

No. DMC /SANT (F) 12-(3)/2019- 4514-15
Office of the Commissioner,
Dharamshala Municipal Corporation
Dated 01.08.2023

From

The Commissioner,
Dharamshala Municipal Corporation.

To,

✓ The Divisional Forest Officer,
Dharamshala, Distt. Kangra,
H.P.

Reference- No. online proposal EDSs

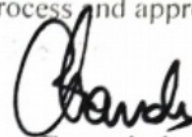
Subject – Diversion of 2.9696 hectares of forest land in favor of Municipal Corporation Dharamshala for the construction of Solid Waste Management Plant in Up Mohal Dharamshala within the jurisdiction of Dharamshala Forest Division in Distt. Kangra HP (online proposal No. FP/HP/Others/4843/2020).

Dear Sir,

Kindly find enclosed here the reply to the observations raised by Nodal office Shimla as follows in favor of Solid Waste Management Plant in Dharamshala Distt. Kangra HP.

Sr. No.	OBSERVATIONS	REPLY
1	That the reply submitted by you earlier on dated 03-06-2023 have been denied by the Nodal Officer that there is violation of FCA 1980 so you are requested to submit the names of the persons responsible for violation to this office at the earliest so that further action could be taken in this matter.	That initially the project has been started in 1977 and regarding this evidences are enclosed herewith. As such no person is responsible for violation as the work has been done before the inception of FCA 1980. If the Forest Department considers it a violation then it is not possible to identify the violators because the incident then MC before 47 years ago. We have submitted that the possession over this land has been with MC since the year 1977, and continuous till now. The proposal is being submitted for diversion of 2.9696 hect. of forest land as per Hon'able NGT Court orders dated 29-03-2019 (copy enclosed) wherein it is mentioned that there is need to set up Municipal Solid waste processing plant. In the earlier reply the record till 1996 was submitted regarding use of this land. As such the Dharamshala Municipal corporation is very old and it was established as Council in the year of 1867. The record of the year 1977 regarding possession was found after great difficulty and has already been submitted along with Geo tagged photographs. The copy of the proceeding of general house of the Municipal Council, Certificate regarding possession and Geo tagged Photographs have been uploaded in portal on dated 26.06.2023. Keeping in the mind the interests and problems of the local people the Forest department may consider this proposal in favor of user agency on merits.

So therefore you are requested to kindly consider the proposal for further process and approval in favor of Solid waste management Pland Dharamshala.



Commissioner

Dharamshala Municipal Corporation

Dated:-

Endst No.....

Copy Forwarded to the following for information and necessary action please.

1. The CCF Forest Circle Dharamshala Distt. Kangra HP.



Commissioner

Dharamshala Municipal Corporation

Name Of MC D/shala	Sr. No. and Name Of Ward	Total Urban Population		
		Male	Female	Total
1	2	3	4	5
M.C. D/shala	1. Forsythganj	1598	1449	3047
M.C. D/shala	2. Bhagsunag	1647	1488	3135
M.C. D/shala	3. Meleodganj	1861	1408	3269
M.C. D/shala	4. Kashmir House	1611	1403	3014
M.C. D/shala	5. Khajanchi Mohalla	1626	1422	3048
M.C. D/shala	6. Kotwali Bazar	1634	1500	3134
M.C. D/shala	7. Secretariat	1578	1508	3086
M.C. D/shala	8. Khel Parisar	1735	1343	3078
M.C. D/shala	9. Sakoh	1503	1708	3211
M.C. D/shala	10. Shyam Nagar	1543	1536	3079
M.C. D/shala	11. Ram Nagar	1658	1668	3326
M.C. D/shala	12. Barol	1574	1543	3117
M.C. D/shala	13. Dari	1507	1608	3115
M.C. D/shala	14. Kand	1554	1568	3122
M.C. D/shala	15. Khanyara	1652	1591	3243
M.C. D/shala	16. Sidhpur	1634	1456	3090
M.C. D/shala	17. Sidhbari	1680	1749	3429
Total	17	27595	25948	53543


Executive Engineer
Municipal Corporation,
Dharamshala

2. Vide order dated 02.01.2019, the Municipal Corporation, Dharamshala and Himachal Pradesh State Pollution Control Board (State PCB) were required to furnish an action taken report in the matter. Such a report has been filed on 05.02.2019 by the State PCB stating that the matter was taken up with the Urban Development Department, Himachal Pradesh and an inspection was carried out. There is need to set up a municipal solid waste processing plant adopting cluster approach for which tenders are being prepared by the Urban Development Department. Process of covering the debris with soil in a scientific way has also started, apart from

processing of bio-degradable waste and segregation and recycling of other waste. The Urban Development Department is taking further steps in the matter to set up integrated solid waste management plant at Kangra on PPP model. Steps will also be taken for management of bio-degradable and non bio-degradable waste.

3. We find that no timeline has been indicated in the reply filed by the State PCB with requisite budgetary provision. This aspect needs to be finalised by the Urban Development Department and monitored by the Chief Secretary, Himachal Pradesh, in terms of the directions of this Tribunal in Original Application No. 606 of 2018 vide order dated 05.03.2019. The State level Monitoring Committee constituted by this Tribunal vide order dated 16.01.2019 in Original Application No. 606 of 2018 may also monitor the situation with regard to fixing of timeline and budgetary provision.

The application stand disposed of.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 29, 2019
Original Application No. 968/2018
A

Item No. 25

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 968/2018

Sunita Thakur, Pradhan, Bageshwari Mahila Mandal, Sudher
Applicant(s)

Versus

State of Himachal Pradesh

Respondent(s)

Date of hearing: 02.01.2019

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

Application is registered based on a complaint received by post

ORDER

Allegation in this letter, which has been treated as an application, is that there is illegal dumping of garbage in village Sudher near Himachal Road Transport Corporation (HRTC) workshop affecting public health which is contrary to the Solid Waste Management Rules, 2016. No action is being taken by the Municipal Corporation, Dharamshala, Himachal Pradesh.

The applicant has also annexed letter of the HRTC, Dharamshala Division dated 26.06.2018 addressed to the Commissioner, Municipal Corporation, Dharamshala, letter of the Himachal Pradesh State Electricity Board Limited dated 02.07.2016 addressed to the Commissioner, Municipal Corporation, Dharamshala and letter of the Himachal Pradesh State Forest Development Corporation Limited, Directorate (North) Dharamshala dated 29.08.2018 addressed to the Commissioner, Municipal Corporation, Dharamshala to the same effect.

Let the Municipal Corporation, Dharamshala and the Himachal Pradesh State Pollution Control Board (HSPSCB) jointly look into the

matter and furnish an action taken report on factual aspects of the matter to this Tribunal within one month from the date of receipt of copy of this order by e-mail at ngt.filing@gmail.com.

The nodal agency will be the HPSPCB to coordinate and comply with the order.

Copy of this order along with complaint be sent to the HPSPCB for compliance by e-mail.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List for further consideration on 29.03.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 02, 2019
Original Application No. 968/2018
R

नगरपालिका समितिलाई की बासाधारण बैठक तिथि २७-८-१९७७ को सायं के दो बजे नगरपालिका हाल में हुई, जिस में निम्नलिखित सदस्यों ने भाग लिया।

- १:- श्री गुरु दत्त प्रधान
- २:- श्री बैरी राम उप प्रधान
- ३:- श्री राम निवास सिंहल सदस्य
- ४:- श्री मदन गोपाल सदस्य
- ५:- श्री राम रूप वृष्ण सोनी सदस्य
- ६:- श्री राम चरण दास महता सदस्य
- ७:- श्री दीन दयाल सदस्य
- ८:- श्री बनवारी लाल सदस्य
- ९:- श्री प्राण नाथ सदस्य
- १०:- श्री मन बहादुर सिंह सदस्य
- ११:- श्री बॉम प्रकाश रस्तगी सदस्य
- १२:- श्री दीना-नाथ सदस्य
- १३:- श्री राम चन्द सदस्य

३४७:- हिमाचल सरकार का पत्र न० सल-सल-जी-सी (१०) -३५/७७ तिथि २०-५-७७ द्वारा धर्मशाला नगरपालिका को एक लाख रु० नान - प्लान स्कीम के अधीन अलॉकेट हु किये हैं, निम्नलिखित अनुमान पत्र नगरपालिका कमिशनर-धर्मशाला कमिशनरता द्वारा, बनाये गे हैं। नगरपालिका के समुक्त प्रस्तुत है।

सूचित हुवे। तथा अनुमान पत्र स्वीकार किये जाते हैं। अतः सरकार से प्रार्थना है, कि इन तमाम कार्यों के शत- प्रति- शत सहायक अनुदान नगरपालिका को दे। नगरपालिका सहायक अनुदान के नियमों का बचन बद्ध रहेगी।

Nature of work

282- P.H. Public Health & Sanitation (Non-Plan)

- | | | |
|------|---|-----------|
| 1) | Improvement of latrine in Depot Bazar & disposal of effluent. | 15,872.00 |
| ii) | Improvement of water supply Part I, | 20,000.00 |
| iii) | Improvement of water supply Part II. | 20,000.00 |
| iv) | Improvement of water supply Part III. | 20,000.00 |


Commissioner

Dharamshala Municipal Corporation


Additional Commissioner
Dharamshala Municipal Corporation

Contd. 2

284- Urban Development (Non Plan) -Contd.

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1)	Pavement of Nallah & Drain in Ward No.12. Passing along Field Publicity Office in Civil Station.	8810.00
1i)	Pavement of Nallah in Depot Bazar.	10,000.00
1ii)	Restoration of Chari Road by constructing side R/Wall below the house of G.C.Mehra.	20,000.00
iv)	Construction of Nallah along the house of Lala Chisa Ram.	5,100.00
v)	Construction of drain in Postal Colony (Ward No.11)	10,506.00
vi)	Construction of drain in Depot Bazar.	4,817.00

337- Road & Bridges.

1)	Providing pavement in Ward No.1.	10,550.00
ii)	Providing metalling & tarring in Ward No.2 over path leading from Bhagsunag towards Dusalan.	8,876.00
1ii)	Metalling & tarring of path linking Depot Bazar M.C. Pension Line (Ward No.9)	7,525.00
iv)	Metalling & tarring of path from Pension line towards Exchange (Ward No.7)	7,286.00
v)	Metalling & tarring of path Ward No.12.	7,350.00
vi)	Pavement of drain & Nallah in Bhutair Muhalla Ward No.4.	15,270.00
vi1)	Construction of R/Wall Chari Road & Side drain.	14,346.00
viii)	Widening of main road portion along the house of Sh.Chattar Singh.	13,160.00
ix)	Metalling & tarring of lanes in Forsythgunj.	5,974.00
x)	Protection of work along side at Forsythgunj.	11,998.00
xi)	Construction of Nallah in Saraf Muhalla.	9,390.00
xii)	Metalling & tarring of lanes east side of Civil Hospital.	4,830.00
xiii)	Restoration of Jogiwara Road by constructing of R/Wall.	20,000.00
xiv)	Metalling & tarring in Ward No.11.	3,223.00

Additional Commissioner
Dharamshala Municipal Commission

Dharamshala Municipal

337- Road & Bridges- Contd.

60

xv) Metalling of path in Depot Bazar Ward No.10.	5,535.00
xvi) Metalling and tarring of lane in Ward No.5.	5,200.00
xvii) Pavement of Nallah in Civil Station.	14,085.00
xviii) Construction of Nallah in Civil line.	14,085.00
xix) Construction of drain in Ward No.5.	6,077.00
xx) Metalling of Road approach in Ward No.11.	4,500.00
xxi) Culvert in Ward No.5	5,200.00
xxii) Pavement of path in Garkoo Ward No.2.	5,200.00

2:- विभागीय सरकार का पत्र नं० एल-एल-सी-सी (१०) -३५/७७ दिनांक २०-५-७७ द्वारा धर्मशाला नगरपालिका को १०००० रु० प्लान स्कीम के अन्तर्गत बजटित किये गये हैं, । निम्नलिखित अनुमान पत्र नगरपालिका कमिशनर द्वारा बनाये गये हैं । नगरपालिका के सम्मुख प्रस्तुत हैं ।

सूचित हवे । तथा अनुमान पत्र स्वीकार किये जाते हैं । अतः सरकार से प्रार्थना है, कि इन स्कीम कार्यों के अंतर्गत अतः सहायक अनुमान के निर्माण का कवन बढ रहे गे ।

284- Urban Development (Plan)

1) Drain along Employment Exchange Road.	4,223.00
ii) Pavement of Nallah Chori Road.	5,500.00
iii) Restoration of Cinema Lane.	7,500.00

Handwritten signature

OFFICE OF THE MUNICIPAL COMMITTEE DHARAMSALA

No. 1148/1149 /Dated, Dharamsala, the 2 September, 1977.

Proceeding of M.C.Meeting(Special)held on 27.8.1977 is forwarded for information & further necessary action as usual please.

- (a) The Under Secretary to the Govt. of Himachal Pradesh, SHILL-2.
- (b) The Deputy Commissioner, Kangra at Dharamsala.

Handwritten signature
Commissioner

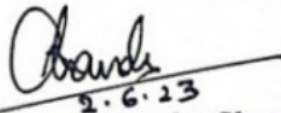
Dharamshala Municipal Corporation

Municipal Committee Dharamsala. Secretary

Additional Commissioner
Dharamshala Municipal Corporation

CERTIFICATE

It is hereby certified that the forest land proposed for diversion in Case Number FP/HP/Others/48483/2020 has been in possession of Dharamshala Municipal Corporation prior to 1980. Documentary proof in this regard is annexed in the form of a sanction by the General House of the then Municipal Committee in 'Special Meeting' held on dated 27.08.1977 and sanctioned under *Head-337-Roads and Bridges serial number vii) Construction of R/Wall Chari Road and Side Drain* on 02.09.1977. It is further certified that the R/Wall still exists at the site in a dilapidated condition and GPS Tagged photographs of the R/Wall are annexed to this certificate along with a certified copy of the proceeding of the general house mentioned above.



2.6.13

(Anurag Chander Sharma, I.A.S.)

Commissioner, Dharamshala Municipal Corporation
Commissioner

Dharamshala Municipal Corporation



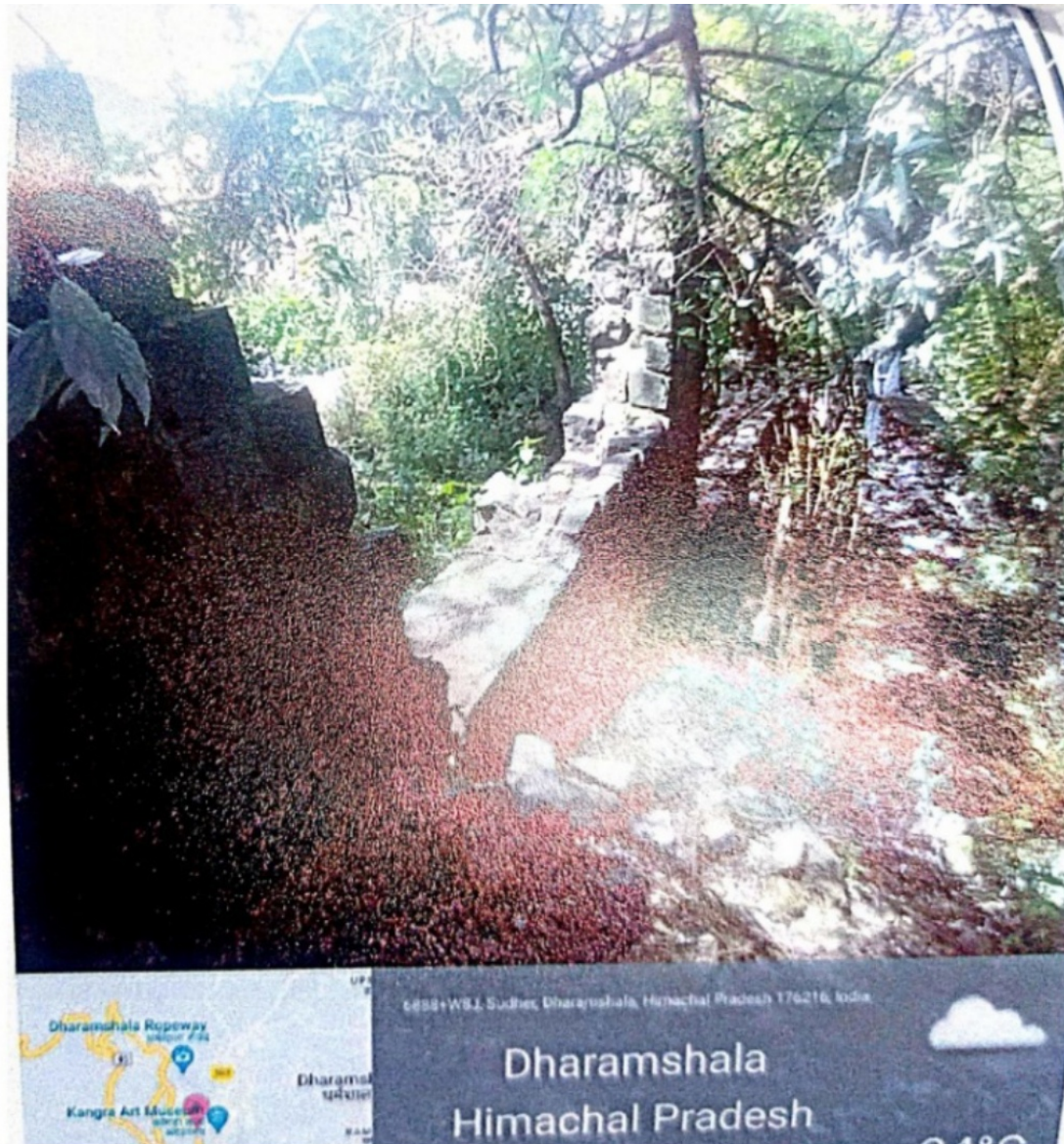
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Commissioner
Chand
Dharamshala Municipal Corporation




Commissioner
Dharamshala Municipal Corporation



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Commissioner
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Dharmapala Municipal Corporation