

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 709/2023

Lal Ji Kumar

...Applicant

Versus

Divisional Forest officer-Nainital
Forest Division & Ors.

...Respondents

Date of hearing: 08.04.2024

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

Applicant: None for the applicant.

Intervenor
Applicant: Mr. Manoj Negi, Intervenor.(Through VC)

Respondents: Mr. Rudra Paliwal Proxy Counsel for Mr. Neeraj,
Counsel for Respondent No. 1 to 5 (through VC).
Mr. Anand Srivastava, Additional Secretary, Revenue
Department (through VC).

**Application has been filed under the provisions of the National Green
Tribunal Act, 2010.**

ORDER

1. Mr. Lal Ji Kumar has filed the present application under the provisions of the National Green Tribunal Act, 2010 for issuance of directions to the concerned authorities to demarcate the boundary line between the revenue and forest land precisely and scientifically by establishing the boundary pillars with precise geo coordinates according to the approved/notified revenue maps and to remove encroachments on the forest land and take possession of the same.

2. The applicant has stated in the application that Gethiya, a small revenue village having area approximately 5 to 7 hectares, is located on a hill top in Nainital, Uttarakhand and is surrounded on all its side by the reserved forest. Some unknown persons have dismantled the boundary pillars demarking the boundary lines between the forest land and revenue land and have made encroachments over the forest land including Khasra numbers 421, 423 and 424. Complaints were made to the concerned authorities but no action has been taken on the same.

3. Vide order dated 28.11.2023 notices were issued to respondents and a Joint Committee was constituted with direction to submit its report within two months.

4. In compliance of order dated 28.11.2023 report of the Joint Committee has been filed by UKPCB vide email dated 13.02.2024. Report has also been filed by District Magistrate, Tallital, Nainital vide email dated 14.02.2024.

5. In the reports it has been mentioned that there is a dispute between the revenue department and forest department in respect of land comprised in Khata Khatoni no. 144 Khasra No. 424 situated at village Gethiya and Forest department map of compartment no. 5, Korla Block. It has also been mentioned that instructions have been issued vide letter dated 09.10.2023 for resolution of such disputes by the District Level Committee constituted under the Chairmanship of the District Magistrate.

6. Vide order dated 15.02.2024 State of Uttarakhand through Chief Secretary, Government of Uttarakhand, Principal Secretary, Revenue Department, Uttarakhand, Surveyor General of India, were impleaded as respondents No. 4 to 6 and notices were ordered to be issued to them.

7. Mr. Anand Srivastava, Additional Secretary, Revenue Department has appeared before this Tribunal through VC and we have interacted with him.

8. In view of the nature and magnitude of the environmental issues regarding destruction/user for non-forest purposes of forest land by encroachments in the garb of disputes regarding ownership/possession/demarcation in the entire State of Uttarakhand, we consider it appropriate to expand the scope of present proceedings in exercise of powers to take suo motu cognizance for protection of forest land by just and proper adjudication of the environmental questions involved. Accordingly, the Principal Secretary, Revenue Department, Government of Uttarakhand, Principal Chief Conservator of Forest (HoFF), Government of Uttarakhand and Surveyor General of India are directed to file their respective replies/responses by way of affidavits **giving details of land which is claimed by the Forest Department/Survey of India to be forest land regarding which entries in favour of private land holders have been made by the Revenue Department and disputes regarding ownership/possession/demarcation are pending.**

9. Replies/response by way of affidavits be filed by the Principal Secretary, Revenue Department, Government of Uttarakhand, Principal Chief Conservator of Forest (HoFF), Government of Uttarakhand and Surveyor General of India within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. List for further consideration on 19.07.2024.

11. In view of the facts and circumstances of the case we also consider presence of officers duly authorised by the Principal Secretary, Revenue Department, Government of Uttarakhand, the Principal Chief Conservator of Forest (HoFF), Government of Uttarakhand and the Surveyor General of India through VC before this Tribunal on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.

12. A copy of this order be also sent to the Principal Secretary, Revenue Department, Government of Uttarakhand, the Principal Chief Conservator of Forest (HoFF), Government of Uttarakhand and the Surveyor General of India by email for requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 08th 2024
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