

**BEFORE THE PRINCIPAL BENCH
NATIONAL GREEN TRIBUNAL
NEW DELHI
CIRCUIT BENCH AT SHIMLA**

**Application No. 249 (THC)/2013
CWP No. 2228 of 2012**

Pawan Kumar Vs. State of HP & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Petitioner: Mr. R. L. Choudhary, Advocate
Respondent No.13: Mr. Manish Sharma, Advocate
Mr. Anup Ratta, Add. AG, Mr. PM Negi, Dy. AG,
Ms. Parul Negi, Dy AG for State of Himachal Pradesh**

Date and Remarks	Orders of the Tribunal
Item No. 14 September 16, 2013	<p>Learned counsel appearing for the Chief Conservator of Forests and State of Himachal Pradesh have filed the Report before the Tribunal today and the same is taken on record. Let copies thereof be furnished to the Learned counsel appearing in the case.</p> <p>Learned counsel appearing for the Applicant has also filed a report stating various encroachments in the forest area. The same is also taken on record. Let copies thereof be furnished to the Learned counsel appearing for the parties.</p> <p>As far as, the Report filed on behalf of State is concerned, it is totally silent as to what steps have been taken for afforestation and what is the status of lake Rivalsar? It is stated in this Report that admittedly various unauthorized structures have been raised in the forest area and are being used for non-forest activity, it is pointed out that some Orders for eviction have been passed and the affected parties have taken up the matter in Appeal to the Divisional Commissioner of the concerned area and the said Appeals are pending and</p>

interim reliefs have been granted.

The case of the Applicant is that there are not only encroachments in the forest area and illegal constructions have been raised but even the big rocks have been defaced, trees removed and large number of flags put up which have adverse impact on the ecology and environment of the area in question.

Having heard the Learned counsel appearing for the parties, at some length. We direct;-

1. We prohibit and injunct any person from carrying on any non-forest activity or construction in the forest areas particularly that of Mcleodganj and Rivalsar;
2. We also prohibit any person from defacing the large rocks in these areas for advertisement or any other purposes, whatsoever;
3. We direct the Administration-Deputy Commissioner and SP of these respective Districts to ensure that the defaced rocks are cleaned and restored to their original position;
4. We direct the Divisional Commissioner concerned of the respective areas to dispose of the said Appeals as expeditiously as possible and in any case, not later than 5 weeks from today;
5. Affidavit clearly stating as to:
 - (i) what action have been taken against unauthorized construction raised in the forest area and to stop such activity;
 - (ii) What steps have been taken to restore the water body (lake) at Rivalsar to its original position;
 - (iii) and how many demolitions are affected, how many Orders of eviction have been passed shall be filed by the Chief Conservator of Forest having jurisdiction over these areas between today and the next date of hearing.

These directions we are particularly passing in face of the statement made by the Learned counsel appearing for State that earlier there was some confusion in the revenue records as to the entry in relation to ownership. Now the lands have been stated to be mutated in the revenue records in favour of the Forest Department. Thus, immediately effective steps should be taken by the Forest Department.

List on 21st November, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Ranjan Chatterjee)

.....,EM
(Dr. R.C. Trivedi)

