

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

(Through Physical Hearing with Hybrid VC Option)

Miscellaneous Application No. 114/2023
In
Original Application No.882/2022

1. Mr. Sanjeev Kumar,
VPO Barnoh Near Sawmill Tehsil, Una, H.P.
Phone: 9805764510.

...Applicant

Versus

1. Deputy Commissioner, Rupnagar,
Mini Secretariat DC, Office Rupnagar,
Rupnagar-140001, Punjab.
Email: dc.rprpunjab.gov.in.

2. Senior Superintendent of Police, Rupnagar,
Office of Senior Superintendent of Police,
Government College Road, Rupnagar-140001.
Punjab Email: ssp.rpr.police@punjab.gov.in.

3. Daljit Singh,
Nikku Nangal, Tehsil Nangal,
District Rupnagar-140124, Punjab.

4. Bachitter Singh,
Nikku Nangal, Tehsil Nangal,
District Rupnagar-140124, Punjab.

5. Akash Rana,
Nangran Village, Tehsil Nangal,
District Rupnagar-140124, Punjab.

6. State of Punjab,
Through its Chief Secretary,
Punjab Civil Secretariat, Chandigarh.
Email: cs@punjab.gov.in.

7. Principal Chief Conservator of Forests (HoFF),
Government of Punjab,
Forest Complex, Sector 68, SAS Nagar,
Mohali-160062, Punjab,
Email: pccfcomplex@gmail.com.

8. District Magistrate, Rupnagar,

Mini Secretariat, Near Bus Stand,
Rupnagar, Punjab-140001.
Email: div.com.rpr@punjab.gov.in.

9. State of Himachal Pradesh,
Through Chief Secretary,
Government of Himachal Pradesh,
Multi-Purpose Projects and Power,
Non-Conventional Energy Sources,
Chairman Himachal Pradesh,
State Electricity Board Limited,
Email Address: cshp@nic.in.

10. Principal Chief Conservator of Forests (H.O.F.F.)
Government of Himachal Pradesh,
Talland, Milsington Estate,
Chotta Shimla, Shimla,
Himachal Pradesh 171002,
Email Address: hp067@ifs.nic.in.

11. District Magistrate, Una,
Secretariat, Una,
Himachal Pradesh-174303.
Email: dc-una-hp@nic.in.

... Respondents

For the Applicant:

None for the applicant.

For the Respondents:

Ms. Nupur Kumar, Advocate for respondent no. 1-DC Rupnagar.

Mr. Kartik K Sood, Advocate for respondent no. 10-PCCF (Hoff), H.P. and
respondent no. 11-DC, Una.

Ms. Preeti Yadav, IAS, DC, Rupnagar (through VC).

Shri Jatin Lal, IAS, DC, Una (through VC).

Mr. Sushil Kumar DFO, Una (through VC).

PRESENT:

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

Judgment Reserved on:- 12.03.2024

Judgment pronounced on :- 05.07.2024

Application under provisions of the National Green Tribunal Act, 2010.

JUDGMENT

PRONOUNCED BY: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JM

1. The applicant filed O.A. No. 882/2022 complaining about illegal felling of trees from a small forest owned and possessed by the Himachal Pradesh Forest Department.

2. The applicant submitted in the application that land measuring about 281 Kanal Marla situated at Nangal Township is owned and possessed by the Himachal Pradesh Forest Department where number of trees were planted and with passage of time, the land became a small forest. In the Revenue record, the land is recorded as Makbooja Mehkama Timber Market. The Punjab Government Revenue Department willfully misplaced the revenue record of village Nikku Nangal. Some local persons prepared wrong revenue map and claimed the land and trees standing over the same as belonging to them. During July, 2018 30 trees, one Shisham and 29 Eucalyptus, were illegally cut by some persons in collusion with Punjab PWD and B & R Br Construction Division, Ropar. Himachal Pradesh Forest Department requested for registration of FIR against the persons involved but the Punjab Police did not register any FIR. Some local persons have illegally cut 25 trees standing on the above said land. The Himachal Pradesh Forest Department requested for registration of FIR but no FIR is registered so far. If cognizance of the matter is not taken, the entire valuable small forest will be destroyed which will also damage the river bank and increase the soil erosion and endanger the Nangal Dam stability.

3. Vide order dated 19.12.2022 notices were ordered to be issued to the respondents and this Tribunal constituted a Joint Committee with direction to verify the factual position and submit its report. The relevant part of the order reads as under:-

5. 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. Accordingly, we constitute a Joint Committee comprising of the Principal Chief Conservators of Forests, Governments of Punjab and Himachal Pradesh and Punjab State Pollution Control Boards and the Deputy Commissioners, Rupnagar and Una and direct the same, to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its Report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance."

“X X X X
Meeting of the Joint Committee:

In Compliance of order dated 19.12.2022 of the Hon'ble National Green Tribunal, the meeting of the Joint Committee was held on 30.12.2022 in the Shakti Sadan Guest House of Bhakhra Beas Management Board (Power -Wing) at Nangal, in the presence of the complainant Sh. Sanjeev Kumar, the officers of Punjab and Himachal Pradesh as per the mandate of the order dated 19.12.2023. During the meeting, while deliberating the issue of illegal cutting of trees, the Department of Forest, Himachal Government has claimed the ownership right of the land where the illegal tree cutting has taken place and further, informed that BBMB has sold the

land to them in 1950. The committee has also visited the site to verify the contents of complaint regarding tree cutting. In view of above facts, after looking into the situation and the concern of the complainant, the committee has decided as under:

i. The Forest Department Himachal Pradesh was directed to pursue the case with Police Department Punjab as per Forest Laws and other Rules immediately.

ii. The sub-committee may be constituted to resolve the dispute of the land consisting of DFO, Punjab & Himachal Pradesh, BBMB, Police Department, District Revenue Officer Punjab and Himachal Pradesh.

iii. The sub-committee will submit its report to the joint committee within one month.

The minutes of the meeting of the Joint Committee held on 30.12.2022 are enclosed herewith as Annexure-A.

Constitution of Sub Committee by Deputy Commissioner, Rupnagar (Punjab):

In compliance to the decisions taken in the meeting of the Joint committee held on 30.12.2022, the Deputy Commissioner, Rupnagar vide office order no.148 dated 12.1.2023 has constituted a Sub Committee comprising of District Revenue Officer, Rupnagar; Tehsildar Nangal, Executive Engineer; BBMB, District Forest Officer, Rupnagar; Station House Officer, Police Station, Nangal for necessary coordination with the officers of Una, Himachal Pradesh in scrutinizing the land records and to submit report to the Nodal Officer i.e. Environmental Engineer, Punjab Pollution Control Board of Joint Committee so that the final factual report is submitted to the Hon'ble NGT. A copy of office order no.148 dated 12.1.2023 passed by Deputy Commissioner, Rupnagar is enclosed as Annexure-B.

Constitution of Sub Committee by Deputy Commissioner, Una (Himachal Pradesh):

In pursuance of the meeting of the Joint Committee held on 30.12.2022 and the constitution of Sub Committee by Deputy Commissioner, Rupnagar (Punjab) vide office order no. 148 dated 12.1.2023, the Deputy Commissioner, Una (Himachal Pradesh) has also constituted a Sub Committee comprising of District Revenue Officer, Una; Divisional Forest Officer, Una; Tehsildar, Una vide office order circulated vide endorsement no. 74-82/DRO/LR dated 13.1.2023 for necessary coordination with the officers nominated by Deputy Commissioner, Rupnagar for scrutinizing of land records involved in the matter and ensuring the demarcation of land in possession of H.P Forest Department in Nangal. A copy of

the order issued by the office of Deputy Commissioner, Una vide endorsement no. 74- 82/DRO/LR dated 13.1.2023 is enclosed as Annexure-C.

Submission of reports by the Sub Committees:

The Sub Committee formed by Deputy Commissioner, Rupnagar, Punjab vide office order no. 148 dated 12.1.2023 has submitted its report to the office of Environmental Engineer, Punjab Pollution Control Board, Rupnagar vide letter no. 520 dated 8.2.2023 (Annexure-D).

Deputy Commissioner, Una has also forwarded the report of the Sub Committee vide letter no. 351-52/DRO/LR dated 27.2.2023 to the office of Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar (Annexure-E).

As per verification of available record, the land involved in the case was found to be recorded in the name of provisional Government under the possession of timber market as Makbooja Mahkama Timber Market.

Recommendations of Deputy Commissioner, Una, Himachal Pradesh:

The Deputy Commissioner, Una, Himachal Pradesh has also endorsed the report of the Sub Committee to the office of Deputy Commissioner, Rupnagar with the following observations and recommendations:

"I am in agreement with the report of the Sub Committee. Having personally visited the site, I am also of the opinion that there is a compact wooded block of green trees existing on this land which is in the nature of a forest under the possession and protection of Himachal Pradesh Forest Department. Therefore, I am making the following recommendations:

- 1. The land which is having the status as "Makbooja Mehkama Timber Market" should be demarcated and finalized with proper boundary pillars & need to be fenced for its protection.*
- 2. Strict action should be taken against the defaulters by the District Administration Runagar & Police Department Rupnagar / Nangal.*
- 3. Immediate help should be extended by the District Administration & Police Department Rupnagar to the Himachal Pradesh Forest Officials in order to stop & curb the further violation and encroachment activities.*

4. *FIRs should be registered against private persons who are found to have done illegal felling of tress on this land.*

5. *The District Administration & Departments of Rupnagar should also not undertake any projects on this patch of land without following the due process under Forest Conservation Act, 1980 and seeking permission of Himachal Pradesh Forest Department."*

Action Taken by Deputy Commissioner, Rupnagar, Punjab:

Acting on the observations and recommendations of Deputy Commissioner, Una as conveyed vide letter no. 351-52/DRO/LR dated 27.2.2023, the Deputy Commissioner, Rupnagar, Punjab has issued directions to the concerned officers as under:

*i) The Executive Engineer, Construction Division PWD (B&R), Rupnagar has been directed vide letter no. 876 dated 3.3.2023 not to undertake any projects on the patch of land without following due process under Forest Conservation Act, 1980 and seeking permission of Himachal Pradesh Forest Department (**Annexure-F**).*

*ii) The Senior Superintendent Police, Rupnagar has been directed vide letter no. 877 dated 3.3.2023 to investigate the matter relating the alleged felling of trees and take action under the relevant law against the violators immediately (**Annexure- G**).*

Demarcation of Land in question:

*After the receipt of the observations and recommendations of the Deputy Commissioner, Una, Himachal Pradesh vide letter no.351-52/DRO/LR dated 27.2.2023 and on the directions of Deputy Commissioner, Rupnagar, the Environmental Engineer, Puniab Pollution Control Board, Regional Office, Rupngar has written letter no. 891 dated 9.3.2023 to District Revenue Officer, Rupnagar to carry out the fencing of the demarcated area immediately (**Annexure-H**).*

*In reference to the above letter dated 9.3.2023 of Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar, the District Revenue Officer, Rupnagar vide letter no. 923-24/NSK-2 dated 10.3.2023 has requested the Divisional Forest Officer, Una and Executive Engineer, BBMB, Nangal to carry out fencing of the land in question with immediate effect (**Annexure-I**).*

Action taken by the concerned authorities:

In reference to the letters dated 3.3.2023 written by Deputy

Commissioner, Rupnagar, the concerned authorities had ensured the compliance of the directions vide written communications as under:

*i) In reference to office memo no. 877 dated 3.3.2023 of Deputy Commissioner, Rupnagar, the Senior Superintendent Police, Rupnagar vide letter no. 14406/AC-III dated 11.3.2023 has intimated the office of Deputy Commissioner, Rupnagar that Deputy Superintendent of Police, Sub Division, Nangal has been directed to look into the matter and to take action as per Law with further direction to comply with the directions issued by the Hon'ble National Green Tribunal meticulously **(Annexure-J)**. The Police has registered an FIR no 0011 dated 30.01.2023 u/s 2 of Forest (Conservation) Act, 1980, u/s 15 of Environment (Protection) Act, 1986, u/s 16 of Environment (Protection) Act, 1986, u/s 57(1) of Biological Diversity Act, 2002,, u/s 189 of IPC 1860, u/s 379 of IPC 1860, u/s 425 of IPC 1860, u/s 441 of IPC 1860, u/s 3 of Prevention to Damage to Public Property Act, 1984, u/s 32 of Indian Forest Act, 1927 and u/s 33 of Indian Forest Act, 1927 at Police Station Nangal District Rupnagar against Daljit Singh s/o Baktawar Singh of Nangal Niku lower, Upper, Nangal, Rupnagar, Punjab, India and Akash Rana S/o Balwant Singh of Nangran Kalmot, Nangal, Rupnagar, Punjab, India along with 10-15 unknown persons of unknown, Nangal, Rupnagar, Punjab, India. (Annexure-K).*

*(ii) In reference to office memo no. 876 dated 3.3.2023 of Deputy Commissioner, Rupnagar, the Executive Engineer, Construction Division PWD (B&R), Rupnagar has reported vide letter no. 3056 dated 13.3.2023 to the office of Deputy Commissioner, Rupnagar that PWD Department will not carry out any construction activity on the mentioned patch of land without following due process under Forest Conservation Act, 1980 and seeking permission from concerned forest department. **(Annexure-L)**.*

The report of the Joint Committee is hereby submitted in compliance to order dated 19.12.2022 passed by the Hon'ble National Green Tribunal in O.A No. 882 of 2022 titled as Sanjeev Kumar V/s Deputy Commissioner, Rupnagar and others. ”

5. As per office report notices were duly served on the respondents. No reply/response was filed by any of the respondents. No objections were filed to the observations/recommendations in the report of the Joint Committee which deserved to be and was accordingly accepted. As mentioned in the report of the Joint Committee remedial measures had been taken/recommended by the concerned Authorities in the States of Punjab and Himachal Pradesh for protection of the Forest and against illegal felling of trees in the same.

6. Accordingly, the application was disposed of vide order dated 17.03.2023. The relevant part of the order reads as under:

“X X X X

7. *In view of the factual position duly verified by the Joint Committee and observations/recommendations made in the report of the Joint Committee, the application is disposed of with the following directions:-*

- (i) entries in the revenue record regarding the land in question be appropriately updated and the land in question be demarcated with proper boundary pillars and be fenced for its protection within three months;*
- (ii) investigation be completed and police report be filed in the FIR already registered within three months;*
- (iii) FIR be also registered against other persons who are found to have done illegal felling of tress standing over the land in question in other incidents and investigation be completed and police report be filed in the FIR registered within three months;*
- (iv) environmental compensation be imposed on the persons who are found to have illegally cut the trees and compensatory afforestation be done within three months;*
- (v) strict action be taken by the District Administration Rupnagar and Police Department Rupnagar / Nangal in future against the defaulters by registration of FIR immediately on receipt of complaint;*
- (v) immediate help be extended by the District Administration and Police Department Rupnagar to the Himachal Pradesh Forest Officials in order to stop and curb any further violations and encroachment activities as and when so asked for; and*
- (vi) no project be undertaken on the land in question without prior approval of the Central Government under the Forest Conservation Act, 1980.*

8. *Action Taken Report regarding action taken in compliance of this order be filed by the District Magistrates Rup Nagar Punjab and Una Himachal Pradesh on or before 30.09.2023 by email at 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 before learned Registrar General of this Tribunal who may direct the matter to be listed before this Tribunal for directions in the matter if so considered to be necessary.*

9. *In case of any grievance in future in respect of the land in question, the applicant shall also be at liberty to move this Tribunal for further directions in the matter.*

X X X X”

7. Action taken report was filed by Deputy Commissioner, Una vide email dated 25.09.2023 and by Deputy Commissioner, Rupnagar vide email dated 05.10.2023.

8. The relevant part of the report filed by Deputy Commissioner, Una vide email dated 25.09.2023 reads as under:

“ X X X X

*It is further submitted that after receiving the aforesaid order Dated 17.03.2023 of the Hon'ble National Green Tribunal, the Divisional Forest Officer, Forest Division Una District Una (H.P.) vide this office letter No. 767/DRO/NTLR dated 24.04.2023 (copy annexed as **Annexure -A**) was requested to take up the matter with the concerned revenue authorities of Punjab proactively for updating of revenue entries and also ensure fencing of land after obtaining proper demarcation of entire land parcel within period of three months from the date of passing the aforesaid order dated 17.03.2023. He was also requested to ensure compliance of directions mentioned at point No. (ii) to (vii) above and send his detailed action taken report in compliance of aforesaid directions of Hon'ble National Green Tribunal to this office. The Divisional Forest Officer Forest Division Una District Una in response thereof vide his office letter No. 6275 dated 22.09.2023 (copy annexed as **Annexure -B**) has reported that the matter has been taken up with the Deputy Commissioner, Rupnagar, Punjab vide his office memo No.1714 dated 12.05.2023 regarding updation of entries of land in question in revenue record but the same has not been done. The demarcation of the land in question has been done by revenue authorities of Punjab Revenue department and the work of fencing and erection of boundary pillars is being carried out and will be completed shortly. Around 11.15 acre land has been demarcated and calculated less by the authorities of Revenue Department, Punjab Govt. as in some portion of land illegal construction has been found done and in some portion, railway line and railway station has been found constructed. He has also reported that the Una Forest Division is in touch with Punjab Police Department and extent all cooperation and assistance in the investigation. A complaint has already been lodged by Range Forest Officer, Una in the office of SHO Nangal vide letter No. 1323 dated 27.01.2023 regarding illegal felling of trees standing over the land in question and FIR No. 11/2023 dated 30.01.2023 has also been registered against accused Daljeet Singh, Akash Rana and others. He has further reported that as the Land in question is falling in the territory of State Punjab, hence the applicable environmental compensation has to be recovered by the Punjab Forest Department. The District Forest Officer Una has submitted in his above referred report that as per directions of Hon'ble NGT, District Administration Rupnagar has directed District Revenue Officer Rupnagar for demarcation of the alleged area. Accordingly, the*

demarcation has been carried out on 30.06.2023, 29.08.2023 & 18.09.2023. As per aforesaid report of the Divisional Forest Officer Una the updation of entry in the revenue record under the ownership/possession column as **“Himachal Pradesh Forest Department”** instead of **“Makbuja Mehkama Timber Market”** as well as appropriate action in respect of around 11.15 acre less land than actual area is to be done at the end of Deputy Commissioner Rupnagar (Punjab).

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9. The relevant part of the report filed by Deputy Commissioner, Rupnagar vide email dated 05.10.2023 reads as under:

“X X X X

The matter regarding implementation of directions passed by Hon'ble NGT have been reviewed by Deputy Commissioner, Rupnagar alongwith officials of various stakeholder departments and Forest Officers of District UNA, Himachal Pradesh from time to time. The point wise Action Taken Report is as under:

- i. In compliance to the NGT's directives, Deputy Commissioner Rupnagar has constituted Joint Committee consisting of District Revenue Officer, DFO, Rupnagar and Tehsildaar Nangal to submit report regarding demarcation of land in question and updation of entries in the revenue record. According to the report submitted by Joint committee to the DC, Rupnagar dated 29.09.2023, Tehsildar Nangal has supervised the demarcation work of the land and fencing of the land has been carried out by the Forest Department of UNA, Himachal Pradesh. As above, the demarcation of disputed land has been conducted as per orders of Hon'ble NGT issued in OA no. 882 of 2022 dated 17.03.2023 at serial no. 1. The fencing of land with pillars has also been done by the Forest Department, Una. Further, necessary corrections and updates to the revenue records pertaining to the land have been rectified by Tehsildar, Nangal. Hence the Direction no.(i) of the NGT's order dated 17/03/2023 in OA 882 of 2022 has been fully complied with. (Copy of report of Joint committee attached at **Annexure A**).
- ii. SSP Rupnagar vide letter dated 22.06.2023 has informed that:
 - FIR has been lodged against the 2 no. accused under relevant Acts (copy attached at **Annexure B**).
 - Both accused have been investigated by Police on 06.05.2023 and 15.05.2023 as per the order of Hon'ble Punjab and Haryana High Court Chandigarh. After obtaining the land related records from the Forest Department, Himachal Pradesh, the suit challan will be prepared and submitted to the court. During the investigation, if the involvement of any other person is found, action will be taken against him as per law.
- iii. Further, SHO, Nangal, Rupnagar vide latest status report dated 29.09.2023 has informed that FIR No. 11 dated 30.01.2023

*was registered under relevant Acts and necessary action as per law has been taken. The challan of the FIR has also been prepared and submitted to the court on 29.09.2023 (copy attached at **Annexure C**).*

- iv. Regarding Environment Compensation, Forest Range Officer, Sh. Anandpur Sahib has inspected the site and reported that 23 trees of Eucalyptus have been found illicitly felled from the area of Himachal Pradesh Forest Department. Marking list of 23 trees has been prepared by field staff of Shri Anandpur Sahib Range and Compensation price of trees calculated. The Divisional Forest Officer, Rupnagar vide his letter endst. no. 7159-60 dated 29.09.2023 (copy attached at **Annexure-D**) has written to the Divisional Forest Officer, Una Forest Division, Una (H.P) to the effect that the assessment of compensation price of 23 Eucalyptus trees fell in the area of village Nikku Nangal under control of Himachal Pradesh Forest Department was done by his Office wherein assessment of Rs. 1,31,500/- was intimated to the District Forest Officer, Una and can be revised at the level of Divisional Forest Officer, Una (H.P.) He further has informed that this area does not fall in the Working Plan / Management Plan of Rupnagar forest Division and is neither declared as Reserved Forest or Protected Forest by Punjab State Government nor closed u/s 4/5 of PLPA, 1900 and as such his Office cannot take any action on the above said area. The Divisional Forest Officer, Rupnagar has requested the DFO, Una (H.P.) to take further necessary action for recovery of Environmental Compensation and compensatory afforestation.*
 - v. Strict action has been taken against the defaulters by the District Administration, Rupnagar and SSP Rupnagar and directions of Hon'ble tribunal have been fully complied with.*
 - vi. Necessary directions regarding extending immediate help to Himachal Pradesh Forest officials have been issued to SSP, Rupnagar, SDM, Nangal, DFO and other concerned authorities, in order to stop and curb any further violation or encroachment activities (Copy of ADC (G) letter no. 6938-44 dated 29/09/2023 attached at **Annexure-E**).*
 - vii. Additional Deputy Commissioner (G) Rupnagar vide letter no. 6929-30 dated 29/08/2023 has issued instructions to SSP, Rupnagar and SDM Nangal that no project shall be undertaken on the provincial land of Village Nikku Nangal without prior approval of Central govt. under Forest Conservation Act, 1980 and other relevant laws (copy attached at **Annexure F**).*
- X X X X"*

10. On receipt of the reports, learned Registrar General of this Tribunal considered issuance of further directions to be necessary and directed listing of the matter before this Bench.

11. Vide order dated 06.11.2023, notices were ordered to be issued to the respondents for filing of their response on or before 31.12.2023 with all

requisite details and copies of the relevant documents regarding compliance of the orders passed by this Tribunal.

12. Pursuant to notice reports have been filed by Deputy Commissioner, Una vide email dated 16.12.2023, by Deputy Commissioner, Rupnagar vide email dated 02.01.2024. Reply has also been filed by respondent no.3-Daljit Singh vide email dated 30.12.2023.

13. The relevant part of the report filed by Deputy Commissioner, Una vide email dated 16.12.2023 is reproduced below:-

“Sub: - Compliance report in compliance of order dated 06.11.2023 passed by the Hon'ble National Green Tribunal, New Delhi in M.A. No. 114/2023 in Original Application No. 882 of 2022 titled as Sanjeev Kumar versus Deputy Commissioner, Rupnagar & ors.

X X X X

It is respectfully submitted that the Hon'ble National Green Tribunal, New Delhi vide order dated 06.11.2023 passed in M.A. No. 114/2023 in Original Application No. 882 of 2022 titled as Sanjeev Kumar versus Deputy Commissioner, Rupnagar & ors. has directed the respondents to file their response on or before 31.12.2023 with all requisite details and copies of the relevant documents regarding compliance of the orders passed by this Hon'ble Tribunal.

*It is further submitted that after receiving the aforesaid order dated 06.11.2023 of the Hon'ble National Green Tribunal, the Divisional Forest Officer, Forest Division Una District Una (H.P.) vide this office letter No. 3249/DRO/NTLR dated 24.04.2023 (copy annexed as **Annexure -A**) was requested to send a detailed fresh action taken report in compliance of aforesaid directions of Hon'ble National Green Tribunal to this office. The Deputy Conservator of Forests, Una Forest Division Una (H.P.) vide his office letter No. 8809 dated 04.12.2023 (copy annexed as **Annexure -B**) has reported that the demarcation of the alleged area has been carried out by Revenue Department Punjab in the presence of District Revenue Officer Una, Tehsildar Una and other revenue officials and Range Forest Officer Una with his team on 29.08.2023. He has also reported that as per Award No. 132/H dated 19.10.1954, 133/H dated 19.10.1954 and supplementary Award No. 132/H dated*

19.10.1954/16.11.1955 as per site plan presented by Shri Sandeep Chauhan, officer of Northern Railway, Nangal Township (Pb). Out of total 34.01 Acre (13.76 ha) land, 1.77 Acre (4.38 ha) has been demarcated less on which land Railway line has been found constructed in some portion whereas in the remaining portion illegal encroachment has been found done by the locals. However as per demarcation, fencing on three sides of the demarcated land has been done whereas boundary pillars have been installed on the river side by lower Forest Field staff of Una Forest Range."

14. The relevant part of the report filed by Deputy Commissioner, Rupnagar vide email dated 02.01.2024 is reproduced below:-

"Subject: Status report w.r.t Orders passed by Hon'ble NGT in OA No. 882/2022 titled as "Sanjeev Kumar V/s Deputy Commissioner, Rupnagar & Ors." on 6.11.2023.

X X X X
In compliance to directions given by Hon'ble Tribunal, Sub Divisional Magistrate has called up joint meeting of all stakeholder departments of Distt. Rupnagar and Distt. Una (HP) on 26/12/2023 and the concerned officials were requested to produce the relevant written record along with the requisite documentation. The compliances w.r.t decisions of Hon'ble Tribunal are given as under:-

1. *In compliance to NGT orders, the demarcation of chunk of land was conducted by Joint Committee constituted by DC, Rupnagar, and DC Una on 29/8/2023. Accordingly, Tehsildar Nangal has supervised the demarcation work of the demarcation work of the land and fencing of the land has been carried out by the Forest Department of UNA, Himachal Pradesh.*

2. *As far as action regarding illegal felling of trees is concerned, due action in the form of FIR was initiated by DSP Nangal. The suit challan has also been produced in the court on dated 29/09/2023 and the next date of hearing is on 10/01/2024 in the Court of SDJM, Nangal.*

3. *An Environmental Compensation of Rs. 1,31,500/- has already been calculated by DFO, Rupnagar and sent to District Forest Office, Una on 07.12.2022. Further, a letter has been written to DFO, Una for taking necessary action regarding recovery of Environmental Compensation and afforestation work vide DFO, Rupnagar letter dated 26.12.2023*

4. *Strict action has been taken against the defaulters by the District Administration, Rupnagar and SSP Rupnagar and directions of Hon'ble tribunal have been fully complied with.*

5. *Necessary directions regarding extending immediate help to Himachal Pradesh Forest officials have been issued to SSP, Rupnagar, SDM, Nangal, DFO and other concerned authorities,*

in order to stop and curb any further violation or encroachment activities .

6. *Additional Deputy Commissioner (G) Rupnagar vide letter no. 6929-30 dated 29/08/2023 has issued instructions to SSP, Rupnagar and SDM Nangal that no project shall be undertaken on the provincial land of Village Nikku Nangal without prior approval of Competent Authority under relevant Acts. Therefore, it is evident that the above compliances have already been implemented by the District Authorities of Rupnagar."*

15. The relevant part of the reply filed by respondent no.3-Daljit Singh vide email dated 30.12.2023 is reproduced below:-

"Reply on behalf of respondent Daljit Singh s/o Bakhtawar Singh r/o Village Nikku Nangal Tehsil Nangal Distt Rupnagar

X X X X

1. *That the answering respondent is proprietor of village Nikku Nangal, Tehsil Nangal, Distt Rupnagar, and is having share in Patti land namely "Taraf Sardara Hasab Hissa Jaddi". The shamlat land of village Nangal Nikku was is possession of proprietors of village much prior to 26.01.1950 and are using and cultivating the same as per their possession, it is pertinent to mention here that no consolidation has been effected in the village and there is no bachat land or forest land is reserved in the village. The village of the answering respondent is adjoining to Nangal Township and the land of the village is very progressive. Due to the carelessness of revenue staff, the entire record of rights/land like Lattha, Musavi, field book and khasra girdawri registered is missing/untraceable from 2004 due to which the proprietors of the village like the answering respondent are facing problem in identification of their property and other land ownership related issues.*

2. *That due to unavailability of revenue record of the village, the encroachers and other land mafia of Nangal town are encroaching upon the land of the proprietors due to which several litigations are also pending in the civil courts, there also villagers are facing great trouble in establishing their claim in absence of revenue record, which is very much essential for identification/demarcation of land, all the proprietors the village has requested in written as well as several times even on daily basis is visiting the office of revenue staff for providing the above revenue record for protection of their property from encroachers, but none of the revenue staff is ready to reconstruct the record and it seems that they are glove in hand with the land mafia. Copy of the RTI showing the factum of misplacement of records is attached as annexure R/ 1.*

3. *That when nothing has been done by the revenue staff then the answering respondent filled CWP no 16320 of 2018 with a prayer for issuance of directions for reconstruction of revenue record pertaining to the village and vide order dated 09.07.2018 notice of motion was issued and state was directed*

to file response, to which it has been conceded that revenue record pertaining to village nikku nanagal is already misplaced since 2004 and it was then directed by the honble high court for reconstruction of the same. however till today no complete record has been constructed and writ petition is still pending in the honble high court.

4. That during the pendency of the writ petition state made a statement before the honble high court that land record which is ownership of the answering respondent has been reconstructed and his land will be demarcated in case application is made in this regard. The honble high court granted liberty to the answering respondent to move fresh application for demarcation with direction to state to demarcate as per fresh re-constructed revenue record. Copy of the order dated 17.07.2019 is attached as annexure R/2.

5. That in compliance to the order R/2 Deputy commissioner Rupnagar filled affidavit before the honble court regarding demarcation of the land of the Answering respondent and in that, demarcation process only the land in dispute in present case has been allocated to the petitioner being his ownership. Copy of the Affidavit of the deputy commissioner is attached as annexure R/3

6. That it is a matter of record that Himachal Pradesh forest department has filled suit in the civil court Nangal qua land in dispute which is still pending adjudication as such till the decision of the civil court the directions given by this Tribunal be kept in abeyance as the same may amount to contradictory outcomes.

7. That no compensation was ever given to any of the proprietor of the village regarding any acquisition of land by forest department of Himachal Pradesh, as the land falls in state of Punjab and there exists no sale deed, award, or any other document of transfer of land favor of Himachal Pradesh govt in Punjab state after the creation of Himachal Pradesh state vide 1971 Act, so once the himachal Pradesh state itself came into existence in 1971 it has to prove his ownership over land in Punjab state by producing any document issued after 1971 or any such stipulation in the settlement act. And in absence of such no claim is made out in favour of the Himachal Pradesh govt. the jurisdiction of this honble tribunal is sought to bypass the jurisdiction vested in civil court.

8. That the popular and other trees has been planted by the father of the answering respondent and other proprietors of the village in their own land for their personnel use and nor the himachal govt neither the Punjab state has any authority to restrict the answering respondent from using the timber in manner they want.

9. That noticing all the facts the answering respondent has been granted pre-arrest bail by the honble high court observing that the land is neither owned by Punjab state and nor by himachal govt. copy of the order dated 18.05.2023 is attached as annexure R/4.”

16. This Tribunal considered the reports on 04.01.2024 and observed in its order dated 04.01.2024 as under :

“7.As per the reports submitted by the Deputy Commissioner, Una and the Deputy Commissioner, Roopnagar, there is disagreement regarding the land in question including its entries in the revenue record and also demarcation with proper boundaries. In the reports there is no mention as to what are the khasra numbers and what is the individual and total area of the khasra numbers comprised in the land in question. Entries in revenue record are stated to have been updated but copies of the revenue record have not been filed. The land in question is stated to have been demarcated but copy of the demarcation report has not been filed. On some part of the land encroachments are stated to have been made but measurements of the area encroached upon and names of the encroachers have not been mentioned. No proceedings have been taken for removal of encroachments. The aspect of illegal construction of road in the land in question has not been looked into.”

17. Accordingly, vide order dated 04.01.2024, the Deputy Commissioner Una and the Deputy Commissioner, Rupnagar were directed to submit detailed reports along-with copies of relevant records with respect to all the aspects mentioned above. The Deputy Commissioner, Rupnagar was also directed to file separate status report regarding road alleged to have been illegally constructed in the land in question by/in connivance with Punjab PWD and to show cause as to why any road illegally constructed in the land in question without obtaining permission from the Central Government/Himachal Pradesh Forest Department be not ordered to be immediately closed. Further the Deputy Commissioner, Una and the DFO, Una were directed to file report regarding the market value of trees illegally cut, the quantity of wood of illegally trees recovered by the Himachal Pradesh Forest Department, auction if any conducted for sale thereof and realization and utilization of sale proceeds of the same.

18. Replies have been filed by Deputy Conservator of Forest, Una vide email dated 06.03.2024, by Deputy Commissioner, Una vide email dated 07.03.2024 and by Deputy Commissioner, Rupnagar vide email dated 07.03.2024.

19. The relevant part of the reply filed by Deputy Conservator of Forest, Una vide email dated 06.03.2024 is reproduced below:-

“Sub: - Miscellaneous Application No. 114/2023 in Original Application No. 882/2022 titled as Sanjeev Kumar Versus Deputy Commissioner, Rupnagar & Ors pending before the Hon'ble NGT.

X X X X
Kindly refer to your office email message dated 16.01.2024 copy of which received through Deputy Commissioner, Una, District Una's letter No. 92/DRONTLR dated 18.01.2024 whereby the copy of order dated 04.01.2024 passed by the Hon'ble National Green Tribunal in aforesaid Miscellaneous Application has been supplied to this office for further necessary action.

In this connection, it is submitted that the Hon'ble National Green Tribunal vide order dated 04.01.2024 has ordered under para 10 to file report regarding the market value of trees illegally cut, the quantity of wood of illegally trees recovered by the Himachal Pradesh Forest Department, auction if any conducted for sale thereof and realization and utilization of sale proceeds of the same on or before 10.03.2024 by email at judicial-ngt@gov.in. preferably in the form of searchable PDF/OCR Support PDF and not in the form of image PDF.

In compliance to aforementioned order dated 04.01.2024 Response/reply is respectfully submitted as under: -

1. Response/reply to the averments made under para 10:
It is submitted that following trees were illegally cut during the year 2018 and 2022, value of which is assessed on the basis of prevailing market rates fixed in Himachal Pradesh as under.

Year	Species	No. of trees illicitly	Volume in Cum	Rate per cum	Amount
2018	Eucalyptus	29	21.432	18591	398442
	Shisham	1	0.977	42654	41673
2022	Eucalyptus	23	21.314	21612	460638
	Total:	53	43.723	82857	900753

Out of the above illicitly felled trees, following forest produce has been recovered which has been stacked at F.R.H. Nangal. As case is under trial in the Ld. Court at Nangal and as such matter has been taken up with SSP Ropar to obtain necessary orders for disposal of the seized forest produce.

Year	No. of logs seized	Volume of seized logs in Cum
2018	190	17.105
2022	144	17.516
Total:	334	34.621

As the area in question from where trees have been illicitly felled falls in Punjab State and as such market rates fixed in Punjab State are required to be applicable in the instant case.

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted."

20. The relevant part of the reply filed by Deputy Commissioner, Una filed vide email dated 07.03.2024 is reproduced below:-

“Sub: - Compliance report in compliance of order dated 04.01.2024 passed by the Hon'ble National Green Tribunal, New Delhi in M.A. No. 114/2023 in Original Application No. 882 of 2022 titled as Sanjeev Kumar versus Deputy Commissioner, Rupnagar & ors.

It is respectfully submitted that the aforesaid M.A. No. 114 of 2023 in Original Application No. 882 of 2022 titled as Sanjeev Kumar versus Deputy Commissioner, Rupnagar & Ors. was listed before the Hon'ble National Green Tribunal on 04.01.2024 and the Hon'ble National Green Tribunal had observed that as per the reports submitted by the Deputy Commissioner Una and the Deputy Commissioner Roopnagar, there is disagreement regarding the land in question including its entries in the revenue record and also demarcation with proper boundaries. In the reports there is no mention as to what are the khasra numbers comprised in the land in question. Entries in revenue record are stated to have been updated but copies of the revenue record have not been filed. The land in question is stated to have been demarcated but copy of the demarcation report has not been filed. On some part of the land encroachments are stated to have been made but measurements of the area encroached upon and names of the encroachers have not been mentioned. No proceedings have been taken for removal of encroachments. The aspect of illegal construction of road in the land in question has not been looked into. The Hon'ble National Green Tribunal vide order dated 04.01.2024 has directed the Deputy Commissioner Una and the Deputy Commissioner Roopnagar to submit their detailed reports along-with copies of relevant records with respect to all the aspects mentioned above. The Hon'ble National Green Tribunal has also directed- the Deputy Commissioner Una and the DFO Una to file report regarding the market value of trees illegally cut, the quantity of wood of illegally trees recovered by the Himachal Pradesh Forest Department, auction if any

conducted for sale thereof and realization and utilization of sale proceeds of the same. The Hon'ble National Green Tribunal vide aforesaid order dated 05.01.2024 has further directed to file reports on or before 10.03.2024 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Hon'ble National Green Tribunal vide aforesaid order dated 04.01.2024 has also directed the Deputy Commissioner Una and the Deputy Commissioner Roopnagar to remain present before the Hon'ble Tribunal on 12.03.2024 (physically or through VC) for producing the relevant record and assisting the Hon'ble Tribunal in just and proper adjudication of the questions involved in the case.

It is further submitted that after receiving the aforesaid order dated 04.01.2024 of the Hon'ble National Green Tribunal, a joint meeting was convened on 21st February 2024 at Nikku Nangal under the chairmanship of the undersigned and Deputy Commissioner Rupnagar to address concerns pertaining to the aforesaid order dated 04.01.2024 in the presence of Sub Divisional Magistrate Nangal, District Revenue Officer Rupnagar, District Revenue Officer Una, District Forest Officer Una, District Forest Officer Rupnagar, Tehsildar Nangal, Tehsildar Una, Executive Engineer PWD (B&R), Punjab wherein it was resolved that a joint committee would be established comprising of DROs of Rupnagar and Una, the Tehsildars of Nangal and Una, and the District Forest Officers of Una and Rupnagar. The primary objective of this Committee was to visit site in question, check and report on the Khasra numbers, individual and total area encompassed by the land under scrutiny, and to give ownership and possession status of land in question and submit a report. The copy of minutes of aforesaid meeting dated 21.02.2024 is annexed as Annexure - A. In compliance of these directions, the joint committee of Una district comprising of District Revenue Officer Una, Divisional Forest Officer Una and Tehsildar Una visited the spot on 21.02.2024 and submitted joint report dated 05.03.2024 with the following recommendations: -

1.) Regarding the variation in the area as pointed out by the Hon'ble National Green Tribunal, the matter was discussed in the joint inspection on 21.02.2024 and it was found that the variation was due to the wrong conversion factor by the Punjab Revenue authorities. The mutation of the land has been attested in favour of 'Makbooja Mehkama Timber Market' on 12.02.1990 vide award number 132/H on 19.10.1954 to the extent of 351 Kanals 10 Marlas, which when converted in acres, comes out to be 33.31 acres. The Punjab revenue authorities accepted the fact that the mutation of the land has been attested in favour of 'Makbooja Mehkama Timber Market' is 351 Kanals 10 Marlas and when is converted into acres, it comes out to be 33.31 acres rather than 44 acres.

2.) The demarcation of the spot was conducted in the past by the Punjab Revenue officials in the presence of Tehsildar Una and field revenue staff on 30.06.2023 and latest by 29.08.2023 and it is on the basis of the demarcation conducted by Punjab Revenue Authorities, the boundaries of the land in question was fixed which was subsequently fenced by the H.P. Forest Department, Una but the copy of the demarcation report was

not given to the office of Deputy Commissioner Una and the office of District Forest Office, Una. However, the same was perused during the joint inspection on 21.02.2024 and it was found that the demarcation report does not mention the entire Khasra numbers belonging to Makbuza Mehkama Timber Market and only 45 Khasra numbers have been mentioned as compared to total Khasra numbers comprising the land in question. As per orders of the Hon'ble National Green Tribunal, the total Khasra numbers is required to be mentioned in the demarcation report and this direction of Hon'ble NGT to mention the Khasra numbers comprising the land in question was also discussed with the Punjab revenue authorities and it was requested to comply with the direction of Hon'ble NGT. Therefore, the committee of Una district comprising of District Revenue Officer Una, Divisional Forest Officer Una and Tehsildar Una recommends that the Revenue Authorities in Punjab may be asked to specifically mention the Khasra numbers comprising the fenced area.

3.) The Punjab Revenue authorities were requested to demarcate the rest of the land in question in order to find out the encroachments done on the land in the name of 'Makbooja Mehkama Timber Market' but the Punjab Revenue authorities stated that entire land has been demarcated and if the fenced area will be measured on the spot, it will tally with the area mutated in favour of 'Makbooja Mehkama Timber Market'. Therefore, the fenced area was measured on the spot jointly by the Revenue and Forest officials of Punjab and Himachal Pradesh and it was found tallied with the area mentioned in the revenue record. The H.P. Forest department has fenced the entire area measuring 351 Kanals 10 Marlas on the spot. The copy of above referred report submitted by the joint committee of Una district comprising of District Revenue Officer Una, Divisional Forest Officer Una and Tehsildar Una is annexed as Annexure —B. It is pertinent to mention here that the report submitted by the joint committee of Una district comprising of District Revenue Officer Una, Divisional Forest Officer Una and Tehsildar Una has been sent to the Deputy Commissioner, Rupnagar (Punjab) vide this office letter No. 437/DRO/LR dated 05.03.2024 for further necessary action at her end. The copy of letter No. 437/DRO/LR dated 05.03.2024 is annexed as Annexure— C.

It is also submitted that the Divisional Forest Officer, Forest Division Una District Una (H.P.) vide this office letter No.92/DRO/NTLR dated 18.01.2024 (copy annexed as Annexure -D) was directed to send the detailed report alongwith copies of relevant records to this office strictly in terms of aforesaid directions of the Hon'ble National Green Tribunal. The Divisional Forest Officer Una Forest Division Una (H.P.) in response thereof vide his office letter No.15514 dated 01.03.2024 (copy annexed as Annexure -E) has reported that the variation of land was due to the wrong conversion factor of Acre to Kanal/Marlas by the Punjab Revenue Authorities. The demarcation of the alleged area has been conducted by the Punjab Revenue Authorities in the past in the presence of revenue officials of Himachal Pradesh on three different dates and latest by 29.08.2023 and thereafter the boundaries of the land in question were fixed which was subsequently fenced by

Himachal Pradesh Forest Department. However, demarcation report has not been received from the Punjab Revenue authorities as yet which is required to be submitted by them in the Hon'ble NGT. The area has been fenced on the basis of demarcation given by Punjab Revenue Department, but they have not shown Khasra Nos in the fenced area. As per report dated 30.06.2023 of Tehsildar Nangal there is double entry of khasra No.428 and 437 in the jamabandi but both these Khasra Numbers pertains to Timber market. He has also reported that as regards updating of entries in the revenue record is concerned, the matter pertains to Punjab Revenue Authorities for which he has already taken up the same with Tehsildar Nangal vide letter No. 3060 dated 31.05.2019 for changing the entries in revenue record from "Makbuja Mehkama Timber Market" to H.P. Forest Department. The following trees were illegally cut during the Year 2018 and 2022, value of which is assessed on the basis of prevailing market rates fixed in Himachal Pradesh as under: -

Year	Species	No. of trees illicitly felled	Volume in cum	Rate per cum	Amount
2018	Eucalyptus	29	21.432	18591	398442
	Shisham	1	0.977	42654	41673
2022	Eucalyptus	23	21.314	21612	460638
	Total	53	43.723	82857	900753

Out of the above illicitly felled trees, following forest produce has been recovered which has been stacked at Forest Rest House Nangal. As case is under trial in the learned Court at Nangal and as such matter has been, taken up by the Divisional Forest Officer Una with Senior Superintendent of Police District Rupnagar vide his office letter No. 12973 dated 29.01.2024 (copy annexed as Annexure —F) to obtain necessary orders for disposal of the seized forest produce.

Year	No. of logs seized	Volume of seized logs in cum
2018	190	17.105
2022	144	17.516

The Divisional Forest Officer Una has further reported in his above referred report that the Executive Engineer, Construction Division PWD, B&R Ropar (Punjab) has constructed approximately 400 mtr. trace line/road without permission from

the Competent Authority of H.P. Forest Department after illicit felling of 30 trees for Which a compliant had been filed by Range Forest Officer, Una in Police Station, Nangal and accordingly FIR No. 0182 dated 06.11.2018 was registered in P.S. Nangal. A bridge is being constructed by Punjab P.W.D (B&R) Division, Rupnagar/Nangal near Forest Rest House, Nangal on southern side which seems that after completion of the said bridge, it will pass through the land recorded as Makbooja Mehkama Timber Market which is under possession of H.P. Forest Department. As per orders dated 17.03.2023 of this Hon'ble Tribunal, for any developmental activities on the said land, prior permission from the competent authority is required. The matter has already been taken by the Divisional Forest Officer Una with Deputy Commissioner, Rupnagar (Punjab) vide his office letter No. 7137 dated 16.10.2023 to direct the concerned authorities to take prior permission from the competent authority before undertaking the said work.

Regarding environmental compensation, the Divisional Forest Officer Una Forest Division Una (H.P.) vide his office letter No. 16154 dated 07.03.2024 (copy annexed as Annexure —G) has reported that the land in question falls in Punjab State and as per proceedings of the meeting held on 13.09.2023 under the chairmanship of A.D.C (G) Rupnagar, necessary environmental compensation is required to be recovered from two accused by DFO Rupnagar which is further required to be deposited in Punjab Treasury. In the same meeting, it has been directed to Executive Engineer, Punjab Pollution Control Board to coordinate the matter regarding deposition of environmental compensation with Divisional Forest Officer Rupnagar. As per above referred report of the Divisional Forest Officer Una, no further correspondence has yet been received by him from Divisional Forest Officer Rupnagar in this respect. The copy of photographs of path and bridge constructed by the Punjab PWD (B&R) Division are annexed as Annexure —H.

The abovementioned detailed report is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted on behalf of the undersigned."

21. The relevant part of the reply filed by Deputy Commissioner, Rupnagar vide email dated 07.03.2024 is reproduced below:-

"Reply in the form of Affidavit regarding compliance of Order Dated 06.01.2024 in OA 882 of 2022 Sanjeev Kumar VS Deputy Commissioner, Rupnagar and others.

X X X X X

That this submission is being made in response to order dated 06.01.2024, the relevant part of which is detailed as below,

"as per reports of submitted by Deputy Commissioner, Una and the Deputy commissioner, Roopnagar, there is disagreement regarding the land in question including its entries in the revenue record and also demarcation with proper boundaries. In the reports there is no mention as to what are the khasra

numbers and what is the individual and total area of the khasras numbers comprised in the land in question. Entries in revenue record are stated to have been updated but copies of the revenue record have not been filed. The land in question is stated to have been demarcated but copy of the demarcation report has not been filed. On some part of the land encroachments are stated to have been made but measurements of the area encroached upon and names of encroachers have not been mentioned. No proceedings have been taken for removal of encroachments. The aspects of illegal construction of road in the land in question has not been looked into."

It is most humbly submitted that we have complied with all aspects of the order and have provided the counterparts in District Una, Himachal Pradesh the following information:

1. That, a re-measurement of the land was conducted by joint committee comprising of DROs of Rupnagar and Una, the Tehsildars of Nangal and Una, and the District Forest Officers of Una and Rupnagar. A detailed report to this affect is attached as Annexure-A.

2. That no encroachments were found inside the fenced area during the measurement, which was conducted in the presence of relevant officials, including DROs from both Rupnagar and Una, DFOs from Una and Rupnagar, and Tehsildars from Nangal and Una. The measured area is 351 Kanals 10 Marla, and photographic evidence of the site is attached as Annexure-B for reference.

3. That no metalled road was found on the land. However, a kaccharasta (unpaved road) exists. Photographic evidence of the same is attached as Annexure-C. Additionally, a letter by the XEN, PWD as Annexure-D, has been included, stating that they are not involved in any construction activities on the land.

4. That it is respectfully submitted that as per the present Revenue record, ownership of the land is Provincial Government. While in possession Column it is entered as Timber market. Copy of detail report of Tehsildar Nangal and latest Jamabandi is attached as Annexure-E. Although, the Himachal Pradesh Forest Department has not provided any revenue record of the land in question or the proof of ownership thereof, they claim the possession and maintain a forest rest house on the site. They also claim plantation rights, though the plantation is not numbered.

5. That the revenue record for this area is sub-judice, with the Ld High court where in CWP No. 16320 of 2018 titled Daljit Singh V/s State of Punjab the Ld court has directed to reconstruction and update the revenue record of village Nikku Nangal, Tehsil Nangal Distt. Rupnagar copy of orders is attached as (Annexure-F). Submitting incomplete information in ongoing legal proceedings could lead to future complications.

Therefore, undersigned humbly prays that all on-ground directives have been complied with, so the case be filed."

22. We have heard learned Counsel for the respondents and gone through the relevant record and interacted with the concerned officers.

23. The Deputy Commissioner, Rupnagar has attached copies of the relevant revenue record with his reply filed vide email dated 07.03.2024 and has in his reply asserted compliance regarding demarcation and fencing but at the same time in the documents placed on record disputed ownership of Himachal Pradesh Government due to non-production of documents of title and for the first time referred to dispute regarding reconstruction of revenue record and demarcation of Patti land namely "Taraf Sardara Hasab Hissa Jaddi" claimed by Daljit Singh to be under his ownership as proprietor thereof. Copies of the orders passed by Hon'ble High Court of Punjab and Haryana in CWP 16320 of 2018, CM-10917-CWP-2023 and CWP 25115 of 2021 titled as Daljit Singh Vs. State of Punjab and others have also been produced. In his reply Deputy Commissioner, Rupnagar has submitted that the revenue record for this area is sub-judice and submitting incomplete information in ongoing legal proceedings could lead to future complications.

24. In his reply respondent no. 3-Daljit Singh has claimed that he is proprietor of village Nikku Nangal, Tehsil Nangal, District Rupnagar, and is having share in Patti land namely "Taraf Sardara Hasab Hissa Jaddi". The shamlat land of village Nangal Nikku was in possession of proprietors of village much prior to 26.01.1950 who were using and cultivating the same as per their possession. No consolidation was effected in the village and no bachat land or forest land was reserved in the village. Due to the carelessness of revenue staff, the entire record of rights/land like Lattha, Musavi, field book and khasra girdawri is missing/untraceable from 2004 due to which he and the proprietors of the village are facing problem in identification of their property and other land ownership related issues. He filled CWP no. 16320 of 2018 on which the Hon'ble High Court of Punjab and Haryana ordered reconstruction of the revenue record. However till

today complete revenue record has not been reconstructed and writ petition is still pending in the Hon'ble High Court of Punjab and Haryana. During the pendency of the writ petition Counsel for the State of Punjab made a statement before the Hon'ble High Court of Punjab and Haryana that land record regarding his ownership has been reconstructed and his land will be demarcated in case application is made in this regard. Hon'ble High Court of Punjab and Haryana vide order dated 17.07.2019 granted liberty to him to move fresh application for demarcation with direction to the State of Punjab to demarcate as per fresh re-constructed revenue record. The Deputy Commissioner, Rupnagar filled affidavit before the Hon'ble High Court of Punjab and Haryana regarding demarcation of his land and in the demarcation the land in dispute in present case has been allocated to the petitioner being his ownership. Himachal Pradesh Forest Department has filled suit in the Civil Court Nangal qua land in dispute which is still pending adjudication. As such till the decision of the Civil Court, the directions given by this Tribunal be kept in abeyance as the same may amount to contradictory outcomes. Respondent no. 3-Daljit Singh has denied ownership of Himachal Pradesh Forest Department and claimed that the popular and other trees were planted by his father and other proprietors of the village in their own land for their personal use and the Himachal and the Punjab Governments have any authority to restrict him and other proprietors from using the timber in the manner they want.

25. Strangely enough, copies of the writ petition and civil suit have not been filed by the Deputy Commissioner, Rupnagar or respondent no. 3-Daljit Singh and details of the patti land namely "Taraf Sardara Hasab Hissa Jaddi" claimed by respondent no. 3-Daljit Singh have not been given and copies of the reconstructed revenue record pertaining to the same have not been produced.

26. However, in order to guard against any eventuality of conflicting orders, we clarify that orders passed by this Tribunal on the present original and Miscellaneous Applications will be subject to orders to be passed by Hon'ble High Court of Punjab and Haryana and Civil Court to the limited extent of land in dispute which is subject matter of the writ Petition and the Civil Suit.

27. It may be observed here that a comparative reading of the replies filed by the Deputy Commissioner, Rupnagar and the Deputy Commissioner, Una shows contradictory factual position regarding encroachments, construction of road and bridge in the land in question besides complete demarcation and fencing of the land. We express our displeasure regarding discrepancies/deficiencies in reports/ replies filed before this Tribunal particularly by the Deputy Commissioner, Rupnagar who has denied construction of road and construction of bridge by PWD, Nangal, Punjab in the land claimed by the Himachal Pradesh Forest Department regarding which photographs have been produced by the Deputy Commissioner, Una.

28. We direct the Chief Secretaries of Punjab and Himachal Pradesh Governments respectively to resolve all these issues and ensure compliance with the orders passed by this Tribunal subject to orders of Hon'ble High Court of Punjab and Haryana and the concerned Civil Court.

29. Present Miscellaneous application is disposed of with above directions.

30. In case of any grievance the applicant or any of the respondents shall be at liberty to move this Tribunal by way of appropriate proceedings for further directions in the matter.

31. A copy of this order be sent to the Chief Secretaries, Governments of Punjab and Himachal Pradesh respectively by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 5th, 2024
AG