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13 MAY 2025

4354

HIGH COURT MATTER/
PERSONAL ATTENTION/ TIME BOUND

No.EDN-II(9)-2025-26 (CWPII No. 17/2014)
Directorate of School Education
Himachal Pradesh, Shimla-1
Dated: Shimla-171001, the

Directorate of School Education
09 MAY 2025
Himachal Pradesh, Shimla-171001

All Deputy Directors of Higher Education
Himachal Pradesh.

CWPIL No. 17/2024 Court on its own motion Vs State of H.P.
Reg. Encroachment of Government land.

DA to ensure
the letter is
taken up for
action in the
matter
8/1

Please find enclosed herewith letter No. REV-B-E0(03)/77/2024 dated 22-02-2025 alongwith its enclosures received from the ACC (Revenue) to the Govt HP through the Secretary (Education) to the Govt. HP vide their letter No. EDUB-E05/3/2024 dated 03-04-2025 and 01-05-2025 on the subject cited above with the request to take appropriate action in the matter as per orders passed by the Hon'ble High Court within stipulated time period under intimation to this Directorate.

This may be given top priority being Court matter.

Addl. Directorate School Education,
Himachal Pradesh

Endst. No. EDN-KGR(G-II) BULA-dodo-Land Encroachment/ 5391-93
of DDHE, Kangra at Dshala, Dated: Dshala, the, 17/ May 25

- a) Forwarded for appropriate action to all the Principals/ Headmasters of GSSS & GHSs of Distt. Kangra for follow of directions in the matter as per orders passed by the Hon'ble High Court immediately under intimation to this office.
- b) The Director of School Edu., HP for information.
- c) A.I.O. (Internal) to upload in Deptt. website.

Deputy Director of Higher Education
Kangra at Dheramshala-176215

Reminder -I
High Court Matter

Directorate of School Education
Himachal Pradesh, Shimla-1

Legal Cell

Subject:- CWPIL No. 17/2024 Court on its own motion Vs State of H.P.
Reg. Encroachment of Government land.

In continuation to this branch U.O. dated 17.02.2025 on the subject cited above vide which it has been intimated to take necessary action in the matter as per direction dated 08.01.2025 passed in CWPIL No. 17/2024. In this regard the letter dated 01.05.2025 again received from office of Secretary(Education) wherein action taken report has been sought.

It is, therefore, again requested to take necessary action as per direction 08.01.2025 and send the action taken report to the Secretary(Education) under intimation to this cell, Please.


Superintendent (Legal Cell)
Directorate of School Education
Himachal Pradesh- Shimla-1.

Superintendent/
(Building & Pension Branch)Internal
U.O No. EDN-H E(18) LC-17/2014

Date:05/05/2025

*Submits to all the
1/5.*

E-mail
Most Urgent
High Court Matter

EDN (D)1-13/2025
Government of Himachal Pradesh
Department of Education (D)

119030
02 MAY 2025

From

The Secretary (Education) to the
Government of Himachal Pradesh, Shimla-02

To

1. The Director of Higher Education,
Himachal Pradesh, Shimla-01.
2. The Director of Elementary Education,
Himachal Pradesh, Shimla-01.
3. The State Project Director,
Himachal Pradesh, Shimla-01.

Dated: Shimla-02 the

01/05/2025

Subject:

**CWPIL No. 17/2014- titled as Court on its own motion V/s
State of H.P. & ors. a/w CWPIL No. 09/2015.**

Sir,

I am directed to invite your kind attention to this department letter of even No. dated 11.02.2025 and to enclose herewith a photocopy of letter No. REV-B-E003/77/2024 dated 22.02.2025 received from the Addl. Chief Secretary (Revenue) to the Govt. of H.P., on the subject cited above and to request you to take appropriate action in the matter as per orders passed by the Hon'ble High Court within stipulated time period, under intimation to this Department.

This may be treated most urgent being a High Court Matter.

Yours faithfully,

(Ranjana Sharma)

Under Secretary (Education) to the
Government of Himachal Pradesh
Phone No. 0177-2626097

No.EDUB-E05/3/2024
Government of Himachal Pradesh
Department of Higher Education

From

The Secretary (Education) to the,
Government of Himachal Pradesh.

To

The Director, Higher Education,
Himachal Pradesh, Shimla-171001

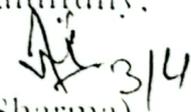
Dated: Shimla-171002.

Subject: - CWPIL No. 17/2014 - titled as Court on its own motion
Vs. State of H.P. & Ors. a/w CWPIL No. 9 of 2015.

Sir,

I am directed to forward herewith a photocopy of
letter No.REV-B-E0(03)/77/2024 dated 22-02-2025, received from the
Additional Chief Secretary (Revenue) to the Government of Himachal
Pradesh. on the subject cited above and to request you to take further
necessary action in the matter at the earliest.

Yours faithfully,


(Anil Sharma)

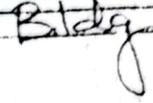
Under Secretary (Hr.Edu) to the
Government of Himachal Pradesh

PA Cell

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03.04.2025



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No. REV-B--E0(03)/77/2024
Government of Himachal Pradesh
Revenue Department

From

The Chief Secretary,
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Financial Commissioner (Appeal), Government of Himachal Pradesh.
3. All the Divisional Commissioners, Himachal Pradesh
4. All the Settlement Officers, Himachal Pradesh.
5. All the Deputy Commissioners, Himachal Pradesh.

Dated: Shimla-171002, the

22.02.2025

Subject: CWPIL No. 17/2014- titled as Court on its own motion Vs. State of H.P. & Ors. a/w CWPIL No. 9 of 2015.

Sir,

In compliance to the order of Hon'ble H.P. High Court passed in CWPIL No. 17/2014- titled as Court on its own motion Vs. State of H.P. & Ors. a/w CWPIL No. 9 of 2015 dated 08.01.2025, all the departments are requested to ensure the strict compliance of directions passed by the Hon'ble Court in para 33 to 38 of the order which are reproduced as under:-

"33. Therefore, we are of the considered opinion that all Divisional Forest Officers, Assistant Conservators of Forests, Divisional Commissioners or other Officers conferred with power under PP Act and/or HPLR Act to conduct proceedings for removal of encroachment and unauthorized occupation of Government land are required to be trained and oriented for complete, proper and final adjudication of such matters in just, legal and fair manner.

34. Accordingly, Government through the Chief Secretary to the Government of Himachal Pradesh is directed to ensure at least 5 days training in the Himachal Pradesh Judicial Academy to each and all aforesaid Officers regarding

maintenance of judicial record, manner of issuance of notice/summon and effecting service thereof, recording of daily orders in judicial/quasi judicial proceedings, manner of conducting such proceedings and also about necessary ingredients and skill of writing final orders. Such training be made compulsory to all such Officers who are holding or likely to hold such post, assigned duty under PP Act and/or HPLR Act.

35. In aforesaid backdrop, these petitions are disposed of with following directions:-

(i) The concerned Officers and Officials of all Departments/ Authorities, especially of the Revenue, Forest Department as well as National Highway Authority of India, shall ensure that there is no fresh encroachment on the Government/Forest land/Public Roads/Public Paths in future by any other person including ex-encroachers.

(ii) Forest Guard(s), Patwari(s) and Work Inspectors shall report all existing and/or any fresh encroachment upon Government/Forest land/Public Road/Public Path in their respective beat/area/ jurisdiction to the respective Deputy Ranger/Kanungo/Junior Engineer with endorsement of copy of such information to Divisional Forest Officer(s)/Tehsildar(s)/Naib Tehsildar(s)/Assistant Engineer concerned immediately on receiving information or on detection of such encroachment without any delay and concerned Officer shall ensure immediate action thereon in accordance with law to remove encroachment, to protect the Government/Forest land/ Public Road from encroachment by taking preventive measures.

(iii) The Forest Guards, throughout the State, during first week of each month, shall furnish in writing the report through Deputy Rangers, to concerned Divisional Forest Officers, submitting the details of encroachment on the Government/ Forest land in his beat(s) with known probable date of such encroachment or a written certificate declaring that there is no unreported encroachment in his area.

(iv) Every Patwari posted in the field, during first week of each month, shall furnish in writing the report through Field Kanungo, to concerned Tehsildar(s)/Naib Tehsildar(s), submitting the details of encroachment on the Government/ Forest land in his Patwar Circle(s) with known probable date



of such encroachment or a written certificate declaring that there is **no unreported encroachment** in his area.

(v) Every Work Inspector posted in the field, during first week of each month, shall furnish in writing the report through Junior Engineer, to concerned Assistant Engineer, submitting the details of encroachment on the Public Roads/Public Path with known probable date of such encroachment or a written certificate declaring that there is no unreported encroachment in his area.

(vi) Deputy Ranger/Kanoongo/Assistant Engineer on receiving information from Forest Guard/ Patwari, or otherwise, shall immediately report the same to the concerned DFO/Tehsildar/Naib Tehsildar/Assistant Engineer and also take any possible action on their part necessary in the given facts and circumstances to prevent/remove the encroachments upon Government/Forest Land/Public Roads.

(vii) On receiving information regarding encroachment, if any, on Government/Forest land, concerned Divisional Forest Officer or Assistant Collector 1st Grade/Assistant Collector 2nd Grade/Assistant Engineer, as the case may be, shall ensure prompt action and initiation of proceedings for removal/eviction of such encroachment immediately but not later than one month of receipt of such information.

(viii) Divisional Forest Officer/Assistant Collector 1st Grade/Assistant Collector 2nd Grade/Assistant Engineer shall submit his half yearly report to his next superior Officer with respect to number of detected fresh cases of encroachment, action taken thereon, previous pending cases with status thereof during last three working days of month of June and December of every year.

(ix) It shall be personal responsibility of Office bearers of the Panchayat including Secretary(ies) to report of cases of encroachment within their jurisdiction, in writing to the concerned Divisional Forest Officer/Assistant Collector 1st Grad/Assistant Collector 2nd Grade, as the case may be, with endorsement of copy of such information to concerned Deputy Commissioner(s).



(x) The respondent/State is also directed to make suitable changes in law by amending relevant Act/Rules appropriately to assign such duty upon office bearer of Panchayat including the Secretary as well consequences of violation of such duty.

(xi) The Deputy Commissioner shall monitor the action taken on the information of encroachment submitted by the Forest Guard/Patwari/officer bearer of the Panchayat/Work Inspectors by calling periodical quarterly reports during first week of January, April, July and October of every year related to previous quarters.

(xii) The H.P. State Electricity Board and Jal Shakti Vibhag shall ensure that no electricity and/or water connection is provided to illegal structure raised over Government land irrespective of nature of structure i.e. permanent, temporary or simple tin structure. In case electricity and water connections have been provided to such illegal structures, the Board and Department shall initiate appropriate action for disconnecting such connections by giving one month's notice to the encroachers by ensuring disconnection of such connection within one month after expiry of one month's notice.

(xiii) The concerned Department including the Revenue, Forest and Public Works Departments shall initiate recovery proceedings for undue profit earned by encroachers by not only cutting down the trees but also utilizing the land by sowing crops and raising orchards. This exercise shall be undertaken in all cases of encroachment where encroachments have already been removed or are being removed or will be removed in future.

(a) To assess the amount to be recovered in lieu of forest trees illicitly felled or removed from the land shall be computed/worked out on the basis of 5 years average yield/market value of such trees.

(b) The benefit earned by utilizing the land shall also be calculated on the basis of period of encroachment/ possession claimed by encroachers or ex-encroacher;

(c) Where no such period is claimed by encroacher, the period for calculating the recovery of amount shall be decided by determining the age of fruit growing trees standing on the encroached land or estimated age of construction raised upon the encroached land or any other relevant evidence

available to determining the period of encroachment upon the Government land as the case may be.

(d) In cases where period of encroachment is not possible to be calculated on the basis of aforesaid factors, the amount to be recovered may be calculated by determining the period of encroachment from the date of detection thereof but with reasons for not calculating the amount on basis of aforesaid paras (a), (b) and (c).

(xiv) In all aforesaid cases where amount is recoverable from encroachers or ex-encroachers and demand shall be raised by concerned Department/Authority within two months from today if not already raised and in case such amount is not paid within reasonable period, to be determined on the basis of quantum of amount to be recovered, but not more than 6 months from the date of demand, the same shall be recovered as arrears of land revenue under the H.P. Land Revenue Act, 1954. Demand in pending cases may be raised within two months after finalization of proceedings.

(xv) The amount so recovered/collected from the encroachers shall be utilized for afforestation in the land evicted by encroacher or any ancillary purpose as may be deemed fit and proper by the Department with expressed permission of the concerned Deputy Commissioner.

(xvi) Cost of removal or eviction shall be recovered from encroachers. Where encroachers did not remove the illegal structure raised on encroached land, the same shall be removed, if not required by concerned Department for any beneficial use in the larger interest of public, the same shall be removed by the Department and cost thereof shall also be recoverable from encroachers.

(xvii) In all cases where encroachment has been removed or is to be removed, the evicted land shall be fenced with barbed wire at the cost of encroacher by fixing permanent boundary marks with angle arms using the concrete.

(xviii) Where fruit growing trees are there on evicted Government land, the concerned Department including the Revenue and Forest Departments shall sale out the proceeds of fruits by way of auction if practically viable to do so, otherwise the fruits of such orchards may be left for consumption of wild animals.

(xix) In case of sale of fruits, the amount shall be utilized for afforestation or any other ancillary purpose. Such action shall be conducted under the supervision of concerned Deputy Commissioner who shall be responsible to monitor the entire exercise in just and lawful manner.

(xx) Videography of all proceedings or demarcation, identification of Government land, eviction of encroachers therefrom and auction of fruit's sale, if any, shall be preserved in the offices of concerned Divisional Forest Officer(s) and Deputy Commissioner(s).

(xxi) No encroacher after finalization of eviction proceedings shall be allowed to enter in the encroached land save and except permitted by the competent Court of law.

(xxii) In addition to the proceedings for removal of encroachment as already observed in various directions passed by the Court in numerous cases including the present petitions, the criminal cases/ FIR shall also be lodged for trespass and other offences pending under the applicable panle of laws. However, it is made clear that lodging of FIR shall not amount of dispensing the authorities from initiating the separate process for removal of encroachment.

(xxiii) In future, the Government shall also ensure imparting training to all concerned Officers before the appointment to the post assigned with duty to perform the function of Collector under H.P. Public Premises Act and under Section 163 of H.P. Land Revenue Act. The training to the concerned Officers likely to be promoted/appointed to the post assigned with duty of Collector/Assistant Collector under PP Act and Section 163 of H.P. Land Revenue Act shall be ensured in advance before their such promotion/appointment. In case of appointment by way of direct recruitment to such post, before the posting, the aforesaid training to such officer shall be made compulsory/mandatory.

(xxiv) The respondents and all concerned Officers/authorities are also directed to ensure removal of all encroachments from the Government land as expeditiously as possible by concluding the proceedings in a time bound manner keeping in view the timeline notified by ACS (Revenue) vide communication/instructions dated 6th January, 2025 referred in para 24. It

shall be personal responsibility of all concerned Divisional Forest Officer(s)/Tehsildar(s) and Appellate and Revisional Authorities to ensure compliance of aforesaid directions.

(xxv) It shall be the responsibility of the concerned Superintendent of Police to ensure safety and security of the Officers/staff engaged for detecting/removing encroachments in/from Government/Forest Land, and also to render adequate necessary prompt assistance to them in performing their job. Failing in compliance, the concerned Officer/official of the Police shall also be liable for Departmental Proceedings, in addition to other proceedings/consequences.

(xxvi) In absence of plausible explanation for any delay in reporting and/or taking action shall invite civil, criminal and departmental action as required in given facts and circumstances.

(xxvii) Concerned Competent Authority, for giving effect to the aforesaid directions by incorporating the same in duty and also to provide action/consequences of dereliction of such duty, including civil/criminal/Departmental Proceedings, shall amend the relevant law including Acts/Rules/Service Rules suitably. Till such amendments, directions passed in this regard in these petitions, shall hold the field as law for implementing the directions and also for consequences on dereliction of duty for not complying/adhering to the directions.

36. Aforesaid directions are in supersession of earlier directions.

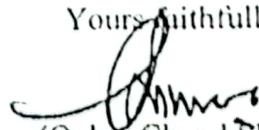
37. It is made clear that if the affidavit placed on record along with documents thereto in these petitions or information/certificates submitted by officials/officers in furtherance to compliance of directions passed by the Court is found to be false, then appropriate action in law shall be initiated against the erring official/officers.

38. Concerned officials/officers in performing their duty, shall ensure steps to protect the Government/Forest land from any type of encroachment. On detecting encroachment on Government land, they (field staff) shall report the same to the next Higher Authority/Officer, who, in turn, shall ensure taking of immediate action for removal of such encroachment. Encroachers shall not be allowed to regain their unauthorized occupation/possession on any portion of

Government/Forest land. In case of dereliction of duty, Field Staff/concerned Higher Authority, as the case may be, shall be liable to face, apart from contempt proceedings, the criminal as well as departmental proceedings after immediate suspension on finding unreported/overlooked encroachment/re-encroachment on the Government/Forest land. Departmental proceedings, in such a case, shall be initiated for removal/dismissal from service."

2. You are advised to download the copy of said order from the official website of H.P. High Court and go through the same for compliance of directions issued by the Hon'ble Court. All the departments, boards, authorities under your control may be informed for necessary action at their end.
3. The Department of Personnel is further requested to prepare training schedule for all officers executing the powers of collector or appellate authority under H.P. Public Premises Act, 1972 and H.P. Land Revenue Act, 1954 in terms of the order of Hon'ble High Court well within the stipulated time period after getting training slots from H.P. Judicial Academy, Shimla. Similarly the officers under administrative control of other department (other than personnel) may also ensure that training is imparted to the officers executing powers under the aforesaid act, if any, from H.P. Judicial Academy, Shimla.
4. All the Deputy Commissioners shall send a proposal of training programme for Tehsildars & Naib Tehsildars in Batches (at least 3 Batches per district) to Department of Revenue for finalizing the training programme at Department level within one week's time.
5. All the Departments are requested to file compliance affidavit before the Hon'ble Court well before the next date of hearing. All concerned Departments shall also submit an action taken report to this Department through the respective Administrative Secretaries.
6. The Divisional Commissioners will be the Nodal Officer for implementation of these directions of the Hon'ble Court within their respective jurisdictions. They will review the progress at regular intervals and submit monthly report to the State Government accordingly.

Yours faithfully,



(Onkar Chand Sharma)

Addl. Chief Secretary (Revenue) to the
Government of Himachal Pradesh.