanates out of the fragrant violation of constitutional rights of the petitioner by the respondent authorities and the petitioner has a separate and distinct cause of action with respect thereto.

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14. That before the mutation was attested in favour of the Department of Tourism and Civil Aviation, H.P., an application dated 6.5.2023 came to be filed by the District Tourism Development Officer, Shimla for fresh demarcation of land comprised in *Khasra* Nos. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, 1997 2001 and 2020. The same was registered as Case No. 72 of 2023. Copy of the demarcation application along with accompanying documents is annexed hereto as **Annexure P-18 (Collectively)**. It is submitted that the petitioner filed his replies/objections to the aforesaid demarcation proceedings, copies whereof are annexed hereto as **Annexure P-19 (Collectively)**.
15. That during the pendency of the fresh demarcation application and for the reasons best known Assistant Tourism Development Officer, Hamirpur addressed communication dated 30.5.2023 to the Sub Divisional Magistrate, Nadaun for fixing the date of demarcation on priority basis, since the same was priority project of Hon'ble Chief Minister

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of H.P. Pursuant to said communication the Sub Divisional Magistrate, Nadaun directed the Tehsildar, Nadaun to fix 10.7.2023 for demarcation and conduct the demarcation himself. Copy of the communication dated 30.05.2023 containing the endorsement of the Sub Divisional Magistrate, Nadaun is annexed hereto as Annexure P-20.

16. That on 21.7.2023 Assistant Collector Ist Grade, Nadaun along-with field staff and active influence exercised by the Sub Divisional Magistrate-cum-Sub Divisional Officer (Civil), Nadaun carried out demarcation in a totally illegal and arbitrary manner vide report dated 21.7.2023. Copy of demarcation report is annexed hereto as Annexure P-21. It is submitted that the Assistant Collector Ist Grade, Nadaun forwarded the aforesaid report to the Sub Divisional Officer (Civil), Nadaun vide letter dated 26.7.2023, copy whereof is not readily available with the petitioner. Consequent thereto, the Sub Divisional Officer (Civil), Nadaun passed order dated 5.8.2023 directing the Assistant Collector IInd Grade, Nadaun to decide the case on merits after

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affording opportunity of being heard to the respective parties. Copy of the order dated 5.8.2023 is annexed hereto as Annexure P- 22.

17. That thereafter the petitioner appeared before Assistant Collector IInd Grade, Nadaun pursuant to the notice issued to him and filed his reply/objections, copy whereof is annexed hereto as Annexure P-23. However, Assistant Collector IInd Grade, Nadaun finalized the demarcation vide order dated 17.10.2023. Copy of the order dated 17.10.2023 is annexed hereto as Annexure P-24. It is submitted that the vide aforesaid order the Assistant Collector IInd Grade, Nadaun further forwarded the file to the Sub Divisional Officer (Civil), Nadaun for proceedings against the petitioner under Public Premises (Eviction of Unauthorized Occupants), Act and sent the file vide communication dated 19.10.2023 i.e., without even waiting for the expiry of statutory period of appeal. Copy of communication dated 19.10.2023 is annexed hereto as Annexure P-25.

18. That in the above circumstances the petitioner filed an appeal under Section 14 read with

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section 13(2) of the H.P. Land Revenue Act, 1954 in the Court of Learned Divisional Commissioner, Mandi against the order dated 17.10.2023 passed by Assistant Collector IInd Grade, Nadaun for either hearing the appeal himself or transferring it to some other Sub Divisional Collector (Civil), except Sub Divisional Collector (Civil), Nadaun for adjudication. However, the prayer made by the petitioner was rejected by Learned Divisional Commissioner, Mandi vide order dated 1.12.2023 directing the petitioner to file an appeal before Sub Divisional Collector (Civil), Nadaun only. Copy of the order dated 1.12.2023 is annexed hereto as Annexure P-26.

19. That the long standing ownership and possession of the petitioner over the land(s) in question is substantiated by the following:-

- The service station over the land(s) in question was got registered by the petitioner with the Department of Industries, Hamirpur in the year 1996 in the name and style of Bindra Service Station. Relevant communication(s) to

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substantiate the aforesaid fact, as well as electricity bills and telephone bills are annexed hereto as Annexure P-27 (Collectively). It is further submitted that the petitioner also has other relevant and contemporaneous material in the shape of bills to substantiate the said fact, however, the same are not been annexed at this stage in order to avoid making the record unnecessary bulky. The petitioner craves for the leave of this Hon'ble Court to produce the same at a subsequent stage, if so required by this Hon'ble Court.

- In the year 2007, Sericulture Department, Nadaun had filed complaint under Section 447 of the Indian Penal Code against the petitioner alleging that he had been trespassing over the land of the Sericulture Department. It is submitted that during the hearing of the said complaint on 5.12.2007, it was found out that the land acquired by the Sericulture Department had been enclosed by them by raising a boundary wall and the petitioner had not crossed the same. It



also came on record that the petitioner had been running service station from the land in question, whereupon Atta Chakki established by the ancestors of the petitioner already existed and people of the entire village and town used to come for making flour. It had also come on record that the petitioner had not made any forcible occupation of the land and the same was already a subject matter of pending proceedings before Revenue Authorities/Court and the said complaint was dismissed. Copy of the order dated 5.12.2007 is annexed hereto as **Annexure P-28.**

- In the year 2000, Sericulture Department had made a complaint alleging therein that the petitioner had encroached upon the Government land, pursuant whereto, proceedings under Section 163 of the H.P. Land Revenue Act, 1954 were initiated against the petitioner. It is submitted that the petitioner was ordered to be evicted by Assistant Collector, 1st Grade, Settlement, Hamirpur vide order dated

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19.9.2004 in Case No. 1/2004, titled State Vs. Yadvinder Singh and First Appellate Court i.e., Assistant Settlement Collector, Kangra at Dharamshala, H.P. vide order dated 17.2.2006 in Case No. 26/05, titled Yadvinder Singh Vs. Department of Sericulture. However, the matter was remanded to Sub Divisional Collector, Nadaun by learned Divisional Commissioner, Mandi Division, Mandi, H.P. vide order dated 21.10.2010 passed in Revision Petition bearing Case No.338/06 directing him to hear the case afresh after giving due opportunity of being heard to the respective parties. Copy of the order dated 21.10.2010 is annexed hereto as Annexure P-29. Subsequent thereto, the case was dismissed vide order dated 27.7.2023 on failure of the Sericulture Department to appear and prosecute the same. Copy of the order dated 27.7.2023 is annexed hereto as Annexure P-30.

- Google Map of the land in question clearly shows old structures of the

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petitioner existing over the land(s) in question, copy whereof along with photographs are annexed hereto as **Annexure P-31 (Collectively)**.

20. That the concerned respondent authority had invited and finalized bid for construction of Tourism Corporation Hotel at Nadaun. Copy of the Tender Summary Report dated 28.12.2023 is annexed hereto as **Annexure P-32**. It is submitted that the petitioner has every reason to believe that he would be ousted from his property by forcible means by the respondents, who are not following due process of law in the matter and bent upon usurping his property.
21. That in the background of aforesaid facts and circumstances, the petitioner prefers this petition, inter-alia on the following grounds:-
- A. That the documentary record annexed with this petition, particularly the record of rights/revenue record/award dated 21.12.1973, passed by Land Acquisition Collector, Hamirpur would clearly demonstrate the fact that only land measuring 6 Kanal 1 Marla in Khasra No. 128 (old) and 11 Kanal 10 Marla in Khasra No. 411/127 (old) and that too having classification

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Barani Do Fasli had been acquired for Mulberry plantation on behalf of Sericulture Department and remaining land(s) in question to the extent of 17 Marlas in Khasra No.128 (old) and 12 Kanal 7 Marlas in Khara No.411/127 (old) remained with the father of the petitioner and later on devolved upon the petitioner and others. Furthermore, respondent authorities in an arbitrary, illegal, unilateral and unconstitutional manner increased the area in favour of the Sericulture Department by mere paper entries and transferred the same in favour of Department and Tourism and Civil Aviation. In as much as the entry in favour of Sericulture Department/Department of Tourism and Civil Aviation in excess of the acquired area is totally arbitrary, illegal, unilateral and unconstitutional. It is not understandable as to how excess area of 1 Kanal 10 Marla could have been conferred upon Sericulture Department/Department of Tourism and Civil Aviation without any notice and/or affording opportunity of being heard to the petitioner.

B. That the respondent authorities being extended wing of welfare State owe duty to act fairly and

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transparently while dealing with its citizenry. It is pointed out that on one hand when the respondent authorities made a correction in the acquired area in Khasra No. 411/127/4 from 10 Kanal 11 Marla to 11 Kanal 10 Marla vide Fard Badar No. 16, they did not make corresponding correction in Khasra No. 128/2 from 6 Kanal 2 Marla to 6 Kanal 1 Marla. It is submitted that mutation No. 2547, dated 19.5.2010 increasing the area of Khasra No. 128/2 (old) 184 (new) from 6 Kanal 1 Marla to 7 Kanal 11 Marlas is also illegal and the said change has been made behind the back of the petitioner and without any notice to him and any further acquisition proceedings having initiated in respect thereof. This fact clearly shows that the respondent authorities have usurped the land of the petitioner without following due process of law. Hence, Fard Badar No. 16 and Mutation No. 2547 dated 19.5.2010 are liable to be quashed and set-aside.

C. That the transfer of land and that too in excess of the acquired area in favour of Department of Tourism and Civil Aviation for a purpose other than the one for which the land had been

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initially acquired by mere office order is against law.

D. That a perusal of mutation No.1028, dated 7.6.1976 and other documents pertaining to the same would show that the acquired land was not properly identified in the Tatima by depicting surround lands in North, South, East and West directions. In as much as the Tatima prepared by the authorities has no sanctity in law and the wrong preparation thereof is resulting in the present dispute. It is submitted that the Sericulture Department was already in possession of the acquired land as a lessee and has fenced the same by erecting the boundary, which fact is borne out of the award dated 21.12.1973, passed by Land Acquisition Collector, Hamirpur, as well as order dated 5.12.2007, passed by Pradhan, Gram Panchayat, Bela. Hence, persistent and repeated demarcations of the land(s) in question at the behest of Sericulture Department/Department of Tourism and Civil Aviation are of no consequence. Moreover, entire land in occupation of the petitioner and that in the possession of Sericulture Department/



Department of Tourism and Civil Aviation is not being measured by the concerned authorities. It is submitted that Sericulture Department/Department of Tourism and Civil Aviation are shown in possession of excess land than that had been acquired. It is submitted that the anomaly can be easily rectified by measurement of the acquired land in possession of Sericulture Department/Department of Tourism and Civil Aviation vis-à-vis the land that remained under the ownership and possession of the predecessor-in-interest(s) of the petitioner and now with the petitioner. Furthermore, the concerned authorities are also liable to be directed to authenticate the alleged Tatima made subsequent to the acquisition proceedings by placing the same upon the Musabi and to correct the same as per the respective possession of the parties on spot and in accordance with the extent of acquisition land made vide Award dated 19.1.1974 passed by Land Acquisition Collector, Hamirpur.

E. That the petitioner is a citizens of India and is being been deprived of the legitimate, proper, effectual and beneficial enjoyment of his

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property. It is submitted respondents are expected to follow the due process of law but they are acting more in its violation. The action on the part of the respondents is violative of Article 300-A of the Constitution of India. It is submitted that the respondents are not following due process of law in the matter. It is submitted that the acts on the part of respondents in trying to usurp the property of the petitioner through paper entries and not following due process of law is unlawful, unjust, illegal, arbitrary and unconstitutional.

F. That acts of omission and commission on the part of respondents are not only arbitrary and unjust but is also violative of Article 14 of the Constitution of India. Petitioner humbly submits that he has a fundamental right of being treated equally with others in application of the provisions of laws of the land and respondents cannot be permitted to act in a manner thereby defeating the provisions as contained in the Constitution of India as also other laws.

G. That facts enumerated here-in-above clearly demonstrate that the impugned action on the part of respondent authorities is harsh,

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oppressive, arbitrary, unreasonable, unjust and illegal. It is submitted that the petitioner has been subjected to unfair treatment by the respondent authorities. It is clear from the facts enumerated here-in-above that respondent authorities have acted in an arbitrary manner in denying the petitioner of his legitimate enjoyment of his property. Resultantly grave injustice and prejudice has been caused to the petitioner. In the circumstances any restriction, self-imposed or statutory, stands removed and no rule or technicality can stand in the way of rendering justice in the matter. It is humbly submitted that this Hon'ble Court being a Court of plenary jurisdiction has inherent power to do complete justice in the matter.

H. That the actions on the part of the respondent authorities are bad for the reason that under simulation or pretension of gaining a legitimate goal their true object is to reach an end different from the one for which such power has been entrusted and is goaded by commercial gain at the cost of petitioner. It is submitted that the custodian of power have been influenced in its exercise by considerations outside those for

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promotion of which the power is vested. It is submitted that such exercise of power by the respondent authorities not only amount to colourable exercise but is also is invalidated by the mere fact that the end which is sought to be attained is beyond the sanctioned purposes. It is the duty of the respondent authorities to ensure more humane, participative, informed and transparent process in dealing with such matters in order to avoid any confrontation with its citizenry and cause least disturbance to the land owners. It is submitted that the land(s) in question had been acquired on behalf of the Sericulture Department for public purpose of raising Mulberry plantation and now the same has been transferred in favour of Department of Tourism and Civil Aviation ostensibly to carry out commercial activities by constructing a hotel. It is submitted that the land could not have been put to any other use but to the one for which it had been acquired. This aspect of the matter is no more res-intergra have already been adjudicated by Hon'ble Apex Court. Therefore, the impugned proceedings and official acts of respondents with regard thereto are vitiated by

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reason of malafide exercise of power. It is submitted that the proceedings against the petitioner are nothing but perversion of State power to satisfy the malefic commercial gains and not to achieve the legitimate or statutory purpose. It is submitted that the impugned proceedings are seared with bad faith and an outcome of politicking under the statutory cover for commercial gains alone and in the process the valuable land(s) of the petitioner is being usurped.

- I. That the respondent authorities, who have been entrusted with various statutory powers and responsibilities under the Act, owe a duty and obligation to ensure that provisions thereof are pressed into service for achieving statutory purpose only and are not flouted. It is unfortunate that the respondents have miserably failed to perform their duties. It is submitted that the powers exercised by the respondent authorities under the Act have been polluted by ensuring commercial gains and are otherwise void on well-established grounds. It is submitted that the land of the petitioner cannot be seized in improper manner. Since the

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respondents have miserably failed to act as per the mandate of law as such proceedings against him stand nullified and lost its binding force. A conspectus of the material on the record would show that the impugned actions on the part of respondents cannot be sustained in the facts and circumstances of the case, as well as in law. The purpose of this writ petition is also to ensure that the respondents carry out their statutory duties as per the mandate of law and do not act in illegal, arbitrary, oppressive and unconstitutional manner. It is submitted that the respondents have been entrusted with various statutory powers and responsibilities and they owe a duty and obligation to ensure that the same are carried out as per the mandate of law and not otherwise. It is well settled principle that if law provides for anything to be done in a particular manner that the same has to be done in that manner only. It is submitted that the respondents have responsibility towards its citizenry also and cannot be guided commercial gains alone.

- J. That the respondents have a duty to act as per the mandate of law, however, they have failed



in discharging their duties. It is submitted that the petitioner has long standing ownership and possession of the land(s) in question. It is submitted that the father of the petitioner had established *Atta Chakki/Gharat-Chah, Kuan* (Well) and *Haudi* (Storage Tank), over *Khasra* No. 411/127 since year 1950 and thereafter petitioner carried out construction of vehicle service station/center in the year 1993, as well as that of a commercial space. It is submitted that respondents have a turned a blind eye at the plight of the petitioner and are bent upon denying him proper and effectual use of his land(s) but also trying to cause him irreparable loss and injury in dislocating him by making persistent attempts to usurp his property. This being so when the Sericulture Department has more 100 Kanals of land adjoining the land in question in the writ petition. If this high handedness is not put a stop to, the same would only set a wrong precedent and would serve an encouragement to the respondents to flout law in future as well.

K. That the demarcation proceedings conducted on 21.7.2023 and subsequent reports, directions

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and order dated 17.10.2023 passed by Assistant Collector IInd Grade, Nadaun in demarcation Case No. 72/2023 titled District Tourism Department Shimla V/s Yatender Katoch, etc. are totally against facts of the case, as well as the law of the land for the following reasons:

- Concerned authorities have bypassed the procedure prescribed U/s 107 HP Land Revenue Act and instructions issued by Financial Commissioner Revenue Shimla, instructions contained in Chapter 10 of HP Land Records Manual and ignored binding directions contained in judgments rendered by this Hon'ble Court and Hon'ble Supreme Court of India,
- Assistant Collector Ist Grade, Nadaun could not have entertained the demarcation on the date it was filed i.e., on 6.5.2023, since on the said date the Department of Tourism and Civil Aviation had not acquired any right, title or interest over the land(s) in question. Therefore, endorsement that the application was

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accompanied with all requisite documents was incorrect.

- The Patwari concerned without any authority made an endorsement in the Jamabandi dated 9.2.2023 regarding subsequent mutations in favour of Department of Tourism and Civil Aviation, which had been filed on 6.5.2023. This amounted to tampering of the record.
- Concerned authorities failed to consider and decide the written Objections/Reply of the petitioner as to the competence of the personnel filing the demarcation proceedings, as well as to its maintainability and merits thereof.
- Perusal of the tone and tenor of the letter dated 30.6.2023 addressed by the Asstt. Tourism Development Officer, Hamirpur to SDM, Nadaun and endorsement made therein clearly showed the influence and pressure wielded by the authorities in the matter and what was the actual motive of the demarcation. This being so when the application was already pending with the

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Assistant Collector Ist Grade, Nadaun. It is submitted that while acting as SDM the communication could not have been entertained.

- The active participation and influence of the SDM-Cum SDO(C), Nadaun to have the demarcation conducted as per the convenience and dictates of the State/Department is writ large on the face of the record. She firstly caused the demarcation to be made, then she presented herself on the spot and thereafter made over the report of the higher authority i.e., Assistant Collector Ist Grade, Nadaun to be confirmed by a lower authority i.e, Assistant Collector IInd Grade, Nadaun.
- Concerned authorities had due knowledge of the pendency of the Civil Suit No. 78/2023 titled Yadvinder Singh V/s State of H.P. pending before Ld. Senior Civil Judge Nadaun HP qua lis and the demarcation proceedings had been conducted in hot haste in order to create evidence in favour of the

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State/Department in order to usurp the land of the petitioner over which he had settled ownership and possession.

- The concerned authorities recorded the statements of the parties i.e., personnel of PWD/NH even though they were not the parties to the demarcation proceedings.
- Demarcation is prohibited in law during the crop season and Kharif season was continuing at the time of demarcation and the same was politically motivated.
- All adjoining owners were neither made party to the demarcation proceedings nor were served. On the contrary statement of some other persons, who did not own the land adjoining the land(s) in question, was taken and their presence was marked. One of the persons Vikram Katoch, who had been impleaded as respondent No. 11, was set exparte and his statement had been recorded by the authorities on their own even though he never appeared. It is further submitted that personnel of the Department namely Deepak Kumar, Junior Assistant gave statement regarding

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acceptance of the demarcation on 16.8.2023, when the same has not even been carried out on spot.

- The authorities did not fix the permanent points as per trigonometric system but adopted totally illegal system in fixing numerous points from A to Q (17 points), when only 3 points in triangle system and 4 points in square system is permissible. Furthermore, no correct diagonal and perpendicular were drawn by the concerned authorities on shajra, while conducting demarcation.
- The old and long standing construction of the petitioner and Khasra Nos.1914, 2002, 2003, 2004 were neither marked nor measured. It is submitted that no tatima thereof was prepared by the authorities. Furthermore, the aforesaid Khasra Nos., as well as those in possession of department did not come with the points marked on the Sajra. In absence thereof, it is not understandable as to how the possession of the respective parties could have been determined.

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- Demarcation of the land in possession of the Department was not carried out.
- Khasra No. 1913 not measured in presence of the petitioner and his encroachment has wrongly been shown over the same. It is submitted that initially the father of the petitioner was the owner of the said Khasra No. and the same had been acquired by HPPWD, however, no compensation with regard thereto had been paid. It is submitted that the HPPWD constructed road over some other Khasra No. and now the same along with Khasra No. 2020 is a subject matter of Writ Petition No.5373/2023 filed by petitioner in this Hon'ble Court. It is relevant to mention here that on 5.10.2023 this Hon'ble was pleased to order that petitioner shall not be displaced from aforesaid land and the said order was extended from time to time.
- That the long standing ownership and possession of the petitioner over the land(s) in question had been duly established. Besides this it was also on

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record that the Department had been a lessee of the acquired land and had fenced the same. In earlier demarcation report/proceedings the possession of the petitioner had duly been established and the Department was found to be in illegal possession of the land belonging to the petitioner, which finding was never disputed by the Department. Therefore, the question of any encroachment did not arise. On the contrary the land in possession of the Department was wrongly increased without mandate of law by mere paper entry.

- That the recommendation contained in the order dated 17.10.2023 of Assistant Collector IInd Grade, Nadaun regarding taking action against the petitioner under provisions of Public Premises (Eviction of Unauthorized occupants) Act are perverse, since the same was never point in issue and the earlier proceedings initiated against the petitioner under Section 163 of the H.P. Land Revenue Act, 1954 on the same issue had been

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dismissed. It is submitted that it is a settled law that no person can be a judge in his own cause, whereas through the aforesaid order this was sought to be done.

- It is submitted without prejudice that nevertheless the possession of the petitioner had been established over Khasra Nos. 1914, 2002, 2003, 2004 in old, as well as fresh demarcation. However, terming it as encroachment or illegal possession is against facts of the case as also law in view of the submissions made hereinabove.

It is submitted that it is a settled principle that justice ought not only be done but should appear to have been done. Hence, the demarcation proceedings conducted on 21.7.2023 and subsequent reports, directions and order dated 17.10.2023 passed by Assistant Collector IInd Grade, Nadaun in demarcation Case No. 72/2023 titled District Tourism Department Shimla V/s Yatender Katoch, etc. are liable to be quashed and set aside.

L. That respondent authorities are under constitutional and legal obligation to act in a

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fair, just, objective manner. Their actions are required to be in conformity with laws. Respondents cannot act in a manner which is totally bereft of any just and reasonable basis and is against public policy and public interest. It is submitted that there is no transparency in the working of the respondent authorities. The acts of omissions and commission on the part of the respondent authorities are malafide and smack of colourable exercise of power. Petitioners submit that their constitutional rights guaranteed under Article 14, 16 and 21 of the Constitution of India are being violated due to the acts of omission and commission on the part of the respondents. Petitioner humbly submits that he has a fundamental right of being treated equally with others in application of the provisions of laws of the land and respondents cannot be permitted to act in a manner thereby defeating the provisions as contained in the Constitution of India as also other applicable laws. The petitioner is being subjected to unfair treatment by the respondents. It is clear from the facts enumerated here-in-above that respondents are acting in an arbitrary manner in order to



deny the petitioner of his legitimate due. Therefore also, this writ petition deserves to be allowed, for which the petitioner prays.

- M. That facts enumerated here-in-above clearly demonstrate that the impugned actions on the part of respondent authorities are highly arbitrary, harsh, illegal, oppressive, unreasonable, unjust and unconstitutional and are against the principles/mandate of good governance. It is submitted that the petitioner is being subjected to unfair treatment by the respondent authorities. It is clear from the facts enumerated here-in-above that respondent authorities have acted in an arbitrary manner. Resultantly, grave injustice and prejudice is being caused to the petitioner.
- N. That the impugned actions on the part of the acquisition authorities are aimed to please political bosses at the cost of the petitioner and unquestionably amount to colourable exercise of power or fraud on power or legal malafides. It is submitted that the motivated proceedings have invaded the right of the petitioner to enjoy of his property. It is submitted that the impugned proceedings are an example of

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illegitimate excesses and the length to which the executive would go to come to terms with those wielding political power. Therefore also, impugned proceedings are liable to be quashed as being arbitrary, unreasonable or mala fide. This is being submitted for the reason that the respondent authorities have failed to perform their duties in a manner as to frustrate the object of the laws and for implementing the same for which such jurisdiction has been conferred upon them. As such, the impugned actions/decisions of the respondent authorities are open to judicial review by this Hon'ble Court. This is an appropriate case in which Court may extend its arm upholding the rule of law.

- O. That the facts and circumstances detailed hereinabove would clearly demonstrate that respondent authorities have acted more in breach than in compliance of the laws of the land while performing their statutory duties and functions. Therefore, there is no impediment for this Hon'ble Court to exercise its jurisdiction in the matter as there are exceptional circumstances warranting such exercise of jurisdiction. This being so since the respondent

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authorities have failed to perform their duties on mala fide or irrelevant considerations or by ignoring the relevant considerations and materials. It is submitted that it is fit and proper case, in which any restriction, self-imposed or statutory, stands removed and no rule or technicality can stand in the way of rendering justice in the matter by issuing appropriate writ, order or directions to the respondent. It is humbly submitted that this Hon'ble Court being a Court of plenary jurisdiction has inherent power to do complete justice in the matter. Therefore, this is a fit and proper case, wherein this Hon'ble Court, in the exercise of its jurisdiction under Article 226 and to prevent injustice, can grant the relief(s) prayed for and/or pass directions sought by the petitioner in order to prevent injustice and may itself pass an order or give directions to the respondent authorities, which they ought have passed or given had they properly and lawfully exercised their powers.

22. That the present writ petition is being filed without prejudice to the determination of his rights in the Civil Suit.

(45)

23. That the petitioner has no other alternative or efficacious remedy other than to approach this Hon'ble Court under Article 226 of the Constitution of India for seeking appropriate writ, order or direction against the respondents. It is submitted that the petitioner came to know about the illegal acts on the part of the respondent authorities only when the Department of Sericulture applied for demarcation and he obtained relevant documents under Right to Information Act, 2005. Furthermore, the petitioner sought alternative remedy against the illegal acts on the part of the respondent authorities without any avail. It is submitted that respondents persisting upon usurping the land of the petitioner without following due process of law. Hence, the petitioner has no other alternative and efficacious remedy but to approach this Hon'ble Court.
24. That the petitioner has not filed any other petition earlier before this Hon'ble Court or before any other court including the Supreme Court of India on the same or similar cause of action. The details of other litigations have been given by the petitioner here-in-above.

It is, therefore, respectfully prayed that this writ petition may be allowed and this Hon'ble

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Court may be pleased to grant the following reliefs:

- i) Direct the respondents to produce the entire record pertaining to the case;
- ii) Issue any other appropriate writ, order or direction to the respondents to cause holistic demarcation of the acquired land under occupation/possession of Tourism Department (Earlier under occupation/possession of Sericulture Department) and vis-à-vis the land that remained under the ownership and possession of the predecessor-in-interest(s) of the petitioner and now with the petitioner in order to determine the extent of occupation/possession of respective parties;
- iii) Call for the report of revenue authorities qua the authenticate the alleged Tatima made subsequent to the acquisition proceedings by placing the same upon the Musabi and to correct the same as per the respective possession of the parties on spot;
- iv) Quash and set aside Fard Badar No. 16 and Mutation No. 2547 dated 19.5.2010;

(27)

- v) Quash and set aside communication dated 7.3.2023 issued by Director of Industries and order dated 18.4.2023 qua transfer land in question from Sericulture Department in favor of Department of Tourism and Civil Aviation, as well as Mutation Nos. 945 dated 11.5.2023 and 965 dated 18.7.2023;
- vi) Quash and set aside demarcation proceedings conducted on 21.7.2023 and subsequent reports, directions and order dated 17.10.2023 passed by Assistant Collector IInd Grade, Nadaun in demarcation Case No. 72/2023 titled District Tourism Department Shimla V/s Yatender Katoch, etc., as well as order dated 1.12.2023 passed by Divisional Commissioner, Mandi Division, H.P. or in the alternative appropriate order, direction, writ may be issued for making over the appeal of the petitioner against order dated 17.10.2023 passed by Assistant Collector IInd Grade to any Sub Divisional Officer (Civil), except Sub Divisional Officer (Civil), Nadaun;
- vii) Direct the respondents not dispossess the petitioner of the land(s) comprised in Khasra

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Nos. 1914, 2002, 2003, 2004 (New) part of
(*Khasra* No. . 183: 426/411/127: and
411/127/4 Old) till the adjudication of writ
petition on merits;

- viii) Costs may also be awarded to the petitioner;
- ix) Any other or further relief as this Hon'ble
Court may deem fit and proper in the facts
and circumstances of the case may also be
granted in favour of the petitioner and against
the respondents in the interest of justice.

Petitioner

Through counsels

Shimla
4.1.2024

Suneet Goel & Vivek Negi
Advocates

(49)

IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH AT SHIMLA

C.W.P. No. of 2024

In the matter of:

Yadvender Singh ...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Affidavit in support of accompanying writ petition.

I, Yadvender Singh, S/o Roop Chand
Resident of Village Seri, P.O. & Tehsil Nadaun,
District Hamirpur, (H.P), aged about 57 years,
Occupation agriculturist, do hereby solemnly
affirm and state on oath as under:

1. That the writ petition has been drafted by my counsel under my instructions. I have read and understood the contents of paras 1 to 24 of the writ petition. I further affirm that the same are true and correct to the best of my knowledge and belief and on the basis of legal advice received and nothing material has been concealed there from.
2. That the contents of this affidavit of mine are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified on this 4th day of January, 2024 at Shimla.

Deponent



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IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA

C.W.P. No. of 2024

In the matter of:

Yadvender Singh

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

LIST OF DOCUMENTS

Sr. No.	Particulars	Pages
1.	Annexure P-1(Collectively): Copy of the <i>Jamabandi(s)</i> for the year 1937-38 and 1971-72	53-54
2.	Annexure P-2: Copy of the <i>Jamabandi</i> for the year 1971-72.	55
3.	Annexure P-3: Copy of Award dated 19.1.1974 passed by Land Acquisition Collector, Hamirpur	56-63
4.	Annexure P-4): Copy of Mutation No. 1028, dated 7.6.1976.	64
5.	Annexure P-5: Copy of Mutation No. 1028, dated 7.6.1976.	65-68
6.	Annexure P-6: Copy of <i>Jamabandi</i> for the year 1981-82.	69-70
7.	Annexure P-7: Copy of <i>Jamabandi</i> for the year 1986-87 reflecting <i>Fard Badar</i> No. 16.	71-72
8.	Annexure P-8: Copy Mutation No. 2547 dated 19.5.2010.	73
9.	Annexure P-9: Copies of the <i>Jamabandi (s)</i> for the year 2010-2011.	74-75

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10.	Annexure P-10: Copies of the Jamabandi (s) for the year 2010-2011.	76
11.	Annexure P-11: Copy of application dated 5.2.2019.	77-78
12.	Annexure P-12: Copy of the report dated 23.1.2019.	79-81
13.	Annexure P-13: Copy of and confirmation order dated 16.12.2019.	82-83
14.	Annexure P-14: Copy of order dated 20.6.2023. <i>along with title copy</i>	84-89
15.	Annexure P-15 (Collectively): Copies of the plaint and written statement filed by the respective parties.	90-142
16.	Annexure P-16: Copy of order dated 18.4.2023. <i>along with title copy</i>	143-144
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18.	Annexure P-18 (Collectively): Copy of the demarcation application along with accompanying documents	149-184
19.	Annexure P-19 (Collectively): Copy of the replies/objections.	185-206
20.	Annexure P-20: Copy of the communication dated 30.5.2023 containing the endorsement of the Sub Divisional Magistrate, Nadaun	207
21.	Annexure P-21: Copy of demarcation report dated 21.7.2023.	208-217
22.	Annexure P-22: Copy of the order dated 5.8.2023. <i>along with title copy</i>	218-225
23.	Annexure P-23: Copy of reply/objection	226-265

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24.	Annexure P-24: Copy of the order dated 17.10.2023	266-267
25.	Annexure P-25: Copy of communication dated 19.10.2023	268
26.	Annexure P-26: Copy of the order dated 1.12.2023.	269-295
27.	Annexure P-27 (Collectively): Copies of communication(s) along with electricity and telephone bills.	296-302
28.	Annexure P-28: Copy of the order dated 5.12.2007.	303
29.	Annexure P-29: Copy of the order dated 21.10.2010	304-306
30.	Annexure P-30: Copy of the order dated 27.7.2023.	307
31.	Annexure P-31: Copy of Google Map showing old structures of the petitioner existing over the land(s) in question along with photographs.	
32.	Annexure P-32: Copy of the Tender Summary Report dated 28.12.2023	

Petitioner

Through counsels

Shimla
4.1.2024

Suneet Goel & Vivek Negi
Advocates



Yadvinder Singh vs. State of H.P. & others

CWP No.10857 of 2023

29.12.2023 Present: Mr. Ajay Sharma, Senior Advocate, with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Pushpinder Jaswal, Additional Advocate General, for respondent No.1-State.

CWP No.10857 of 2023

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of respondents No.1 to 7-State. Issue notice to respondents No.8 to 14, returnable for **10.04.2024**, on steps being taken within one week.

It is made clear that at this stage this Court has issued notices only qua relief (b) onwards as learned counsel for the petitioner will have to satisfy the Court as to how a Writ Petition is maintainable seeking quashing of sale deed.

CMP No.19663 of 2023

Notice in above terms. Interim to be considered after the service of private respondents.

(Ajay Mohan Goel)
Judge

December 29, 2023
(Rishi)

**Yadvinder Singh vs. State of H.P. and others****CWP No.10857 of 2023**

10.04.2024 Present Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

Despite service, none has come present on behalf of respondent Nos. 8 to 14 and as such, they are ordered to be proceeded against ex-parte.

Learned Additional Advocate General prays for and is granted last opportunity of three weeks' to file reply, failing which, respondent Nos. 4 to 6 shall remain present in Court on the next date of hearing.

List on **7.5.2024**.

(Sandeep Sharma)
Judge

April 10 2024
(shankar)

**Yadvinder Singh v. State of Himachal Pradesh and Ors.****CWP No. 10857 of 2023**

7.5.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, with Mr. Ravi Chauhan, Deputy Advocate General, for the State.

Though reply on behalf of respondents No. 1 to 7 except respondent No. 3 is stated to have been filed, but same is not on record. Registry to trace and place the same on record, if in order. Since copy of afore reply stands received by the counsel for the petitioner, he prays for and is granted two weeks' time to file rejoinder.

While placing on record communication dated 6.5.2024, issued under the signature of Director of Industries, Himachal Pradesh, learned Additional Advocate General, states that since land already stands transferred to the Department of Tourism vide office orders dated 27.2.2024 and 8.2.2024, no reply is required to be filed on behalf of the Department of Industries. In view of the above, right to file reply on behalf of respondent No.3 stands closed.

May 7, 2024
Manjit

(Sandeep Sharma),
Judge

**Yadvinder Singh v. State of Himachal Pradesh and Ors.****CWP No. 10857 of 2023****7.5.2024**

Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, with Mr. Ravi Chauhan, Deputy Advocate General, for the State.

Though reply on behalf of respondents No. 1 to 7 except respondent No. 3 is stated to have been filed, but same is not on record. Registry to trace and place the same on record, if in order. Since copy of afore reply stands received by the counsel for the petitioner, he prays for and is granted two weeks' time to file rejoinder.

While placing on record communication dated 6.5.2024, issued under the signature of Director of Industries, Himachal Pradesh, learned Additional Advocate General, states that since land already stands transferred to the Department of Tourism vide office orders dated 27.2.2024 and 8.2.2024, no reply is required to be filed on behalf of the Department of Industries. In view of the above, right to file reply on behalf of respondent No.3 stands closed.

May 7, 2024*Manjit***(Sandeep Sharma),
Judge**



Yadvinder Singh Vs. State of HP and Ors.

CWP No. 10857 of 2023

28.06.2024 Present: Mr. Ajay Sharma, Sr. Advocate, with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. L. N. Sharma, Mr. Varun Chandel and Mr. Dalip K. Sharma, Additional Advocates General, with Ms. Avni Kochhar and Mr. Sikandar Bhushan, Deputy Advocates General, for respondents -State.

Rejoinder, as prayed for, be filed within two weeks.

List on **31.07.2024.**

Jyotsna Rewal Dua
Judge

June 28, 2024
(R.Atal)



Yadvinder Singh Vs. State of H.P. & Ors. a/w connected matters

**CWP No.5373 of 2023 a/w CWP
No.10857 of 2023 & 381 of 2024**

31.07.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos.5373 & 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP No.381 of 2024.

Mr. Anup Rattan, Advocate General with Mr. L.N. Sharma & Mr. Amandeep Sharma, Additional Advocates General and Ms. Avni Kochhar, Deputy Advocate General, for the respondents-State in all the matters.

Ms. Nisha Nalot, Advocate vice Ms. Ambika Kotwal, Advocate, for respondent No.12 in CWP No.5373 of 2023, though proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Ms. Nisha Nalot, learned vice counsel states that she intends to move an application for recalling the order dated 01.11.2023, whereby respondent No.12 was proceeded against ex-parte.

Learned Advocate General submits that the record as was directed to be produced vide order dated 24.05.2024 has not been brought by the concerned officials. He prays for and is allowed three weeks' time to comply with the order dated 24.05.2024. The record in terms of this order be now made available on the next date of hearing.

CWP No.381 of 2024

Learned Advocate General submits that respondents No.1, 4 and 7 to 11 have filed their reply. He

further submits that respondents No.2 and 3 shall adopt the reply filed by these respondents. The reply, however, is not on record. Be placed in file, if in order. Final opportunity of three weeks, as prayed for, is made available to file reply on behalf of such respondents, who have not filed the same till date.

List all these matters on **24.08.2024**.

July 31, 2024
Mukesh

Jyotsna Rewal Dua
Judge

High Court of Jharkhand



Yadvinder Singh Vs. State of HP & Ors. and connected matters

**CWP No.5373 of 2023 a/w
CWP No. 10857 of 2023
and CWP No.381 of 2024**

24.08.2024 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos. 5373 and 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP Nop. 381 of 2024

Mr. Anup Rattan, Advocate General with Mr. Y. P. S. Dhaulta and Mr. Amandeep Sharma, Additional Advocates General and Ms. Leena Guleria, Deputy Advocate General, for the respondents—State in all the matters.

Mr. Varun Sharma, Advocate vice counsel for respondent no.12 in CWP No. 5373 of 2023, through proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Learned counsel for respondent No.12 states that application for recalling order dated 01.11.2023 has been moved in the Registry, however, the same is not on record. Learned counsel to ensure that by the next date of hearing, said application is placed in the file after removing objections, if any, therein.

Learned Deputy Advocate General submits that record is not available today.

It is noticed that previously also, record was not produced despite there being a direction issued in that regard on 27.06.2024. Be produced on the next date of hearing.

CWP No.381 of 2024

Despite grant of final opportunity to respondents No. 5 and 6, have not filed their replies. Their right to file the same shall stand closed.

Rejoinder to the replies already on record, be filed within three weeks.

CWP No.5373 of 2023 a/w CWP No. 10857 of 2023 and CWP No.381 of 2024

List all the matters on **19.09.2024**

Jyotsna Rewal Dua
Judge

August 24, 2024
(R.Atal)

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

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Petitioner

Through Counsel:

Shimla:

Dated: 17.12.2023

(Atharv Sharma)
Advocate

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. _____ of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

LIST OF EVENTS:

Date	Event
-	Respondent No.3 illegally possessed land of the petitioner and his co-sharers, i.e. private respondents herein, through Sericulture Officer, Nadaun, District Hamirpur, H.P. comprised in Khata No.3 Min, Khatoni No.7 Min, Khasra Nos.2016 and 2017, area measuring 390.62 sq. meters situate in Mohal Seri, Mauja Jalari, Tehsil Nadaun, District Hamirpur, H.P.
18.01.2019	Report has been filed by the Revenue Officer, which depicts that there is illegal

	possession of the Sericulture Department on Khasra Nos.2016 and 2017 owned by the petitioner and his other co-sharers.
25.11.2023	Letter is issued from the office of the Director Tourism & Civil Aviation, Himachal Pradesh, respondent herein, copy available in Annexure P-3(Colly.), vide which reference has been given with respect to the sale deeds, Annexure P-3(Colly.), and vide para-2 of the said letter, directions have been given for compulsory acquisition of the land of the petitioner in Khasra No.2016 and 2017 with respect to his share and for the purpose, even amount has also been settled as is stated in the said letter.
08.12.2023 & 15.12.2023	The official respondents struck deal with other co-sharers of the petitioner and got sale deeds executed of the land in question. The sale deeds so got made by the Tourism Department from co-sharers of the petitioner are in contravention of the provisions of the Transfer of Property Act,

	more especially Section 44 of the said Act.
17.12.2023	Present writ petition got drafted.

Petitioner

Shimla:
Dated: 17.12.2023

(Atharv Sharma)
Advocate

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**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. _____ of 2023

In the matter of:

Yadvinder Singh S/o Shri Roop Chand, aged 56 years,
resident of Village Seri, P.O. & Tehsil Nadaun, District
Hamirpur, H.P.

Petitioner

Versus

1. State of Himachal Pradesh through Secretary (Tourism) to the Government of Himachal Pradesh, Shimla-171002.
2. The Secretary (Revenue) to the Government of Himachal Pradesh, Shimla-171002.
3. The Secretary (Industries) to the Government of Himachal Pradesh, Shimla-171002.
4. The Director Tourism & Civil Aviation, Himachal Pradesh, SDA Complex, Kasumpti, Shimla-171009.
5. The Collector-cum-Deputy Commissioner, Hamirpur, District Hamirpur, H.P.
6. The Sub-Divisional Officer (Civil), Nadaun, District Hamirpur, H.P.
7. The Sub-Registrar, Nadaun, Tehsil Nadaun, District Hamirpur, H.P.
8. Shri Maninder Chand,

ATTESTED

OATH COMMISSIONER

- 5
9. Shri Vikram Singh,
Both sons of Shri Devinder Chand,
 10. Shri Yatinder Katoch, son
 11. Shri Vijender Katoch, son
 12. Smt. Pushpa Katoch, wife
of late Shri Bhupender Singh son of late Shri Roop
Chand,
 13. Shri Shailendar Chand, son of late Shri Roop
Chand,
 14. Shri Manoj Kumar, son of Shri Nanak Chand,

All residents of Village Seri, P.O. & Tehsil
Nadaun, District Hamirpur, H.P.

Respondents

**CIVIL WRIT PETITION UNDER ARTICLE
226 OF THE CONSTITUTION OF INDIA
WITH A PRAYER FOR ISSUANCE OF AN
APPROPRIATE WRIT, ORDER OR
DIRECTION TO THE RESPONDENTS ON
THE GROUNDS MENTIONED IN THE
BODY OF THE WRIT PETITION WITH A
FURTHER PRAYER FOR GRANT OF
RELIEF(S) AS PRAYED FOR IN THE
RELIEF CLAUSE IN FAVOUR OF THE**

ATTESTED
OATH CO

6

PETITIONER AND AGAINST THE
RESPONDENTS, IN THE INTEREST OF
LAW AND JUSTICE:

Petitioner

Through Counsel:

Shimla:
Dated: 17.12.2023

(Atharv Sharma)
Advocate

ATTESTED
OATH COMMISSIONER

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MAY IT PLEASE YOUR LORDSHIPS:

1. That the petitioner is a citizen of India and permanent resident of the above-mentioned address and in the facts and circumstances enumerated herein-below, he is entitled to file and maintain the present writ petition.
2. That respondents No.1 to 7 are "State" and "Instrumentalities of the State" under Article 12 of the Constitution of India and are amenable to the writ jurisdiction of this Hon'ble Court.
3. That briefly stated, facts of the case are that respondent No.3 illegally possessed land of the petitioner and his co-sharers, i.e. private respondents herein, through Sericulture Officer, Nadaun, District Hamirpur, H.P. comprised in Khata No.3 Min, Khatoni No.7 Min, Khasra Nos.2016 and 2017, area measuring 390.62 sq. meters situate in Mohal Seri, Mauja Jalari, Tehsil Nadaun, District Hamirpur, H.P. Petitioner at this stage only, humbly and respectfully begs to annex photocopy of Jamabandi for the year 2019-20 as **Annexure P-1** to substantiate the fact that

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petitioner and his other co-sharers are owners-in-possession as are shown in Annexure P-1 but respondent No. 3, as stated supra, through Sericulture Officer, Nadaun possessed the said land illegally that too since long and various requests as made from time to time orally and in writing also remained unfruitful and respondent No.3 remained in unauthorized possession of the land of the petitioner and his other co-sharers, thus, petitioner and his other co-sharers are entitled for use and occupation charges for using the land unauthorizedly by respondent No.3.


It is submitted that respondent No.3 will not deny this aspect of the matter that above-stated land owned by the petitioner and his other co-sharers is illegally possessed by the said respondent since long. However, a few photographs are being annexed herewith as **Annexure P-2** to depict the possession of respondent No.3, through Sericulture Officer, Nadaun, and respondent No.3 even has put boundary wall around the land in question. It is worth to mention at this stage only that this land is

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OATH COMMISSIONER

situated just adjacent to the National Highway Shimla-Mataur and is near the bazaar of Nadaun. The land is situate just near to the Amtar Cricket Stadium at Nadaun and the respondents will not deny the fact that land is having commercial value.

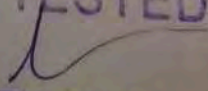
4. That when official respondents did not adhere to the request of the petitioner to vacate the land being illegally possessed and used by respondent No. 3 through sericulture officer Nadaun, a civil suit came to be filed in the Civil Court at Nadaun. The said civil suit still is pending, but the same is going to be withdrawn on the next date of hearing. However, in the meantime, respondent No. 3 in connivance with other respondents got an entry made in the revenue records with respect to transferring the suit land to the Tourism Department. It is submitted that this aspect again will not be denied by the respondents but in case denied, photocopy of the Rapat/Intkal as is got made for the purpose illegally and arbitrarily and without following the procedure by the Revenue officials will be produced.

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OATH COMMISSIONER

5. That the official respondents struck deal with other co-sharers of the petitioner and got sale deed executed of the land in question. Petitioner has obtained certified copies of the said sale deeds and are annexed herewith as **Annexure P-3(Colly.)**. The said sale deeds are dated 08.12.2023 and 15.12.2023. The sale deeds so got made by the Tourism Department from co-sharers of the petitioner are in contravention of the provisions of the Transfer of Property Act, more especially Section 44 of the said Act. It is submitted that Sub-Registrar Nadaun exceeded jurisdiction vested in him while registering the said sale deeds and petitioner has got reasons to believe and to allege that the Sub-Registrar Nadaun acted illegally just on the askance of the other respondents as otherwise, in natural course of action, even said Sub-Registrar is refusing sale deeds which are contrary to the provisions of Section 44 of the Transfer of Property Act.

In fact, illegality as is committed by the Sub-Registrar Nadaun on the askance of the other respondents is that from one Khata as is clear from

ATTESTED


OATH COMMISSIONER

perusal of Annexure P-1, Jamabandi for the year 2019-20, shares of two Khasra Nos. only have been transferred by registering sale deeds with respect to the shares of private respondents herein. As per settled law, from one Khata, whole of the share of the shareholders could have been sold and sale deed qua the same could have been registered. Share of particular Khasra Nos. in one Khata as is clear from Annexure P-1, supra, as is ordered to be transferred, vide sale deeds, Annexure P-3(Colly.), is contrary to the provisions of Section 44 of the Transfer of Property Act. For the purpose, even instructions have been issued by the Secretary (Revenue)/Financial Commissioner (Revenue) to the Government of Himachal Pradesh that sale deeds with respect to particular Khasra Nos. in one Khata by a co-sharer cannot be registered but despite that, Sub-Registrar Nadaun registered the sale deeds and, as such, Annexure P-3(Colly.), sale deeds, not only are voidable but void, in law, thus, untenable and it is submitted at this stage only that let the respondents address this issue, more particularly the fact that when instructions have been issued by the Secretary (Revenue)/Financial

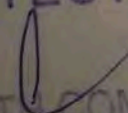
ATTESTED

OATH COMMISSIONER

Commissioner, why and under what circumstances, said instructions and provisions of Section 44 of the Transfer of Property Act have been violated. Present is a case in which matter is required to be referred to the learned Chief Secretary to the Government of Himachal Pradesh to conduct an inquiry or get the same conducted as Sub-Registrar, Nadaun has exposed himself for action for misconduct as per provisions of the service jurisprudence and directions may be issued to the said authority to produce on record Action Taken Report so that the same may be an eye-opener for others not to act illegally while discharging duties as per provisions of the Act and Rules.

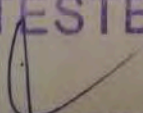
6. That petitioner when was approached by the official respondents for selling the said land of his share also, objection was taken by the petitioner that first settle the user and occupation charges for use of the said land since long by the said respondents, but respondents flatly refused and, as such, petitioner declined to sell the said land of his share.

ATTESTED


OATH COMMISSIONER

Kind attention of this Hon'ble Court is drawn towards letter dated 25.11.2023 as is issued from the office of the Director Tourism & Civil Aviation, Himachal Pradesh, respondent herein, copy available in Annexure P-3(Colly.), supra, vide which reference has been given with respect to the sale deeds and vide para-2 of the said letter, observations/directions have been given for compulsory acquisition of the land of the petitioner in Khasra No. 2016 and 2017 with respect to his share and apathy of the matter is that for the purpose, even amount has also been settled as is stated in the said letter, which act again is in violation of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred to as the "Act of 2013"). In the said letter, after determining the amount, vide endorsement as is made, directions have been given to the Deputy Commissioner, Hamirpur and S.D.O. (Civil), Nadaun, respondents herein, to proceed in the matter for compulsory acquisition, which act on the part of the Director Tourism and Civil Aviation, Himachal Pradesh is

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totally untenable and contrary to the provisions of the Act of 2013.

7. That perusal of the provisions of the Act of 2013, more particularly Chapter-IV, which deals with notification and acquisition, would depict that as per Section 11, publication of preliminary notification, as per Section 12, preliminary survey and thereafter as per Section 13 onwards of the said Act, payment of damages, Lapse of Social Impact report, hearing of objections, preparation of rehabilitation and resettlement scheme etc. are provided and then as per Section 21, notice to the persons interested is required to be given and thereafter acquisition procedure is required to be followed in determining the market value and payment of solatium etc. and then said amount is required to be paid. In the case in hand, official respondents having not adhered to any of the above-stated provisions of the Act of 2013, thus, again second illegality has been committed by the respondents. As per settled law, authorities of the State can act in the four corners of the Act and Rules. In the case in hand, firstly there is violation

ATTESTED
COMMISSIONER

of the provisions of the Transfer of Property Act and secondly, there is violation of the provisions of the Act of 2013.

8. That as per Chapter-IV of the Act of 2013, there are provisions, i.e. Section 38, vide which owner to take possession of land to be acquired is there and further as per Section 40, there are specific powers in the case of urgency to acquire land in certain cases. Provisions of Section 38 of the Act of 2013 would depict that power to take possession of the land to be acquired only can be invoked when full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered that too after a particular period of time which in the case in hand is missing and possession already having been taken that too since long, as stated supra.
9. That as per provisions of Section 40 of the Act of 2013, there are special powers in case of urgency to acquire land in certain cases. Perusal of Section 40 would depict that in cases of urgency, whenever an appropriate Government so directs, the Collector, may be without any award but on the

ATTESTED

OATH COMMISSIONER

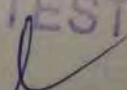
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expiration of thirty days from the publication of the notice mentioned in Section 21, can take possession of any land needed for public purpose but again in the case in hand, there is no notice published under Section 21 of the Act, but land has been possessed by the official respondents, thus, there is violation of Article 300A of the Constitution of India.

Holding and possessing a land now may not be a fundamental right available to a citizen but admittedly, a citizen has got constitutional right to hold and possess a land. Without following due process of law, no citizen of a State can be deprived of said constitutional right as has been by the official respondents in the case in hand, thus, no other source is left with the petitioner except to invoke extraordinary jurisdiction of this Hon'ble Court that too solely for the sake of justice/substantial justice.

10. That with respect to some lands, an application for demarcation came to be filed by the Sericulture Officer, Nadaun. True it is that said application is not with respect to Khasra Nos.2016 and 2017,

now land being referred in the present writ petition, but during the course of said demarcation, when report came to be made by the Revenue Officer, it stands specifically and categorically stated in the said report that on Khasra Nos. 2016 and 2017 ownership is of the petitioner and his other co-sharers, but possession on the land of the petitioner and his other co-sharers is of the Sericulture Department. Now the question which surfaces to the fore is that since when said illegal possession of the Sericulture Department on the land of the petitioner and his other co-sharers is there, is a question to be addressed by the official respondents, particularly and specifically while filing reply. Until unless official respondents advert to the said question in their reply that too honestly and come with the plea of paying use and occupation charges since the date of their illegal possession, present is a case in which official respondents are liable to be restrained from acquiring the land of the petitioner, may be as per provisions of the compulsory acquisition. It is submitted that so far as the Act of 2013 is concerned, there is no provision for compulsory

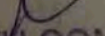
ATTESTED

OATH COMMISSIONER

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acquisition, (subject to correction by the respondents), no doubt, Section 40 above referred deals with acquiring land on urgent basis, but for the purpose also, specific procedure is required to be followed. In the case in hand, perusal of the letter of Director Tourism and Civil Aviation, Himachal Pradesh, respondent herein, as is referred to supra and available in Annexure P-3(Colly.), would depict that reference is being made by the said respondent to the Act of 2013 but with directions for compulsory acquisition, which directions again are by overstepping the jurisdiction vested in the said respondent as there is no provision for compulsory acquisition in the said Act. Photocopy of the report dated 18.01.2019 having been referred above filed by the Revenue Officer is annexed herewith as **Annexure P-4** which depicts that there is illegal possession of the Sericulture Department on Khasra Nos.2016 and 2017 owned by the petitioner and his other co-sharers.

11. That petitioner being aggrieved of the illegal acts of the official respondents; (a) using the land of the

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petitioner and his other co-sharers by the official respondents unauthorizedly since long; (b) getting the sale deeds, Annexure P-3(Colly.), registered contrary to the provisions of the Transfer of Property Act and in violation of the instructions issued by the Secretary (Revenue)/Financial Commissioner for the purpose; and (c) illegally and arbitrarily determining the amount of compensation to be paid to the petitioner without adhering to the provisions of the Act of 2013, humbly and respectfully begs to files this writ petition in this Hon'ble Court on the following amongst other grounds:-

- (A) That above-stated impugned acts of the respondents, are highly illegal, unfair, unjust, harsh, oppressive, thus, arbitrary and, in turn, unconstitutional, in law, untenable, therefore, are liable to be quashed and set aside, for which humble petitioner respectfully prays for.
- (B) That there is complete violation on the part of the official respondents of the provisions of the Transfer of Property Act in registering the sale deeds, Annexure P-3(Colly.). It is submitted that

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as per settled law on the point as is stated in catena of judgments of Hon'ble Courts that a co-sharer can sell his share of land but his whole of the share in one Khata, but co-sharer cannot sell share in specific khasra nos in one Khata as has been got done by the official respondents, vide sale deeds, Annexure P-3(Colly.), thus, said sale deeds, in law, are totally untenable and liable to be quashed and set aside being in violation of the provisions of the Transfer of Property Act, more specifically Section 44 of the said Act. As there is violation of the provisions of the Transfer of Property Act is writ large and sale deeds, Annexure P-3(Colly.), are not only voidable but void, thus, extraordinary powers vested in this Hon'ble Court are being invoked as there is no disputed question of fact required to be adjudicated in the case in hand.

- (C) That there is complete non-application of mind on the part of the official respondents in the case in hand, while registering Annexure P-3(Colly.) and settled law is that if authorities of the State like official respondents act without application of mind as is in the case in hand, vide Annexure P-

ATTESTED

OATH COMMISSIONER

3Colly.), resultant action, in the case in hand, Annexure P-3, in law, is untenable, thus, liable to be quashed and set aside, for which humble petitioner respectfully prays for.

- (D) That there is violation of the settled principle of legitimate expectations. It is submitted that the petitioner legitimately expected that the official respondents being mighty State, will act in accordance with the provisions of the Act and Rules, having not, rather official respondents acted in violation of the provisions of the Act and the Rules, thus, legitimate expectations of the petitioner and, in turn, principle stand violated and frustrated, thus, the present writ petition.
- (E) That perusal of the facts of the case as narrated above would depict that there is complete violation of the provisions of the Act of 2013 as the Director Tourism & Civil Aviation, Himachal Pradesh, vide letter dated 25.11.2023, available in Annexure P-3(Colly.), determine the amount to be paid to the petitioner with directions to the Collector-cum-Deputy Commissioner, Hamirpur, H.P. and S.D.O. (Civil), Nadaun to proceed for compulsory

ATTESTED
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SATHI COMMISSIONER

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acquisition of the land of the petitioner, which act on his part is in violation of the provisions of the Act, inasmuch as that there is specific procedure prescribed for the purpose and after following the said procedure only, acquisition proceedings can be adhered to, more particularly there being no provision for compulsory acquisition, thus, official respondents acted in a manner to guide law by rule instead of allowing the rule of law to prevail, thus, the present petition.

- (F) That ours being a welfare State and rule of law being prevalent, official respondents cannot be allowed to act contrary to the same and what to speak of *prima facie* but *ex facie* official respondents have acted contrary to rule of law, thus, the present writ petition.
- (G) That official respondents being mighty State and, in fact, are termed and considered as custodian of the interests of the citizens of the State but in the case in hand, acted contrary to the interests of the citizen, i.e. petitioner, and in violation of the provisions of the Acts and Rules,. In fact, official respondents being mighty State, ought to have

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COMMISSIONER

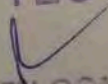
acted fairly and settled the matter with the petitioner for the period for which said respondents remained in possession of the land of the petitioner and his other co-sharers and then in case of need be, matter ought to have been settled with respect to acquisition also but respondents having not, thus, the present writ petition.

12. That there is no other alternative and efficacious remedy available to the petitioner except to approach this Hon'ble Court for the redressal of its grievances.
13. That the petitioner has not approached this Hon'ble Court or any other Court of Law including the Hon'ble Supreme Court of India on the similar grounds and for the same or similar relief(s).

It is, therefore, respectfully prayed that the writ petition, as filed, may very kindly be allowed and appropriate writ, order or directions may very kindly be issued to the respondents as under:-


- a) That impugned sale deeds, Annexure P-3(Colly.), being what to speak of *prima facie* but *ex facie* in violation of the provisions of the Transfer of

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- property Act, may very kindly be ordered to be quashed and set aside;
- b) That impugned act of the official respondents contained in letter dated 25.11.2023 as is available in Annexure P-3(Colly.) supra, again, in law, being contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, thus, official respondents are liable to be restrained by issuing writ of mandamus not to adhere to the said illegal acts and so also by quashing and setting aside letter dated 25.11.2023 available in Annexure P-3(Colly.);
- c) That the official respondents may very kindly be directed to first calculate and pay use and occupation charges to the petitioner in respect of his share of the land in question, having been illegally possessed by them since long, to show their bonafides;
- d) That present is a case in which petitioner is entitled for special compensation as deemed fit by this Hon'ble Court for illegal acts of the official respondents in compelling the petitioner to

ATTESTED


OATH COMMISSIONER

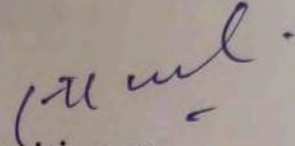
approach this Hon'ble Court by filing present writ petition;

- e) That the learned Chief Secretary to the Government of Himachal Pradesh may very kindly be directed to inquire into the matter or get an inquiry conducted for misconduct committed by the Sub-Registrar, Nadaun, District Hamirpur, H.P. in the shape of registering sale deeds, Annexure P-3(Colly.), by getting proceedings initiated against him for misconduct as per provisions of the service jurisprudence and with directions to him to file Action Taken Report on the records of this case, so that the same may be an eye-opener for others not to act illegally and contrary to the provisions of the Acts and Rules;
- f) That this Hon'ble Court may allow special costs as provided under Section 35-A of the Code of Civil Procedure in favour of the petitioner and against the respondents;
- g) That the entire record pertaining to the case may also be summoned by this Hon'ble Court for its kind perusal;

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OATH COMMISSIONER

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h) Any other or further relief as this Hon'ble Court may deem just and proper keeping in view the facts and circumstances of the case may also be passed in favour of the petitioner and against the respondents.


Petitioner

Through Counsel:

Shimla:


Dated: 17.12.2023

(Atharv Sharma)
Advocate

Settled by:

Ajay Sharma, Senior Advocate

ATTESTED


OATH COMMISSIONER

IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

C.W.P. No. of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

AFFIDAVIT:

Yadvinder Singh S/o Shri Roop Chand, aged 56 years, Occupation - Agriculture, resident of Village Seri, P.O. & Tehsil Nadaun, District Hamirpur, H.P., do hereby solemnly affirm and declare on oath as under:-

1. That the accompanying Writ Petition has been drafted at my instance and under my instructions and the contents of paras 1 to 13 of the same are true and correct to the best of my personal knowledge and belief and nothing material has been concealed therefrom.

2. That the contents of this affidavit of mine are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at Shimla on this the 17th day of December, 2023.

IDENTIFIED BY

ATTESTED

OATH COMMISSIONER

[Signature] DEPONENT

Certified that the above/overleaf was declared before me on solemn affirmation on this... 17th day Dec 2023 in the District Courts by Shri Yadvinder Singh who was called by Shri Alhan Singh 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 it to be correct and true at the time of making thereof

Cuttings and Corrections are duly attested by me Oath Commissioner

17/12/23

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**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

In the matter of: C.W.P. No. of 2023

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

LIST OF DOCUMENTS:

1.	Annexure P-1: Photocopy of Jamabandi for the year 2019-20:	29-31
2.	Annexure P-2: Photographs:	32
3.	Annexure P-3(Colly.): Certified copies of sale deeds dated 08.12.2023 and 15.12.2023:	33-41
4.	Annexure P-4: Photocopy of report dated 18.01.2019 filed by the Revenue Officer:	92-99

Petitioner

Through Counsel:

Shimla:
Dated: 17.12.2023

(Atharv Sharma)
Advocate



Yadvinder Singh vs. Onkar Chand Sharma & Ors.

COPC No.28 of 2024

01.03.2024 Present: Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra,
Additional Advocates General, for the
respondents.

Notice. Mr. Manoj Chauhan, learned Additional
Advocate General, appears and waives service of notice on
behalf of the respondents. He prays for and is granted two weeks'
time to file reply.

List on 22.03.2024 before appropriate Bench.

**(Sandeep Sharma)
Judge**

1st March, 2024
(reena)



Yadvinder Singh vs. Onkar Chand Sharma

COPC No. 28 of 2024

22.03.2024 Present: Mr. Ajay Sharma, Sr. Advocate with Ms. Kavita Kajol Advocate for the petitioner.

Mr. Sanjay Dutt Vasudeva, Additional Advocate General, for the respondents.

Reply on behalf of respondent No.1, stated to have been filed, is not on record. Be taken on record, if in order, after removal of objection(s), if any.

List for consideration on *5th April, 2024.*

March 22, 2024
(ms)

(Vivek Singh Thakur)
Judge



**Yadvinder Singh vs. Onkar Chand Sharma &
Ors.
COPC No.28 of 2024**

05.04.2024 Present: Mr. Ajay Sharma, Senior Advocate, with Ms. Kavita Kajal , Advocate, for the petitioner.

Mr. Varun Chandel, Additional Advocate General, for the respondents-State.

Learned Additional Advocate General submits that reply on behalf of the respondents shall be filed during the course of the day.

List after two weeks' before appropriate Bench.

**(Ajay Mohan Goel)
Judge**

April 05, 2024
(Vinod)



Yadvinder Singh Vs. Onkar Chand Sharma and others.

COPC No. 28 of 2024

3.5.2024

Present: Mr.Tarun Brakta, Advocate, vice Mr.Atharv Sharma, Advocate, for the petitioner.

Mr.Manoj Chauhan, Additional Advocate General, for the respondents.

Replies on behalf of respondents No. 1 to 3 stand filed.

Learned Additional Advocate General seeks further time to file reply on behalf of respondents No. 4 and 5. Be filed within two weeks positively, failing which adverse order shall follow.

Rejoinder to the replies be filed within three weeks thereafter.

List for consideration on **28th June, 2024.**

***(Vivek Singh Thakur),
Judge.***

3rd May, 2024
(Keshav)

**Yadvinder Singh Vs. Shri Onkar Chand
Sharma & Ors.
COPC No. 28 of 2024.**

28.06.2024 Present: Mr. Ajay Sharma, Senior Advocate, with Mr. Kavita Kajal, Advocate, for the petitioner.
Mr. Sumit Sharma, Deputy Advocate General, for the respondents.

Learned Counsel appearing for the petitioner informs the Court that in the main writ petition, the record pertaining to the alleged acquisition of the suit land has been requisitioned on 31.07.202 and, therefore, the case be listed thereafter. As prayed for, list on 05.08.2024, for further consideration.

**(Ajay Mohan Goel)
Judge**

June 28, 2024
(Shivank Thakur)



**Yadvinder Singh v. Onkar Chand Sharma &
Ors.
COPC No.28 of 2024**

05.08.2024 Present: Mr. Ajay Sharma, Senior Advocate, with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajpal Thakur, Additional Advocate General,
for the respondents-State.

As prayed for, list after three weeks.

**(Ajay Mohan Goel)
Judge**

August 05, 2024
(Vinod)

High Court



Yadvinder Singh vs. Onkar Chand and others

COPC No. 28 of 2024

02.09.2024 Present: Mr. Ajay Sharma, Senior Advocate with Ms. Kavita Kajal, Advocate, for the petitioner.

Mr. Rajpal Thakur, Addl. AG for the respondents-State.

Learned Senior Counsel appearing for the petitioner submits that the writ petitions, present contempt petition arises wherefrom have been ordered to be listed on 19.09.2024. He prays that interest of justice would be served, in case, this petition is ordered to be listed alongwith CWP No. 5373 of 2023 and connected matters. Ordered accordingly.

(Ajay Mohan Goel)
Judge

September 02, 2024
(narender)

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.O.P.(C) No. 28 of 2024

In

C.W.P. No. 5373 of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

Shri Onkar Chand Sharma, I.A.S. and others

Respondents/Contemnors

INDEX

Sr. No.	Particulars	Page No.
1.	Details of COP(C) alongwith affidavit:	1-5
2.	Annexure C-1 (colly): Photocopies of orders dated 05.10.2023 and 01.11.2023 in C.W.P. No.5373 of 2023:	6-7
3.	Annexure C-2 : Photocopy of tender issued by the respondents:	8-9
4.	Power of Attorney:	NIL

Petitioner

Through Counsel:

Shiml:

Dated: 06.01.2024

(Atharv Sharma)

Advocate

Note: POA is in CWP 5373/2023 Please Dispense
With: Atharv Sharma

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.O.P.(C) No. of 2024

In

C.W.P. No. 5373 of 2023

In the matter of:

Yadvinder Singh, S/o late Shri Roop Chand, aged 56 years, resident of VPO Bela, Tehsil Nadaun, District Hamirpur, H.P.

Petitioner

Versus

1. Shri Onkar Chand Sharma, I.A.S., Secretary (Revenue) to the Government of Himachal Pradesh, Shimla-171002.
2. Shri Shri Bharat Khera, I.A.S., Secretary (Public Works) to the Government of Himachal Pradesh, Shimla-171002.
3. Shri Shri Devesh Kumar, I.A.S., Secretary (Tourism) to the Government of Himachal Pradesh, Shimla-171002.
4. Shri R.D. Nazeem, I.A.S., Secretary (Industries) to the Government of Himachal Pradesh, Shimla-171002.

- 2
5. Shri Hemraj Bairwa, I.A.S., Deputy Commissioner,
Hamirpur, District Hamirpur, H.P.

Respondents/Contemnors

**CONTEMPT PETITION UNDER SECTIONS
11 & 12 OF THE CONTEMPT OF COURTS
ACT WITH THE PRAYER FOR
SUMMONNG THE RESPONDENTS/
CONTEMNORS, PROSECUTING AND
PUNISHING THEM IN ACCORANCE WITH
LAW FOR KNOWING AND WILLFUL
VIOLATION OF THE ORDERS DATED
15.10.2023 PASSED BY THIS HON'BLE
COURT IN C.W.P. NO.5373 OF 2023,
WHICH ORDERS WERE FURTHER
ORDERED TO BE CONTINUED, VIDE
ORDERS DATED 01.11.2023, TO UPKEEP
THE MAJESTY OF LAW IN HIGH
ESTEEM:**

Petitioner

Through Counsel:

(Atharv Sharma)
Advocate

Shimla:

Dated: 06.01.2024

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MAY IT PLEASE YOUR LORDSHIPS:

1. That it is respectfully submitted that the petitioner filed writ petition, being C.W.P. No.5373 of 2023. This Hon'ble Court was pleased to issue summons to the respondents in the writ petition. It is submitted that on 3-4 dates, time was taken by the respondents for filing reply. Respondents No.1, 3, 4 and 5 in the writ petition filed reply. No reply even till date, has been filed in the writ petition by respondent No.2.
2. That perusal of the contents of the writ petition would depict that action of respondent No.2 alongwith other respondents in the writ petition is under challenge as land of the petitioner is being unauthorizedly occupied/used by the respondents. This Hon'ble Court was pleased to pass interim orders dated 05.10.2023, which orders were further ordered to be continued, vide orders dated 01.11.2023. Photocopies of the orders dated 05.10.2023 and 01.11.2023 are annexed herewith as **Annexure C-1(Colly.)**.
3. That despite the orders, Annexure C-1(Colly.), respondents/contemnors herein have invited tender for construction of hotel, photocopy of which is annexed herewith as **Annexure C-2**. It is submitted that said act on the part of the respondents/contemnors herein is knowing and willful disobedience of the orders passed by this Hon'ble Court and it is submitted that as no other source now is left with the petitioner, thus, the present petition is being filed with the prayer that respondents/contemnors herein may very

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kindly be summoned, prosecuted and punished suitably to
upkeep the majesty of law in high esteem.

It is, therefore, respectfully prayed that in view
of the submissions made herein-above, the contempt
petition, as filed, may very kindly be allowed and
appropriate contempt proceedings under Sections 11 & 12
of the Contempt of Courts Act may very kindly be
initiated against the respondents/contemnors herein and
they be summoned, prosecuted and punished suitably in
accordance with law for knowing and willful disobedience
of the orders dated 05.10.2023 passed by this Hon'ble
Court in CWP No. 5373 of 2023, which orders were
further ordered to be continued, vide orders dated
01.11.2023, to upkeep the majesty of law in high esteem.

Petitioner

Through Counsel:

Shimla:

Dated: 06.01.2024

(Atharv Sharma)
Advocate

Settled by: **Ajay Sharma, Senior Advocate**

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**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.O.P.(C) No. of 2024

In

C.W.P. No. 5373 of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

Shri Onkar Chand Sharma, I.A.S. and others

Respondents/Contemnors

AFFIDAVIT:

I, Yadvinder Singh, S/o late Shri Roop Chand, aged 56 years, Occupation – Agriculture, resident of VPO Bela, Tehsil Nadaun, District Hamirpur, H.P., do hereby solemnly affirm and declare on oath as under:-

1. That the accompanying Petition has been drafted by my counsel at my instance and under my instructions and the contents of paras 1 to 3 of the same are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

2. That the contents of this affidavit of mine are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at Shimla on this the 6th day of January, 2024.

DEPONENT



Yadvinder Singh vs. State of H.P. and others

CWP No. 5373 of 2023

05.10.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

M/s Rupinder Singh and Pushpender Jaswal, Additional Advocate General and M/s Ranjna Patial and Sumit Sharma, Deputy Advocate Generals and Mr. Rajat Chauhan, Law Officer, for the respondents-State.

On the request of learned Law Officer, three weeks' more time is granted to the State to file response to the petition as well as to have instructions in terms of the previous order passed by the Court.

List on 01.11.2023. Till then the petitioners shall not be displaced from the land subject matter of the writ petition.

(Ajay Mohan Goel)
Judge

October 05, 2023
(narendar)



Yadvinder Singh v. State

CWP No. 5373 of 2023

14.8.2023

Present

Mr. Yug Singhal, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for the respondent-State.

CWP No. 5373 of 2023 & CMP No. 10448 of 2023

Notice. Mr. Rajan Kahol, learned Additional Advocate General accepts notice on behalf of the respondent-State. He prays for and is granted time to file reply on or before next date of hearing. Separate notice to private respondents, on taking steps within one week, returnable for **14.9.2023**.

List on **14.9.2023**. prayer for grant of interim relief shall be considered on the next date of hearing.

CMP No. 10450 of 2023

Disposed of with a direction to the applicant(s) to file typed/English translations of the documents in issue within four weeks.

(Sandeep Sharma)
Judge

August 14, 2023
(vikrant)

**Yadvinder Singh v. State****CWP No. 5373 of 2023**

14.9.2023

Present

Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for the respondent-State.

Learned counsel for the petitioner prays for and is granted last opportunity of two days' to take steps for the service of respondents Nos. 7 to 12 enabling Registry to issue notice to aforesaid respondent, returnable for **18.10.2023**.

In the meantime, respondents Nos. 1 to 6 may file reply.

List for consideration on interim relief on **18.9.2023**.

(Sandeep Sharma)
Judge

September 14, 2023
(vikrant)

**Yadvinder Singh vs. State of Himachal Pradesh****CWP No.5373 of 2023**

18.09.2023 Present Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

Learned counsel representing the petitioner states that steps for the service of respondents No. 7 to 12 already stand taken, if it is so, Registry to issue notice to aforesaid respondents, returnable for 25.09.2023.

In the meanwhile, learned Additional Advocate General to have instructions whether land in question has been acquired, if yes, why adequate compensation has been not paid to the owners till date.

(Sandeep Sharma)
Judge

September 18, 2023
(Shankar)



Yadvinder Singh vs. State of H.P. & Ors.

CWP No.5373 of 2023

25.09.2023

Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rupinder Singh Thakur, Mr. Pushpinder Jaswal, Additional Advocate Generals with Ms. Ranjna Patial, Mr. Sumit Sharma and Mr. Rajat Chauhan, Law Officer, for the respondents/State.

Learned Senior Counsel for the petitioner submits that the interest of proforma respondents is with the petitioner. He has drawn attention of this Court to order passed on 18.09.2023 and submitted that the State was to have instructions as to whether the land in question has been acquired in accordance with law or not.

Learned Additional Advocate General submits that instructions are not made available today.

List on **05.10.2023** to enable the State to have instructions.

(Ajay Mohan Goel)
Judge

25th September, 2023
(reena)



**Yadvinder Singh vs. State of H.P. & Ors.
CWP No. 5373 of 2023**

01.11.2023 Present: Mr. Ajay Sharma, Senior Advocate, with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rupinder Singh, Additional Advocate General, Mr. Sumit Sharma, Deputy Advocate General with Mr. Rajat Chauhan, Law Officer, for the respondents-State.

As per report of the Registry, respondent Nos.7 to 12 stand served. As none has put in appearance on their behalf, therefore, they are ordered to be proceeded against *ex parte*.

Learned Law Officer submits that reply has been filed on behalf of respondents Nos.1, 3, 4 and 5. Registry is directed to trace and place the same on record, if in order.

Reply on behalf of respondent Nos.2 and 6 be filed within a period of four weeks from today.

List on **20.12.2023**.

Interim order to continue.

**(Ajay Mohan Goel)
Judge**

November 01, 2023
(*Vinod*)



Yadvinder Singh Vs. State of H.P. and others

CWP No. 5373 of 2023

20.12.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajat Chuahan, Law Officer, for respondents-State.

Mr. K.S. Gill, Advocate for respondents No. 7 to 11.

Ms. Ambika Kotwal, Advocate, for respondent No. 12.

As prayed for, reply by the respondents be filed within six weeks and rejoinder thereto, if any, within three weeks thereafter.

List on 25.04.2024.

(Ajay Mohan Goel)
Judge

December 20, 2023
(narender)

**Yadvinder Singh vs. State of H.P. and others****CWP No.5373 of 2023**

25.04.2024 Present

Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

Respondents No. 7 to 12 already ex-parte.

Though, reply on behalf of respondent Nos. 1, 3, 4 and 5 is on record, but having regard to the nature of the controversy, this Court is of the view that reply on behalf of respondent No.6, is necessary and as such, matter is adjourned by four weeks, enabling aforesaid respondent to file reply, failing which, he shall remain present in Court on the next date of hearing.

List on **24.5.2024**. Till then, interim order to continue.

(Sandeep Sharma)
Judge

April 25, 2024
(shankar)

Yadvinder Singh Vs. State of H.P. and Others**CWP No.5373 of 2023**

24.05.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents-State.

Respondents No.7 to 12 already ex parte.

Reply on behalf of respondents No.2 and 6 is on record. Learned counsel representing petitioner prays for and is granted three weeks' time to file rejoinder.

On next date of hearing, learned Additional Advocate General may make available record, if any, with regard to acquisition of land of the petitioner, used for construction of road in question.

List on 27.06.2024.

May 24, 2024

Rajeev Raturi

**(Sandeep Sharma),
Judge**



Yadvinder Singh Vs. State of H.P. & ors.

CWP No.5373 of 2023

27.06.2024 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, A.G. with Mr. Dalip K. Sharma, Addl.A.G., for the respondents-State.

Respondents No.7 to 12 already ex parte.

Learned counsel for the petitioner prays for an adjournment.

List alongwith CWP Nos.10857 of 2023 and 381 of 2024 on **31.07.2024**, when the records shall also be made available.

June 27, 2024
mamta

Jyotsna Rewal Dua
Judge



Yadvinder Singh Vs. State of H.P. & Ors. a/w connected matters

**CWP No.5373 of 2023 a/w CWP
No.10857 of 2023 & 381 of 2024**

31.07.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos.5373 & 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP No.381 of 2024.

Mr. Anup Rattan, Advocate General with Mr. L.N. Sharma & Mr. Amandeep Sharma, Additional Advocates General and Ms. Avni Kochhar, Deputy Advocate General, for the respondents-State in all the matters.

Ms. Nisha Nalot, Advocate vice Ms. Ambika Kotwal, Advocate, for respondent No.12 in CWP No.5373 of 2023, though proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Ms. Nisha Nalot, learned vice counsel states that she intends to move an application for recalling the order dated 01.11.2023, whereby respondent No.12 was proceeded against ex-parte.

Learned Advocate General submits that the record as was directed to be produced vide order dated 24.05.2024 has not been brought by the concerned officials. He prays for and is allowed three weeks' time to comply with the order dated 24.05.2024. The record in terms of this order be now made available on the next date of hearing.

CWP No.381 of 2024

Learned Advocate General submits that respondents No.1, 4 and 7 to 11 have filed their reply. He

further submits that respondents No.2 and 3 shall adopt the reply filed by these respondents. The reply, however, is not on record. Be placed in file, if in order. Final opportunity of three weeks, as prayed for, is made available to file reply on behalf of such respondents, who have not filed the same till date.

List all these matters on **24.08.2024**.

July 31, 2024
Mukesh

Jyotsna Rewal Dua
Judge

High Court



Yadvinder Singh Vs. State of HP & Ors. and connected matters

**CWP No.5373 of 2023 a/w
CWP No. 10857 of 2023
and CWP No.381 of 2024**

24.08.2024 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in CWP Nos. 5373 and 10857 of 2023.

Mr. Suneet Goel, Advocate, for the petitioner in CWP Nop. 381 of 2024

Mr. Anup Rattan, Advocate General with Mr. Y. P. S. Dhaulta and Mr. Amandeep Sharma, Additional Advocates General and Ms. Leena Guleria, Deputy Advocate General, for the respondents—State in all the matters.

Mr. Varun Sharma, Advocate vice counsel for respondent no.12 in CWP No. 5373 of 2023, through proceeded ex-parte vide order dated 01.11.2023.

CWP No.5373 of 2023

Learned counsel for respondent No.12 states that application for recalling order dated 01.11.2023 has been moved in the Registry, however, the same is not on record. Learned counsel to ensure that by the next date of hearing, said application is placed in the file after removing objections, if any, therein.

Learned Deputy Advocate General submits that record is not available today.

It is noticed that previously also, record was not produced despite there being a direction issued in that regard on 27.06.2024. Be produced on the next date of hearing.

CWP No.381 of 2024

Despite grant of final opportunity to respondents No. 5 and 6, have not filed their replies. Their right to file the same shall stand closed.

Rejoinder to the replies already on record, be filed within three weeks.

CWP No.5373 of 2023 a/w CWP No. 10857 of 2023 and CWP No.381 of 2024

List all the matters on **19.09.2024**

Jyotsna Rewal Dua
Judge

August 24, 2024
(R.Atal)

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No.5373 of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

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
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Shimla:

Dated: 07.08.2023

Through Counsel:

Petitioner

 (Atharv Sharma)
 Advocate

①

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

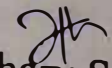
LIST OF EVENTS:

Date	Event
1971	Respondents have constructed road on the land as per details given in the body of the writ petition without acquiring and paying any compensation to the petitioner.
07.01.2011	In case No.1/2011, with respect to Khasra No.182 having been shown as PWD road, area measuring 2 kanal 19 marla and Khasra No.181, area measuring 9 kanal 7 marla has been shown in the ownership of the petitioner and proforma respondents, matter has been decided in favour of the petitioner by the Collector, Sub-Division,

	<p style="text-align: center;">(2)</p> <p>Nadaun, District Hamirpur, H.P., vide decision, Annexure P-4.</p>
	<p>When facts regarding construction of road on the land of the petitioner unauthorizedly by the respondents came into the notice of the petitioner, representations were filed and when no reply was given, petitioner sought information(s) under the Right to Information Act and on perusal of the said information(s) as supplied, petitioner was astonished to know that malkiti land of the petitioner is being used by the respondents since 1971 onwards without any authority of law, inasmuch as that petitioner has been dispossessed from the land in question, without acquiring the same, thereby violating the constitutional right of the petitioner to hold land available as per article 300-A of the Constitution of India.</p>
07.08.2023	Present writ petition got drafted.

Petitioner

Shimla:
Dated: 07.08.2023


 (Atharv Sharma)
 Advocate

(3)

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. _____ of 2023

In the matter of:

Yadvinder Singh, S/o late Shri Roop Chand, aged 56 years, resident of VPO Bela, Tehsil Nadaun, District Hamirpur, H.P.

Petitioner

Versus

1. State of Himachal Pradesh through Secretary (Revenue) to the Government of Himachal Pradesh, Shimla-171002.
2. The Secretary (Public Works) to the Government of Himachal Pradesh, Shimla-171002.
3. The Secretary (Tourism) to the Government of Himachal Pradesh, Shimla-171002.
4. The Secretary (Industries) to the Government of Himachal Pradesh, Shimla-171002.
5. The Collector-cum-Deputy Commissioner, Hamirpur, District Hamirpur, H.P.
6. The Land Acquisition Collector, Mandi, District Mandi, H.P.

Respondents

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OATH COMMISSIONER

7. Shri Maninder Chand,
8. Shri Vikram Singh,
Both sons of Shri Devinder Chand son of late Shri
Roop Chand,
9. Shri Yatender Katoch, son
10. Shri Vijender Katoch, son
11. Smt. Pushpa Katoch, wife
of late Shri Bhupender Singh son of late Shri Roop
Chand,
12. Shri Shailendar Chand son of late Shri Roop
Chand,
All residents of VPO Bela, Tehsil Nadaun, District
Hamirpur, H.P.

Proforma Respondents

CIVIL WRIT PETITION UNDER ARTICLE
226 OF THE CONSTITUTION OF INDIA
WITH A PRAYER FOR ISSUANCE OF AN
APPROPRIATE WRIT, ORDER OR
DIRECTION TO THE RESPONDENTS ON
THE GROUNDS MENTIONED IN THE
BODY OF THE WRIT PETITION WITH A
FURTHER PRAYER FOR GRANT OF
RELIEF(S) AS PRAYED FOR IN THE

ATTESTED

COMMISSIONER

(5)

RELIEF CLAUSE IN FAVOUR OF THE
PETITIONER AND AGAINST THE
RESPONDENTS, IN THE INTEREST OF
LAW AND JUSTICE:

Petitioner

Through Counsel:

Shimla:
Dated: 07.08.2023

AS
(Atharv Sharma)
Advocate

ATTESTED
OATH COMMISSIONER

⑥
MAY IT PLEASE YOUR LORDSHIPS:

1. That the petitioner is a citizen of India and permanent resident of the above-mentioned address and in the facts and circumstances enumerated herein-below, he is entitled to file and maintain the present writ petition.
2. That respondents No.1 to 6 are "State" and "Instrumentalities of the State" under Article 12 of the Constitution of India and are amenable to the writ jurisdiction of this Hon'ble Court.
3. That briefly stated, facts of the case are that petitioner and proforma respondents have succeeded late Shri Roop Chand with respect to the land qua which present petition is being filed as per shares as are depicted in the revenue record. Present is not a dispute of shares of any kind whatsoever, as such details of the same are not being given and further proforma respondents are not available for putting signatures on the documents, although they have got no separate interest than the petitioner and as such, have been added as proforma respondents. Petitioner and

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OATH COMMISSIONER

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proforma respondents being aggrieved of the acts of the respondents qua which details are being given herein-below, are entitled to file and maintain the present writ petition in this Hon'ble Court.

4. That to be fair to this Hon'ble Court, it is submitted that as per Jamabandi for the year 1966-67, Khewat No.85, Khatoni No.109, Khasra No.411/127, area measuring 23 kanal 17 marla situate in Tika Seri, Mauza Jalari, the then Tehsil Nadaun, District Kangra was in the ownership and possession of late Shri Roop Chand and 1/3rd share of it, area measuring 7 kanal 19 marla was with S/Shri Krishan Kumar and Surender Kumar having been mortgaged.

As per Jamabandi for the yer 1971-72, area measuring 23 kanal 17 marla again is shown in the ownership and possession of late Shri Roop Chand and vide mutation No.1076 and 1082 out of Khasra No.459/411/127/1, area measuring 2 kanal 19 marla was changed in the name of Himachal Pradesh Government (Public Works Department) for the purpose of road. It is submitted that with

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(2)
respect to said change of entry in the revenue record, land in question, has not been acquired and as is being claimed by the State, in any eventuality, if acquired, no compensation has been paid. This is more so, as 1/3rd share of the land in question, was mortgaged with S/Shri Krishan Kumar and Surender Kumar and it is reiterated, may be at the cost of repetition, that no compensation was paid with respect to the above-stated land, thus, the very entry as is coming in the revenue name of Himachal Pradesh Government (Public Works Department) with respect to area measuring 2 kanal 19 marla is a mere paper entry and as such, petitioner is in his right to make submission that too may be subject to correction by the respondents that land in question, has not been acquired by the Government and mutation No.1076, above-stated, thus, is a mere paper entry.

5. That so far as mutation No.1082 with respect to Khasra No.460/411/127/2, area measuring 11 kanal 10 marla is concerned, same has been shown in the ownership of Department of Sericulture. To

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OATH COMMISSIONER

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be fair to this Hon'ble Court, prior to this, land in question, was given on rent to the said Department.

Khasra No.461/411/127/3, area measuring 9 kanal 7 marla remained in the name of late Shri Roop Chand and vide mutation No.1134, property of late Shri Roop Chand son of Mian Kesari Chand was mutated in favour of Smt. Oma Devi, wife of late Shri Roop Chand.

It is worth to mention at this stage only that vide mutation No.1076, land allegedly acquired was shown being land bearing Khasra No.160/1, 160/2 etc. in the name of Tika Maheshwar Chand son of Raja Rajendar Chand and said land as is acquired, has got no concern even remotely with the land of late Shri Roop Chand in Khasra No.459/411/127/1 and 124/1.

6. That Department of Public Works while constructing road, did not constructed any road on land allegedly having been shown to be acquired, although it is mentioned that same was never acquired in Khasra No.459/411/127/1, area measuring 2 kanal 19 marla and land in Khasra No124/1 but road stands constructed on another

ATTESTED

land in the ownership and possession of late Shri Roop Chand in Khasra No.461/411/127/3, area measuring 9 kanal 7 marla and Khasra No.450/124/3. It is submitted that in the above process, grave prejudices have been caused to the land owned and possessed by late Shri Roop Chand, inasmuch as that firstly wrong and illegal entry with respect to classification of particular land is made in the revenue records but without acquiring the same and without payment of compensation and secondly, instead of constructing the road in the said alleged acquired land, road stands constructed in another land which was in the ownership and possession of late Shri Roop Chand. Ours being a welfare State and rule of law being prevalent, firstly there ought not to have been any such mistake which, in fact, cannot be termed as mistake but a blunder, inasmuch as that two separate parcels of land of late Shri Roop Chand Katoch were put at stake by the respondents. Photocopy of the Jamabandi for the year 1966-67 is being annexed herewith as **Annexure P-1.**

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OATH COMMISSIONER

(11)

7. That Jamabandi for the year 1971-72 is annexed herewith as **Annexure P-2** and perusal of the same would depict that land in Khasra No.124 is shown in the ownership and possession of late Shri Roop Chand Khasra No.456/124/1 is shown in the ownership and possession of Himachal Pradesh Government and in the Department of Public Works as road and Khasra No.457/124/2 and 458/124/3 are shown in the ownership and possession of late Shri Roop Chand. Here only, Khasra No.456/124/1 is shown having been acquired for the purpose of PWD road but it is submitted that no road is constructed on the said land except on the half of the land and road stands constructed on another parcel of land of late Shri Roop Chand in Khasra No.461/411/127/3.
8. That as per Jamabandi for the year 1986-87, photocopy of which is annexed herewith as **Annexure P-3**, with respect to Khasra No.461/411/127/3 (old), area measuring 9 kanal 7 marla and Khasra No.181 (new) is in the ownership and possession of Smt. Oma Devi wife of late Shri Roop Chand and Khasra

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(12)

No.459/411/127/1 (old) and Khasra No.182 (new), area measuring 2 kanal 19 marla is shown as PWD road. It is submitted that Khasra No.460/411/127/1 (old and Khasra No.183 (new), area measuring 11 kanal 10 marla out of which 0-04 marla is shown as Nag Sthan and Khasra No.183/2, area measuring 16 marla is depicted as Kabristhan. Khasra No.183/1 (new) is shown in the ownership of Smt. Oma Devi. In this very Jamabandi, old Khasra No.458/124/3 and new Khasra No.175, old Khasra No.457/124/2 is shown in the ownership and possession of Smt. Oma Devi. Old Khasra No.456/124/1 and new Khasra No.174 is depicted as road in the ownership of Himachal Government (Public Works Department).

9. That above entries are continuing in the revenue record but it is submitted that land in question, has never been acquired and respondents having shown revenue entries and then possessed the land without even due process of law and thereby violating Article 300-A of the Constitution of India. To own and possess a land is now may not

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be a fundamental right but admittedly, is a constitutional right and as per settled law as is settled by Hon'ble the Apex Court and thereafter catena of judgments have been passed by this Hon'ble Court also that no one can be dispossessed from his constitutional right of holding land without adhering to the due process of law.

10. That perusal of Jamabandi for the year 1986-87, Annexure P-3, as is annexed supra, would depict that 1/3 share out of the land measuring 23 kanal 17 marla has been got redeemed from S/Shri Krishan Kumar and Surender Kumar, qua which entry has been made vide mutation No.1280, dated 04.08.1987, by Smt. Oma Devi wife of late Shri Roop Chand.

As per mutation No.2304, Smt. Oma Devi wife of late Shri Roop Chand has been succeeded by the petitioner and proforma respondents herein.

11. That Khasra No.182 having been shown as PWD road, area measuring 2 kanal 19 marla and Khasra No.181, area measuring 9 kanal 7 marla has been shown in the ownership of the petitioner and proforma respondents. With respect to this aspect,

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matter stands already decided in favour of the petitioner by the Collector, Sub-Division, Nadaun, District Hamirpur, H.P. vide case No.1/2011 and decision dated 07.01.2011, photocopy of which is annexed herewith as **Annexure P-4**.

To be fair to this Hon'ble Court, in view of the fact that respondents extended threats in the shape of raising construction on new Khasra No.181, thus, as per legal advice as was given, petitioner approached Civil Court at Nadaun by way of a civil suit, which suit still is pending and suit as filed is with the prayer that petitioner and proforma respondents being owners, as such respondents may not dispossess them.

12. That so far as Khasra No.182 (old) and new Khasra No.1913 and 2020 as per Jamabandis for the year 2010-11 and 2019-20, photocopies of which are being annexed herewith as **Annexure P-5(Colly.)**, and further part of Khasra No.174 has been entered in new Khasra No.1913 and same is in possession of the petitioner. The road as constructed by PWD on alleged acquire land, which petitioner maintains having not been

ATTESTED

(15)

acquired, is in old Khasra No.181 and new Khasra Nop.1908, 1911, 1912 as is clear from the perusal of Jamabandi for the year 2010-11, Annexure P-5. To clarify this aspect further, photocopy of the Aks is annexed herewith as **Annexure P-6** and it is submitted that in Annexure P-6, alleged acquired land is shown in Khasra No.2020 and 1913, which again it is submitted that same has never been acquired and compensation has never been paid to late Shri Roop Chand, petitioner and proforma respondents herein, whereas road stands constructed by the respondents on Khasra Nos.1908, 1911 and 1912 as are shown in Annexure P-6 that too again without acquiring the same and illegally, perforce, which act on the part of the respondents, in law, is bad and as such, challenge is being laid to the same vide present writ petition.

13. That to clarify the matter further, it is submitted that presently road is in old Khasra No.181 and new Khasra Nos.1908, 1911 and 1912 as are shown in the Jamabandi for the year 2010-11, whereas alleged land acquired of the petitioner is

ATTESTED

OATH COMMISSIONER

(16)
in Khasra Nos.2020 and 1913 but it is mentioned that even said land has never been acquired and no compensation of the same has been paid and land in question, at the spot is coming in possession of the petitioner.

Another illegality now as is committed by the respondents is that said land now has been ordered to be transferred from the name of PWD to the Tourism Department as is clear from the perusal of Jamabandi annexed supra for the year 2010-11.

14. That in view of above facts, present petition is being filed with the prayer to issue appropriate directions to the respondents either to acquire land of old Khasra No.181 (new Khasra Nos.1908, 1911 and 1912), where road presently is constructed and to pay compensation to the petitioner as per current rates and acquire the said land as per provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pay the compensation accordingly. Further it is submitted that said land is being used by the respondents since 1971 till date, thus,

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petitioner is entitled for adequate compensation as deemed fit by this Hon'ble Court and it is prayed that petitioner is entitled for compensation for the impugned act of the respondents to the tune of Rs.5.00 Crores in putting the petitioner to mental and financial anxiety as the land in question, is being used by the respondents since 1971 without any authority of law.

15. That old Khasra No.182 and new Khasra Nos.2020 and 1913 were allegedly acquired by the Government but as per petitioner, same neither was acquired nor any payment of compensation is made to the petitioner and now said land of Khasra No.2020 has been ordered to be transferred from PWD to the Tourism Department, whereas same is in possession of the petitioner and as such, directions are liable to be issued to the respondents to correct the revenue records in the shape of entering the name of the petitioner and respondent-departments may very kindly be restrained from claiming any interest in the said land.
16. That from the perusal of facts as narrated above, a few aspects are crystal-clear; (a) respondents never

ATTESTED

OATH COMMISSIONER

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acquired any land of the petitioner, (subject to correction by the respondents); (b) but it is maintained without any fear of contradiction that at no point of time ever any compensation is paid to the petitioner; (c) said land in Khasra No. 181 (old) and Khasra Nos.1908, 1911 and 1912 (new) is being used by the respondents since 1971; (d) petitioner is entitled for adequate use and occupation charges from the respondent-departments for using the said land; (e) respondents' claim of allegedly acquiring Khasra No.2020 and 1913 may very kindly be set aside as having never been acquired (subject to correction); (f) act of the respondents now in transferring the said land of Khasra No.2020 from PWD to the Tourism Department is totally illegal and without any force of law; (g) said act amounts to violation of Article 300-A of the Constitution of India and (h) petitioner has been caused mental and financial anxiety, thus, extraordinary jurisdiction of this Hon'ble Court is being invoked solely for the same of justice/substantial justice.

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(19)

17. Having felt aggrieved by the impugned acts of the respondents, above-stated, humble petitioner respectfully begs to file present writ petition in this Hon'ble Court on the following, amongst other grounds:-
- (A) That impugned acts of the respondents, above-stated, are highly illegal, unfair, unjust, harsh and oppressive, thus, in turn, arbitrary and therefore, unconstitutional and are liable to be quashed and set aside, for which humble petitioner respectfully prays for.
- (B) That there is complete non-application of mind on the part of the respondents, inasmuch as that when above-stated facts came into the notice of the petitioner, representations were filed and when no reply was given, petitioner sought information(s) under the Right to Information Act and on perusal of the said information(s) as supplied, petitioner was astonished to know that malkiti land of the petitioner is being used by the respondents since 1971 onwards without any authority of law, inasmuch as that petitioner has been dispossessed from the land in question, without acquiring the

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same, thereby violating the constitutional right of the petitioner to hold land available as per article 300-A of the Constitution of India, thus, impugned acts of the respondents with respect to Khasra Nos.1908, 1911 and 1912 as per Jamabandi for the year 2010-11, in law, being untenable and, as such, land is being used for the purpose of road that too without acquiring and paying any compensation, thus, petitioner firstly is entitled for use and occupation charges of the said land being used by the respondents unauthorizedly since 1971 onwards and with further directions to the respondents either to stop using the said land as road or in the alternative, to acquire the same as per provisions of the REFLECTOR Act and pay compensation and as per settled law, act of the authorities of the State which is without application of mind, cannot sustain in the eyes of law, thus, the present petition.

- (C) That another act of the respondents in allegedly showing land of Khasra Nos.2020 and 1913 having been acquired but only in papers that too by the respondents being mighty State by mis-utilizing

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(21)

powers vested in them without adhering to the provisions of law and without payment of any compensation and yet more, said land of Khasra No.2020 now has been shown to be transferred from PWD to the Tourism Department has further aggravated the grievance of the petitioner and now threats being given to dispossess the petitioner from said Khasra Nos. without adhering to the process of law, thus, the present petition as said impugned acts of the respondents are contrary to the settled principles of legitimate expectations as petitioner legitimately expected that respondents being mighty State, will adhere to the command of law but having not, thus, legitimate expectations of the petitioner and, in turn, principle stand frustrated and violated, thus, extraordinary jurisdiction of this Hon'ble Court is being invoked solely for the sake of justice/substantial justice.

- (D) That the petitioner is in his right to make submission humbly and respectfully that respondents have used powers vested in them colourably as is clear from the perusal of the facts narrated above, inasmuch as that no land of the petitioner is acquired and in any eventuality, no

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compensation is paid to the petitioner and double jeopardy has been caused to the petitioner, inasmuch as that a parcel of the land is being shown having been acquired in the revenue papers which now has been transferred from PWD to the Tourism Department in papers, although petitioner is in possession and secondly, another parcel of the land of the petitioner is being utilized as road since 1971 that too without acquisition of the same, thus, extraordinary jurisdiction of this Hon'ble Court is being invoked for the sake of justice/substantial justice.

18. That there is no other alternative and efficacious remedy available to the petitioner except to approach this Hon'ble Court for the redressal of its grievances.
19. That the petitioner has not approached this Hon'ble Court or any other Court of Law including the Hon'ble Supreme Court of India on the similar grounds and for the same or similar relief(s).

It is, therefore, respectfully prayed that the writ petition, as filed, may very kindly be allowed and appropriate writ, order or directions may very kindly be issued to the respondents as under:-

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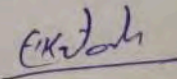
- a) That impugned acts of the respondents in the shape of making entries in the revenue record that too wrongly and falsely with respect to the fact that land of Khasra No.2020 and 1913 as per Jamabandi for the year 2010-10 having been acquired may very kindly be quashed and set aside as the said land has never been acquired and no compensation has been paid to the petitioner and so also the recent entries of transfer of the said land of Khasra No.2020 from PWD to the Tourism Department may also very kindly be ordered to be quashed and set aside with directions to the authorities to enter the name of the petitioner by deleting the name of the respondents;
- b) That land of Khasra Nos.1908, 1911 and 1912 as per Jamabandi for the year 2010-11 is being used by the respondents since 1971 onwards in the shape of road but without acquisition of the same and without payment of compensation, thus, respondents may very kindly be directed; (i) to pay use and occupation charges to the tune of Rs.5.00 Crores as the land is being used by the respondents since 1971 onwards without any authority of law; (ii) to acquire the said land as per provisions of the

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OATH COMMISSIONER

REFLECTOR Act and to pay compensation; and (iii) in the alternative, respondents may very kindly be directed to vacate the said land and hand over the possession of the same to the petitioner with consequential directions of correcting the revenue record;

- c) That present is a fit of the fittest cases in which writ petition is liable to be allowed with exemplary costs as provided under Section 35-A of the Code of Civil Procedure as petitioner has been put to unnecessary monetary and financial anxiety;
- d) That the entire record pertaining to the case may also be summoned by this Hon'ble Court for its kind perusal;
- e) Any other or further relief as this Hon'ble Court may deem just and proper keeping in view the facts and circumstances of the case may also be passed in favour of the petitioner and against the respondents.



Petitioner

(Atharv Sharma)
Advocate

Through Counsel:

Shimla:
Dated: 07.08.2023

Settled by: Ajay Sharma, Senior Advocate

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OATH COMMISSIONER

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**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

C.W.P. No. _____ of 2023

In the matter of:

Yadvinder Singh

Petitioner

Versus

State of H.P. and others

Respondents

AFFIDAVIT:

I, Yadvinder Singh, S/o late Shri Roop Chand, aged 56 years, Occupation – Agriculture, resident of VPO Bela, Tehsil Nadaun, District Hamirpur, H.P., do hereby solemnly affirm and declare on oath as under:-

IDENTIFIED BY

1. That the accompanying Writ Petition has been drafted at my instance and under my instructions and the contents of paras 1 to 19 of the same are true and correct to the best of my personal knowledge and belief and nothing material has been concealed therefrom.

2. That the contents of this affidavit of mine are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at Shimla on this the 7th day of August, 2023.

DEPONENT

ATTESTED

OATH COMMISSIONER

Certified that the above affidavit was declared before me on this the 7th day of August, 2023, in the presence of _____ who is/are _____ who is/are _____ of the above stated contents of the affidavit and explained to the deponent and he/she admitted it to be correct and true to the best of his/her knowledge.

Cuttings and Corrections are duly attested by me

Oath Commissioner

OATH COMMISSIONER
AJAY THAKUR
ADVOCATE

ADVOCATE

HIM No. 95/2021
Chamber No. 327,
Vidhi Nikuni, High Court,
Shimla-01 H.P.
Mob.: 82193-17665

alharv1796@gmail.com

(26)

IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA

In the matter of: C.W.P. No. of 2023
Yadvinder Singh Petitioner
Versus
State of H.P. and others Respondents

LIST OF DOCUMENTS:

1.	Annexure P-1: Photocopy of Jamabandi for the year 1966-67:	of 27
2.	Annexure P-2: Photocopy of Jamabandi for the year 1971-72:	of 28
3.	Annexure P-3: Photocopy of Jamabandi for the year 1986-87:	of 29-32
4.	Annexure P-4: Photocopy of decision dated 07.01.2011 in case No.1/2011 by the Collector, Sub-Division, Nadaun, District Hamirpur, H.P.:	33-35
5.	Annexure P-5(Colly.): Photocopies of Jamabandis for the year 2010-11 and 2019-20:	36-42
6.	Annexure P-6: Photocopy of Aks:	43

Shimla: Through Counsel: Atharv Sharma (Atharv Sharma) Advocate
Dated: 07.08.2023

A/c Payee



1581-NEW DELHI -

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बिनाक
Date 10/01/2025

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को या उनके अदिम पर Or Order

On demand pay REINTEGRATED NATIONAL GREEN TRIBUNAL

रुपये Rupees in thousand only

अदा करें। ₹ 10,000.00

Payable At *** Not Over INR. 10,000.00 ***

for Value Received for Kotak Mahindra Bank Ltd.

NEW DELHI - JANGPURA (4581) Purchaser: KAMAL DEV DEV

Vijay Kumar
Vijay Kumar
Emp Code-268873
Sandeep
Sandeep
10/01/25

(Drawee Branch)

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(Ten Thousand) on the Respondent for filing an affidavit in compliance to order dated 10.01.2025.

Please find herewith a demand draft of Rs. 10,000/- in the name of the "Registrar National Green Tribunal" in compliance to the order dated 10.01.2025 passed in OA/325/2024 Sahdev Thakur vs State of Himachal Pradesh.

The same Demand Draft may kindly be accepted as complying with the order dated 10.01.2025.

Regards,

Anubhav Sharma

Anubhav Sharma
Counsel for Respondent No. 1-3, 5-13
9736299505

राष्ट्रीय हरित अधिकरण
National Green Tribunal
मुख्य न्यायाधीश / Principal Bench
NCT of Delhi / New Delhi
13 JAN 2025
बिनाक
Account & Issue Section
बिनाक / Diary No.
बिनाक / Register No.