

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

Original Application No. 637/2018  
(I.A. No. 330/2019)  
(For impleadment)

Sher Singh

Applicant(s)

Versus

Govt. of Himachal Pradesh

Respondent(s)

Date of hearing: 16.05.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s) in I.A. No. 330/2019: Mr. J.S. Attri, Senior Advocate  
and Mr. Chandranand Jha,  
Advocate

**ORDER**

1. The issue relates to alleged illegal encroachment of the Government land in forest area. On 28.09.2018, this Tribunal sought a report from the Deputy Commissioner, Shimla and the Principal Chief Conservator of Forest, Himachal Pradesh.
2. Report dated 27.12.2018 was received from the Deputy Commissioner, Shimla that as per the report received from the Sub-Divisional Officer (C), Kumarsain and the Divisional Forest Officer, Kotgarh, Khasra No. 413 area measuring

338.47 square meters at Mauza NAC Narkanda, Tehsil Kumarsain was in the ownership of Government of Himachal Pradesh and in the possession of HPPWD Department as per revenue record. The same has been encroached upon by construction of a building. A part of it continues to be utilized for parking. Proceedings of removal of encroachments have been initiated on a complaint filed by the Nagar Panchayat, Narkanda under Sections 4 and 5 of the H.P. Public Premises Act, 1971.

3. In view of the above report, this Tribunal directed that the pending proceeding be concluded at the earliest and a report furnished to this Tribunal. According to report dated 10.05.2019 received from the Deputy Commissioner, Shimla, proceedings could not be concluded as the record has been requisitioned by the Divisional Commissioner. Having regard to the allegations that there is encroachment of public land and in view of report of the Deputy Commissioner referred to above, we are of the view that the proceedings must be concluded expeditiously. Let a further action taken report be filed before the next date by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

4. I.A. No. 330/2019 has been filed by the alleged encroacher to be impleaded as party. We do not find any merit in the application. The Tribunal is only concerned with protection of Government land in forest area as reported by the Deputy

Commissioner based on revenue record and such proceedings must be concluded at the earliest. If the intervenor is aggrieved by orders of the authorities, remedy has to be at appropriate forum. Stand of the applicant that issue of title should be determined by this Tribunal in the first instance is not called for. Such issue will be decided by the Authority where proceedings are pending to which the applicant is already a party.

I.A. No. 330/2019 is dismissed.

List for further consideration on 06.08.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 16, 2019  
Original Application No. 637/2018  
(I.A. No. 330/2019)  
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