



CWPIL No.269 of 2017 a/w CWP No.153 of 2018

11.09.2018 Present: Ms.Jyotsna Rewal Dua, Senior Advocate as Amicus Curiae, with Ms.Charu Bhatnagar, Advocate.

Mr.Ashok Sharma, Advocate General, with Mr.Ajay Vaidya, Senior Additional Advocate General, Ms. Ritta Goswami and Mr.Nand Lal Thakur, Additional Advocate General for respondents-State.

Mr.Rajesh Sharma, ASGI, for the Union of India.

Mr.Tara Singh Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr.Naresh K. Gupta, Advocate, for the Municipal Corporation, Shimla.

Ms.Vikrant Thakur, Advocate, for HPSEB.

CWP No.153 of 2018

Petitioner in person.

Mr.Ashok Sharma, Advocate General, with Mr.Ajay Vaidya, Senior Additional Advocate General, Ms. Ritta Goswami and Mr.Nand Lal Thakur, Additional Advocate General for respondents-State.

Mr.Tara Singh Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr.Adarsh K. Vashista, Advocate, for respondent No.5.

Additional Chief Secretary (Urban Development) to the Government of Himachal Pradesh has filed his affidavit dated 31st August, 2018, wherein he has averred as under:-

“4. That in response to above communication the Executive Officer, Municipal Council, Kullu, Mandi, Chamba, Rohroo, Rampur and Ghurmarwin vide which they have furnished the latest status on submission of forest Conservation Act cases online for diversion of forest land for establishment of



Solid Waste processing/disposal facility and detailed status of the same is placed below in tabulated form:

Sr.No	Name of Cluster	Location of Land site	Land transfer status and FCA case status
1.	Baddi (including Baddi, Nalagarh & Parwanoo towns)	Kenduwal, Nalagarh road, Baddi.	Land transferred to BBNDAs for establishing SWM plant
2.	Mandi (including Mandi, Sundernagar, Jogindernagar, Nerchowk, Karsog, Sarkaghat & Rewalsar towns)	Diargi Panchayat, Balh Tehsil Mohal-Diargi Khasra No.109, 111/1 & 112/1	MC Mandi has submitted the case for obtaining clearance under Forest Conservation Act, 1980 on 02.08.2018. Queries form Forest Department has been received which are being addressed accordingly.
3.	Kangra (for Kangra, Dharamshala, Palampur & Baijnath-Paprola towns)	RajthanaKhas, Near Nagrota Bagwan Mohal-Rajhana Khas Khasra No.2257/1	Dharamshala Municipal Corporation is in process of collecting all the necessary documents/NOCs for applying for FCA case from Revenue Deptt. Which is still awaited.
4.	Chamba (for Chamba town)	Duran (on link road to Nagodi) Mohal-Udaipur Khasra No.270	MC Chamba has uploaded the case for obtaining clearance under Forest Conservation Act, 1980 on 25.08.2018
5.	Ghumarwin/Hamirpur (including Ghumarwin, Talai, naina Devi, Bilaspur, Hamirpur & Bhota towns)	Fethi Dhar jungle, Near Kandror Mohal0Judgle Feti Dhar, Khasra	MC Ghumarwin has uploaded the case for obtaining clearance under Forst



		No.1/1	Conservation Act, 1980 <u>on</u> 25.08.2018
6.	Rampur (for Rampur and other nearby Panchayats)	Badhal near Adit tunnel-1 of SJVNL	<p>The land identified was earlier presumed to be the land of Satluj Jal Vidyut Nigam Limited but after joint inspection of the said land, it has been found from the revenue record that the identified land is in the ownership of Govt. of Himachal Pradesh.</p> <p>Further, MC Rampur has made request to the Deputy Commissioner Shimla vide office letter dated 16.08.2018 to issue NOC for non-availability of land other than forest land for the project.</p> <p>Request for obtaining NOC for Gram Panchayat Badhal, Sub Tehsil Sarahan has been made by the MC Rampur vide letter dated 20.08.2018 for the project under FRA.</p> <p>The Assistant Geologist Shimla has been requested to provide Geological report for the site vide MC Rampur letter dated</p>



			16.08.2018.
7.	Rohroo (for Rohroo town)	ChakBraraon Brara village road Mohal-ChakBrara Khasra No.1129/1	MC Rohroo has invited quotations for appointment of consulting firm/agency for digital mapping and geo reference mapping.
8.	Kullu (including Kullu, Bhuntar and other adjoining area)	Pirdi (existing dump site) Kullu	MC Kullu is in process of collecting all the necessary documents/NOCs for applying for FCA case. Application for diversion of forest land under FCA 1980 shall be uploaded online before 05/09/2018

2. We notice that the matter is pending consideration with various departments for obtaining forest clearances under the Environmental Laws and more specifically, the Forest Conservation Act. We direct the Principal Secretary (Forest) to the Government of Himachal Pradesh to immediately take up the matter with all the concerned authorities and ensure that all applications are processed and necessary permission accorded expeditiously and preferably within two weeks from today.

3. Ms.Ritta Goswami, learned Additional Advocate General, undertakes to communicate the order to the respondents.

4. Mr.Tara Singh Chauhan, learned counsel, states that Member Secretary, H.P. State Pollution Control Board shall



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personally pursue the matter with the Additional Chief Secretary
(Urban Development) to the Government of Himachal Pradesh.

List on 28th September, 2018.

**(Sanjay Karol)
Acting Chief Justice**

**(Ajay Mohan Goel)
Judge**

September 11, 2018
(vt)