

Item No.6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 114/2023

IN

Original Application No. 882/2022

Sanjeev Kumar

...Applicant

Versus

Deputy Commissioner, Rupnagar & Ors.

...Respondents

Date of hearing: 06.11.2023

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

Applicant: None for the applicant.

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

ORDER

1. The applicant filed O.A. No. 882/20233 complaining about illegal felling of trees from a small forest owned and possessed by the Himachal Pradesh Forest Department.

2. The application was disposed of vide order dated 17.03.2023 and the relevant part of the order reads as under:

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"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 / Nangalin 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 maydirect 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.”

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

4. The relevant part to the report submitted by District Magistrate, Una reads as under:

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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. (li) 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 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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5. The relevant part of the report of Deputy Commissioner, Roopnagar vide email dated 05.10.2023 reads as under:

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"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 Tehsildar 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 prep 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 Puniab 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 SP 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**)."*

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6. 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.

7. Notices 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 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.

8. In view of the facts and circumstance of the case, we also consider personal appearance of the Deputy Commissioner, Una and the Deputy Commissioner, Roopnagar (**physically or through VC**) on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

9. List for further consideration 04.01.2024.

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10. A copy of this order be sent to the Deputy Commissioner, Una and the
Deputy Commissioner, Roopnagar by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 06th, 2023

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