BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 58/2015 M.A. Nos. 186/2015, 400/2015 & 452/2015

Ramesh Chand & Ors. Vs. Union of India & Ors.

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER CORAM:

HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present:

Applicant

Respondent Nos. 1

Respondent Nos. 2 to 6

: Appearance not marked
: Mr. Vikas Malhotra and M.P.Sahay, Adv.
: Mr. Suryauarayna Singh, AAG. Of H.P

Mr. D.K. Thakur for HPPCB

Date		Orders of the Tribunal
Rem	m No. 13	
	20, 2015	Heard. Perused.
A U	11	We have before us a controversy in respect of the
		construction carried out in Khasra No. 614/46 called as
		Jangal Jhari and Khasra No. 1,6/1, 8 & 1273/723/4
	3	called as Gair mumkin, river bed of Village Salani,
	3 '	Tehsil Nahan District Sinmour Himachal Pradesh.
J .	Z	According to the Applicant, the respondent nos. 8
W	18	to 11 had illegally carried out construction on the said
23	A 3. "	lands and the construction was raised in the months of
	20	August/September, 2014. This according to the
		applicant brings his case within the period of limitation
	1	prescribed under Section 14 of the NGT Act. However,
		on the other hand, the respondent nos. 8 to 11 pleads
	1	that these constructions were raised long time before
		and its existence is reflected in the inspection report in
	1	respect of the inspection carried out by the inspector
		(hotels) on 31.05.2013 annexed to the application at
		annexure A-16. Perusal of the inspection report reveals
	1	reference to the building of the 14 rooms of resort

across 24 bighas of land as well as swimming pool. It has been the case of the respondent nos. 8 to 11 that this inspection report was a sequel to the application made for registration of the resort under the provision of Himachal Pradesh Tourism Act and the application was for running of resort on 10 bighas, 15 biswas of land spread over Khasra Nos. 718/4, 719/4, 720/5, 721/5. This fact, according to the applicant makes it a suspect.

A question, therefore, arises as to when these constructions alleged to have been raised on Khasra No. 614/46 and Khasra Nos. 1,6/1, 8 & 1273/723/4 of village Salani came into existence.

We, therefore, wish to get a complete answer based on facts. We, therefore, direct the Department of Environment, Science and Technology, Government of Himachal Pradesh to undertake assessment of the fact as to when the construction were raised in Khasra No. 614/46 and Khasra Nos. 1,6/1, 8 & 1273/723/4 of village Salani by means of Google Imagery after taking Geo-Reference points of the existing structures from the field.

We further direct this Department to bring before us facts concerning the passing of the existing access road from Sainwala, Barma Papri Road at KM 1/450 towards right side to its premises on the bank of Sailani river and whether such road falls in the flood plain of Sailani river and whether it has got any adverse impact on the Environment. Report shall be placed before us within 3 weeks from today.

By consent, post it in vacation on 16^{th} June, 2015.

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	JM (U.D. Salvi)
	JM (M.S. Nambiar)
	,EM (Dr. D.K. Agrawal)
	,EM (Prof. A.R. Yousuf)
	,EM (B. S. Sajwan)
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	PEEN TRIBUNAL