

(2010) 06 SHI CK 0021
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 3127 of 2009

Raj Kumar and Another	Vs	APPELLANT
State of Himachal Pradesh and Others		RESPONDENT

Date of Decision : 18-06-2010

Acts Referred:

Forest (Conservation) Act, 1980 — Section 2
Himachal Pradesh Societies Registration Act, 2006 — Section 1(3)

Citation : (2010) 06 SHI CK 0021

Hon'ble Judges : Sanjay Karol, J;Deepak Gupta, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Sanjay Karol, J.—The Petitioners are residents of village Hurla, Phati Diyar, Kothi Kotkandi, Tehsil and District Kullu, H.P. They have filed this petition in public interest, highlighting the infringement of the provisions of the Environment and Forest Laws in setting up of a stone crushing unit and also carrying out mining activity by Respondent No. 8 - Society on the land situated at Phati Diyar, Kothi Kotkandi, Tehsil and District Kullu, H.P.

2. The Petitioners have prayed for the following reliefs:-

(a) That a writ of mandamus may be issued to Respondents No. 1 to 7 not to grant any permit to the Respondent No. 8 for extraction of stone or setting up a stone crusher over the land in village Hurla, Tehsil and District Kullu.

(b) That a writ of mandamus may be issued to Respondents No. 1, 2, 5 and 6 not to issue any mining lease to Respondent No. 8 over the land in which the villagers have the customary rights.

(c) That the Annexure P-4 the site Plan given by the revenue agency as also the Joint Inspection Committee report Annexure P-3 being contrary to the factual position be struck down and the Respondents No. 1 to 7 may be directed not to give any permission or permit to the Respondent No. 8.

(d) That a direction may be issued to Respondent No. 8 to pay compensation to the Petitioners and the other inhabitants of the area, who have been affected and whose rights have been deprived due to illegal activity of the Respondent No. 8.

(e) The Respondent No. 8 may be directed to stop the construction of the stone crusher in Tukra No. 4 and also to stop the illegal mining activities in Tukra No. 1 and 2, which has already been cancelled by the mining department, on the land at village Phati Diyar, Kothi Kotkandi, Tehsil Kullu, District Kullu, H.P., till disposal of this case.

(f) To direct the Respondents to produce the entire records of the case for perusal of this Hon'ble Court.

(g) Any other or further relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. In the return Respondent No. 8 has taken a categorical stand that on the land in question no mining activity of any nature is being carried out by the Society. It is their specific case that mining activity is being carried out by one Sh. Avinash Katyan against whom they have also taken action by filing a civil suit in which an interim order of injunction has been passed.

4. Nonetheless the matter in issue needs to be considered and examined in depth. This is necessitated for the reason that the Respondent - authorities have permitted the private Respondent No. 8 to set up a stone crushing unit without any statutory clearances and permissions as required under law.

5. M/s. Manorma Welfare Association Hurla District Kullu, Respondent No. 8 (hereinafter referred to as the Society), admittedly is a Society registered under the Himachal Pradesh Societies Registration Act, 2006. This is evident from the certificate issued by the District Magistrate (Annexure-R/1).

6. The Society applied for the grant of mining lease to the State Geologist for extraction of stones and installation of a stone crushing unit for manufacturing gravel (bajri) on Gair Mumkin Forest Land situated at Chutti Bihal, Tehsil and District Kullu, H.P. This is evident from application dated 20.5.2003 (Annexure-R/2). The land identified was denoted as Tukra No. 1, area 6-14 Bighas and Tukra No. 2, area 5-6 Bighas. There is no dispute that this land forms part of Phati Diyar, Kothi Kotkandi, Tehsil Kullu, District Kullu. In response to the same, a joint inspection was carried by a Committee comprising of the Divisional Forest Officer Parvati Division Shamshi, General Manager District Industries Centre Kullu, Sub-Divisional Officer Pollution Control Board Kullu, Assistant Engineer, HPPWD Bhunter, Assistant Engineer, Irrigation and Public Health Shamshi under the Chairmanship of Sub-Divisional Magistrate Kullu. In terms of its joint inspection report dated 23.12.2005 (Annexure-R/3) the Committee recommended the proposed land for grant of mining lease.

7. The Society filed another application dated 6.7.2003 (Annexure-R/5) with the Divisional Forest Officer seeking approval of the State Government and the

authorities under the Forest (Conservation) Act, 1980. In terms of its letter dated 23.11.2005 (Annexure-R/6) the Government of India, Ministry of Environment & Forests accorded "in principle approval" for diversion of one hectare of forest land in favour of the Society. Importantly one of the terms stipulated in the approval was that "use of the forest land will not be allowed till final approval is accorded". Based thereupon the Divisional Forest Officer, Parvati Forest Division, Shamshi issued letter dated 27.1.2006 (Annexure-R/7) demanding a sum of Rs. 8,86,064/- from the Society towards the net present value and other compensatory afforestation cost. There is no dispute that the Society promptly paid the said amount.

8. On 18.1.2007 another inspection was carried out by the Asstt. Conservator of Forest, Parvati Division Shamshi (Member), Asstt. Engineer, PWD Bhunter, Kullu (Member), Asstt. Engineer, I&PH, Bhunter (Member), Asstt. Environmental Engineer, PCB, Kullu (Member), Rep. of Tourism Officer, Kullu at Manali (Member), G.M. DIC-cum-Mining Officer, Kullu (Member Secretary) under the Chairmanship of Sub-Divisional Officer, Kullu. The inspection was carried out for the appraisal of the site for the purposes of setting up of a crushing unit proposed by the Society. The land where the crusher was to be set up was denoted as Tukra No. 4, measuring 5-6 Bigha, situated at Phati Diyar, Kothi Kotkandi, Tehsil Kullu, Distt. Kullu which is forest land and classified as 3rd class forest hence permission from Government of India, MOEF was required before installation of the stone crusher. This is so evident from the Inspection Report (Annexure P-2).

9. It is pertinent to point out that for this land no separate application was filed as according to the Society application dated 20.5.2003 (Annexure R-2) was a composite one for extraction of stones and establishment of a stone crushing unit.

10. On 21.4.2007 the State Geologist, Department of Industries, Government of Himachal Pradesh accorded provisional registration to the Society for setting up of a stone crusher. Letter dated 21.4.2007 (Annexure-R/10) to this effect reads as under:-

Whereas M/s. Manorma Works Welfare Association Prop. Sh. Om Parkash Sharma, near New Bridge Parla Bhunder, Distt. Kullu, have applied for the Provisional Registration for installation of Stone Crusher in Kh. No. Tukra No. 4 measuring 5-6-0 Bighas Mauza Chotti Bihal, Gram Panchayat Hurla, Tehsil and Distt. Kullu, H.P., as per the provisions of the POLICY GUIDELINES FOR REGISTRATION, LOCATION, INSTALLATION AND WORKING OF STONE CRUSHERS IN THE STATE OF HIMACHAL PRADESH.

The Provisional registration is hereby granted to M/s. Manorma Works Welfare Association Prop. Sh. Om Parkash Sharma, subject to the following conditions:

1. The proposed crusher site falls within One Hectare of land which has been recommended for the grant of mining lease also. For this One Hectare of land, Govt. of India (MOEF) has accorded approval in principle for diversion of Forest

Land, subject to payment of NPV, cost of CA and penal CA etc., as communicated to you by DFO Parvati Forest Diversion Shamshi vide letter dated 21.1.06. Mining shall only be allowed after getting final approval from the Forest Department.

2. The applicant may move to procure consent to Establish (COE) from the Himachal Pradesh State Environment Protection & Pollution Control Board (HPSEP & PCB) after obtaining final approval from Forest Department.

3. The consent to operate (COP) by Himachal Pradesh State Environment Protection & Pollution Control Board (HPSEP & PCB) shall be given after the approval of Working-cum-Environment Management Plan.

The crusher owner shall submit the Working-cum-Environment Management Plan for approval within three months from the issuance of grant order for mining lease.

11. The Himachal Pradesh State Environment Protection and Pollution Control Board issued its letter of consent to establish the said unit in terms of letter dated 9.5.2007 (Annexure R-11). This consent however was only for one year and was to be got renewed by the Society in the next financial year.

12. Here it needs to be mentioned that in the year 1997, two parcels of land i.e. 4.10 Bighas and 5 Bighas also situated in Chotti Bihal, Hurla, Phati Dyar Kothi Kotkandi, Kullu had been allotted by the government in the name of the Society by way of lease. In the year 1998 the State had cancelled the said mining lease for the reason that the Society had carried out mining activity in an illegal manner which had not only damaged the Bhunter - Garsa road but had also caused obstruction to the traffic. In spite of opportunities afforded, the Society persisted in carrying out unscientific mining in the area. The action cancelling the lease was assailed by the Society by filing Civil Suit No. 119 of 1998 which was dismissed by the learned Senior Sub-Judge, Lahaul-Spitti at Kullu, H.P. in terms of its judgment and decree dated 21.9.2002. There is no dispute that this judgment has attained finality. Importantly the Court found the reason for cancellation of the lease to be totally justifiable.

13. Fearing infringement of their traditional and customary rights and also for the fact that allotment of the land in question to the Society would further cause environmental degradation and pollution, some of the villagers approached this Court by filing Civil Writ Petition No. 771 of 2007, titled as Sh. Narain Dass v. State of Himachal Pradesh and Ors., in which an interim order dated 13.6.2007 was passed directing the Society to maintain status quo qua Tukra No. 4 on which the stone crusher was to be set up. In the said petition, on 26.12.2007 this Court passed an order directing the Monitoring Committee constituted pursuant to the directions issued by this Court in CWP No. 1105/2007, to visit the proposed site where the stone crushing unit was to be set up by the Society and after inspection submit its report. The Monitoring Committee comprising of Principal Secretary Industries to the Government of H.P., Shimla-1, Sh. Surender Kumar, Additional Director (S) Government of India, Ministry of Environment &

Forest, Sector-32 Chandigarh, Sh. A.R. Hadi, Deputy Controller of Mines, Indian Bureau of Mines, Dehradun and Sh. S.K. Dass, Deputy Director of Mines Safety, Ghaziabad Region, Room No. 201-203 C.G.O. Complex, Hapur Road Ghaziabad assisted by Sh. Arun Sharma, State Geologist, Himachal Pradesh, Shimla-1, Sh. Om Parkash Thakur, District Revenue Officer Kullu, Distt. Kullu, Sh. Kiran Kumar, DFO Parvati Division, Distt. Kullu, Sh. Rajiv Sharma, Range Officer Parvati Division No. 1, Distt. Kullu, Sh. Rajneesh Sharma, Geologist, Himachal Pradesh, Shimla-1, Sh. Chaman Sharma General Manager, Distt. Industries Centre holding additional charge of Mining Officer, Kullu, Distt. Kullu, Sh. D.C. Chandel Junior Engineer HPPWD Division No. 1 Kullu and Sh. Kishori Lal, Asstt. Mining Inspector, Kullu carried out the inspection of the site on 28.2.2008 and 29.2.2008.

14. The Committee filed its report with certain recommendations on the questions posed to themselves. Relevant portion of the report is reproduced as under:-

I. Whether in principle approval granted under FCA is for the same piece of land for which mining lease is applied for:

(a) Mining lease/mining concession was applied for on 2 pieces of land, one each on either side of the road. Both the pieces are close to the road after leaving narrow width on both sides of the road and no approach road to proposed mining area has been shown in the map submitted for mining lease to Industries Department.

(b) For forest clearance, the map submitted by Respondent and consequently the proposal submitted by Forest Department for clearance under FCA" is different from the map submitted for grant of mining lease. Wider stretch of forest land on either side of the road has been left in the amended revenue map submitted for diversion of forest land and proposed mining area has been shown by including approach roads to the proposed mining areas. When both revenue maps submitted are compared, only a portion of area submitted for grant of mining lease and submitted for forest clearance is common. Different location of area shown in revenue maps presented at different stages is annexed as Annexure-RR-1.

Hence, the Respondent has to submit fresh/amended proposal for mining lease as per forest clearance obtained or he should revise the proposal for forest clearance.

II. Whether mining can be carried out in view of objections of the Petitioner and other interested parties and also from environmental/scientific point of view:

(a) The area above the road i.e. towards hill side proposed for mining was allotted in the past to the Respondent for mining, which was subsequently cancelled. It has a steep slope with fractured rocks susceptible to slides. Due to earlier mining operations or due to natural causes, already slides have occurred. The proposed mining area as included in forest clearance proposal is beyond the

road after leaving about 45 mtrs. average distance from the road and is steep slope. Mining cannot be carried out scientifically on these slopes and will be susceptible to land slides causing damages to forest growth on the upper hill slopes and shall also lead to blockade of road below the slopes. Hence, mining operations on the proposed land on the hill side of the road for which forest clearance has been obtained in principle is not recommended.

(b) The area below the road has accumulation of boulders as a result of land slides. Removal of boulders from this portion below the road, for which forest clearance in principle is available, is recommended on payment of royalty to the Industries Department. This will not cause any environmental problems.

III. Whether stone crusher should be established near the mining site applied for:

(i) The Respondent has applied for setting up of stone crusher to Industries Department below the road and adjacent to the land earmarked as dumping area/ collection of stone in the proposal for forest clearance. The plea of the Respondent that setting up of crusher is also included in the proposal in which in principal approval under FCA is received is not correct. The confusion arises because of the wording in the para "Subject" of the in principle approval letter dated 23.11.2005 and the short narrative of the proposal under Sr. No. (i) in the application form-A Para -I which reads as under:-

Subject: Diversion of 1.00 hectare of forest land in favour of M/s. Manorma Works Welfare Association for five years for stone quarry for feeding stone crusher at Chutti Bihal in Kot Kandi-III under the jurisdiction of Parbati Forest Division District Kullu, Himachal Pradesh.

Short title and narrative of the proposals in Form-A

Stone quarry for feeding stone crusher at Chutti Bihal in Kot-Kandi-III, Hurla Forest Range, Parbati Forest Division, Forest Circle, Kullu (H.P.) project period 30 years.

Plain reading of the above may be interpreted as "feeding of stone crusher located/to be located at Chutti Bihal" by quarrying at Chutti Bihal where as proposal is only for quarrying at Chutti Bihal and the purpose of quarrying is feeding the stone crusher.

(ii) Respondent's plea is that the in principle approval includes stone crusher at Chutti Bihal, which is not true, because the map included in the proposal shows mining area of 6-14 bigha above the road towards hill side and dumping area and collection of stones in an area of 2-06 bigha and 3 bigha respectively below the road and map no where mentions stone crusher. Site Plan/Location Plan showing Forest Department proposal is annexed as Annexure RR-2. Technically speaking also, the proposal for forest clearance for setting up of stone crusher can be initiated only after approval of the proposed site by Site Appraisal Committee based on sitting criteria, which in this case was not done prior to sending the proposal for forest clearance. In fact application for the installation of

stone crusher and inspection of the proposed site by Sitting Appraisal Committee has been done after in principle approval of forest clearance had been received. Also, in the location map included in the forest clearance proposal, the existing location of stone crusher already set up by the Respondent, which is about 2.5 kms. away from the proposed mining lease area has been shown.

(iii) As per sitting criteria for the installation of stone crusher, the location of stone crusher should be at least 75 mtrs. away from link road, whereas the outer edge of land proposed for jumping area and collection site is 60 mtrs. away from road and hence crusher has to be beyond the land for which forest clearance has been obtained. The Site Appraisal Committee also has recommended the site beyond 75 mtrs. as per siting criteria, for which separate forest clearance for the area recommended by the Site Appraisal Committee is required.

(iv) At the time of site inspection it was apparent that the ground below the road is consciously kept reserved by the community for common purposes like grazing, playing, festivals etc. because it could have been otherwise used as Nautors, forest plantations or such other use. Although the river bank is away from the proposed mining site/crusher site but the site conditions do suggest that during monsoons when water level rises, the back waters of the river makes course through various depressions extending towards the public site and as a result some times the cremation site also changes shifting towards this ground away from the river bank.

The main plain portion of this public ground is away from the river bank and close to the proposed crusher site and will interfere if the crusher is set up at this site due to noise, dust, material stocking, movement of trucks etc. Hence it is not an appropriate location for setting up of stone crusher.

GIST OF RECOMMENDATIONS:

The land below the road, for which "in principle approval" under Forest Conservation Act has been received for collection of stones and dumping site measuring 3 Bigha and 2 Bigha 6 Bishwa respectively and approach road, should be allowed to be used for lifting of boulders in the area which have been diverted by the Ministry of Environment & Forests, Govt. of India on payment of royalty for use in the existing crusher of Respondent No. 8 located about 2.5 kms. away. The mining on the proposed mining area above the road for which in principle approval under FCA has been accorded, measuring 6-14 Bighas, is not recommended in view of steep slopes having fragile strata which would lead to further erosion and environmental damages and also blockade of the only link road passing through this area. Setting up of stone crusher at the proposed site for which inspection by the Site Appraisal Committee has been carried out but was not included in the Forest Department, proposal is not recommended so that peaceful use of common land by the right holders for common purposes is enjoyed by them. Mining area of 6-14 Bighas and land for approach roads to the mining area uphill side of road is shown in the Forest Department, proposal

should be excluded from final approval, which is pending, under Forest Conservation Act and NPV and compensatory afforestation charges for this land should be refunded by State Forest Department to the Respondent No. 8.

(Emphasis supplied)

15. Noticeably the Society was found to have submitted different maps before different authorities for the purposes of seeking permission for establishing its unit. The Committee found that the site was not appropriate for setting up of a stone crusher and that only 3 Bigha and 2 Bigha - 6 Biswa of land could be utilized for the purposes of collection of stones and dumping site. In effect, area measuring 6-14 Bighas of land had to be excluded from the proposal pending before the statutory authorities under the Forest (Conservation) Act.

16. However on 8.1.2009 this Writ Petition was withdrawn with liberty to file a fresh one.

17. Thereafter Civil Writ Petition No. 2243 of 2009, titled as Raj Kumar and Anr. v. State of Himachal Pradesh and Ors., was filed before this Court by the present Petitioner No. 1 which was dismissed vide order dated 3.7.2009 which reads as under:-

The present petition is styled as public interest litigation. The Petitioners are seeking direction to the State Government not to accord necessary permission to Respondent No. 8 for extraction of stone and setting up stone crusher. The Petitioners have not made any representation to the authorities before approaching this Court. It was necessary for them to at least make a representation to the authorities before approaching this Court. The representations which have been placed on record by the Petitioners are not signed by them.

Consequently, the writ petition is dismissed. No costs.

Consequently Petitioners served legal notice dated 4.7.2009 (Annexure P-23).

18. It appears that in spite of status quo order passed by this Court the Society carried out with the activity of setting up of the stone crusher. This is evident from the joint inspection report carried out by the Monitoring Committee which found that the stone crushing unit had been partly set up by the Society. This, evidently was done in violation of the law and consequently notices were issued by the Mining Officer and the Divisional Forest Officer (Annexure P-12/A and Annexure P-12/B) calling upon the Society to stop the work of erection and installation of the stone crusher on the site. Apparently the Society did not pay any heed and continued to carry out the activity at site. Even though F.I.R. No. 54 dated 23.2.2009 was lodged against the Society but however cancellation report dated 30.3.2009 was filed before the concerned Court. Shockingly the Society was issued a further demand for deposit of the balance amount of Rs. 1,19,000/- which was promptly deposited in the month of November, 2009. In the teeth of the recommendation of the Monitoring Committee why it was done is

not evident from the record. The demand and deposit of the amount would have no effect at all.

19. Be that as it may be, the Central Government had not taken any final decision on the diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 for the reason that the matter was subjudice. This is so evident from letter dated 31.3.2010 (Annexure R/17).

20. From the facts as noticed hereinabove it is thus evident that Respondent No. 8 had no permissions whatsoever for carrying out any physical activity at the site in question. The provisional registration certificate issued by the State Geologist was subject to the final approval from the Forest Department. Nothing has been placed on record to show that the consent to operate issued by the Himachal Pradesh State Environment Protection and Pollution Control Board was given after the approval of Working-cum-Environment Management Plan. Thus Respondent No. 3 could not issue the consent to operate. Be that as it may be, the said consent was only for a period of one year and was to automatically lapse on 8.5.2008. There is no dispute that the Society did not apply for renewal of the same. That apart, the "in principle approval" granted contained a specific condition that use of forest land was not to be allowed till the final approval was accorded.

21. Section 2 of the Forest (Conservation) Act, 1980 stipulates that except with the prior approval of the Central Government no State Government or other authority shall make any order directing that any forest land or any portion thereof may be used for any non-forest purpose or that any forest land be assigned by way of lease or otherwise to any private person. The non-forest purpose has been explained to inter alia include any purpose other than reafforestation.

22. In this background the action of the Society in using the forest land for the purposes of establishing its unit is in total contravention of the environmental laws as also the conditions stipulated in the approval/consent accorded by the various statutory authorities. The Society carried on with its activity and made investments in establishing the stone crushing unit entirely at its peril, risk and responsibility.

23. Attempts were made to scuttle the action taken by the authorities from preventing the Society in establishing the said unit. In the teeth of the recommendations made by the Monitoring Committee no permission for establishing the stone crushing unit at the site can be granted.

24. With reference to report of the Monitoring Committee, Society has simply mentioned that objections were filed to the report. The same have not been placed on record. Be that as it may be, the fact of the matter is that the Committee was headed by senior level officers of the Government of Himachal Pradesh. After physically verifying and inspecting the site for two days, in the presence of the parties they had come to their conclusion. We see no reason to

disbelieve the same.

25. It is not clear from the record as to how the Society came into possession of the land in question. It is also not on record as to who handed over the same to them. It is not clear that the place where the stone crusher has been installed by the Society is actually part of the very same land pertaining to which the State had cancelled the lease.

26. We have not gone into the question of the rights of the villagers on the land in question for the reason that the land otherwise has been found unfit by the Monitoring Committee. To our mind there is no doubt that the allotment of land and grant of permission for carrying out mining activity on the land de hors the recommendations made by the Monitoring Committee, shall cause great environmental hazard. Hence no permission in violation of the same can be accorded to the Society.

27. Consequently Respondent No. 8 - Society is directed to stop the further erection and construction of a stone crushing unit on Tukra No. 4. They are also directed to remove the plant and machinery and the construction raised on Tukra No. 4 within a period of three months from today failing which we direct the Deputy Commissioner, Kullu to take action for removing the same within a period of two months thereafter. All costs for the same shall be borne by the Society.

28. We also direct that except in accordance with law, no mining activity of any nature shall be carried out by any person on the land denoted as Tukra Nos. 1, 2 and 4 falling in village Phati Diyar Kothi Kotkandi, Tehsil and Distt. Kullu. It shall be the personal responsibility of the Deputy Commissioner, Kullu (Respondent No. 4) as also the Divisional Forest Officer, Kullu (Respondent No. 6) to ensure the same. We also direct the Deputy Commissioner, Kullu to take all measures and safeguards, including fencing of the area in question to ensure that no illegal mining activity is carried out in violation of the law.

29. How a Society carrying on activities of quarrying, mining and stone crushing could have been registered under the Himachal Pradesh Societies Registration Act, 2006 is not clear. In any event the registration of the Society with such objects and purposes is purely contrary to and in violation of the provisions of the said Act. The Act was enacted to provide for registration and working of literary, scientific, educational, religious, charitable activities in the State of Himachal Pradesh. It was to apply to Societies formed for all or any of the purposes stipulated u/s 1(3) of the Act. Definitely carrying on the business of mining and quarrying is not the object or the purpose enumerated in the said Section. The Registrar, Co-operative Societies has the jurisdiction and power to enquire into the constitution and working of the Societies registered under the Act. In these circumstances the Registrar, Co-operative Societies is directed to investigate and to enquire into the affairs of the Society and take appropriate action in accordance with law. The Registrar shall place on record the action taken report within a period of six months from today.

30. On going through the entire record in this case, we are prima facie of the opinion that not only did the Respondent - Society violate the provisions of the Forest (Conservation) Act, 1980 but it also indulged in setting up of the stone crushing unit in a totally illegal manner. It also appears that the Society was being helped by certain officials of the Government. We therefore direct the Chief Secretary to the Government of Himachal Pradesh to ensure that appropriate proceedings are initiated against the Respondent-Society and also against the officials who connived with the said Society.

31. In view of the above discussions, we allow the writ petition and burden Respondent No. 8 - Society with costs of Rs. 50,000/-, which be deposited within four weeks from today. On deposit these costs shall be paid to the Gram Panchayat, Hurla who shall utilize the same only for the purpose of plantation and maintenance of trees. The Gram Panchayat shall submit a report regarding utilization of the costs awarded to it on or before 20.12.2010 and the matter be listed in Court on 24.12.2010. The Gram Panchayat shall give a detailed account of the utilization of the costs.

32. The Registrar General of this Court is directed to send a copy of this order to the Chief Secretary to the Government of H.P. and the Registrar, Co-operative Societies, H.P.

Petition allowed.