

Item No.6

Court No. 2

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.428/2023

S. C. Kaushal

Applicant

Versus

State of Punjab & Ors.

Respondents

Date of hearing: 24.01.2024

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

Applicant: None for the applicant

Respondent: Mr. Ashok Kumar Garg and Ms. Divita Vyas Advocates
for Respondent No. 6

Mr. Sukhwinder Singh, PO and Mr. Sukhdev Singh, PS
on behalf of DDPO.

Application is registered based on a letter petition received by Post

ORDER

1. Vide order dated 15.12.2023 respondent no. 6 was granted opportunity to place on record the relevant material to show that the trees were not cut between June 2023 when possession was taken by Project Proponent and 24.08.2023 when the inspection was made by Joint Committee.
2. Additional Affidavit has been filed by respondent no. 6 vide email dated 23.01.2024.
3. Reply has been filed by DFO, Jalandhar vide email dated 18.01.2024.

4. Written request has been made for exemption of the respondent no. 4 DDPO, Kapurthala from personal appearance on 24.01.2024 on the ground that respondent no. 4 is on leave for the purposes of his daughter's marriage. For the reasons mentioned in the written request for exemption, the same is allowed.

5. In the application allegations regarding encroachment on gram panchayat land and illegal cutting of trees therefrom by respondent no. 6 were made. This Tribunal constituted a Joint Committee to verify the factual position which found that trees had been illegally cut but could not identify the persons responsible for cutting of the trees. In its report the Joint Committee did not give any specific report regarding encroachment on gram panchayat land and merely mentioned that Man Singh S/o Surjan Singh had taken the land of 6 Acres of village Badshahpur on lease on 12.06.2023 @ 90,000/- per annum. In his reply DDPO, Kapurthala had mentioned that petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 were pending for putting gram panchayat in possession of its land under encroachments which includes the land in question. Man Singh S/o Surjan Singh is stated to have been impleaded as respondent in the eviction petition for his ejection from gram panchayat land encroached upon by him. In replies filed vide emails dated 26.10.2023 and 23.01.2024 respondent no. 6 has claimed that respondent no. 6 or Mann Singh was not in possession of gram panchayat land before lease dated 12.06.2023. The Deputy Commissioner, Kapurthala and DDPO Kapurthala are directed to file copies of relevant revenue record for all the relevant years since when encroachments are alleged to have been made and eviction petitions filed against respondent no. 6 and Mann Singh with order passed on the same within one month 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.

6. It is clarified that in case of non-compliance, exemplary costs of Rs. 1,00,000/- may be imposed on the Deputy Commissioner, Kapurthala and the DDPO, Kapurthala.
7. List on 18.03.2024 for further consideration.
8. In view of the facts and circumstance of the case, we also consider personal appearance of the Deputy Commissioner, Kapurthala and the DDPO, Kapurthala physically or through VC 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 and they are directed to remain present before this Tribunal on that date with the relevant record.
9. A copy of this order be sent to the Deputy Commissioner, Kapurthala and the DDPO, Kapurthala by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 24th 2024
AG