

Item No. 1

(Court No. 2)

**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: 28.11.2023

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

Applicant: Applicant in Person.

**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. Notices alongwith copies of the application and documents attached therewith be issued to the respondents requiring them to file their reply/response to the allegations made in the application **within two months** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Uttarakhand Pollution Control Board (UKPCB), Divisional Forest Officer (DFO) and District Magistrate (DM), Nainital and direct the same to undertake visits to the site, look into the grievances of the applicant, associate the applicant and concerned persons, verify the factual position and suggest appropriate remedial action. UKPCB will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report may be submitted through UKPCB **within two months** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

6. List for further consideration on 15.02.2024.

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7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to **UKPCB, DFO and DM, Nainital** by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 28th, 2023
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