

Date of Reply: 17-09-2020.

Reply to the notice given under Rule-61 by Shri Rakesh Singha, Hon'ble MLA

The Hon'ble MLA has given notice under Rule-61 of the Rules of Procedure and Conduct of Business on the reply to Point-C of Starred Assembly Question No.3050 which was fixed for reply on 11-9-2020 for discussions. The contents of notice are as under:-

- (i) answer to (c) is incorrect- the Settlement Collector, Shimla has only changed the "kisam of land" from charand to ghasni.
- (ii) To change the land use, it was only the Himachal Pradesh Government that could have changed it.
- (iii) It amounts to fraud and loss to the State of Himachal Pradesh which needs to be rectified.

Hon'ble Speaker Sir,

In-fact vide Point-C of the aforesaid Question, the Hon'ble Member has asked as to "when was the permission granted to Mahasu Trading Company Premghat to Change the land use of Kiyari Jungle". In reply to this part of the starred assembly question, it has rightly been submitted that the Revenue Department does not grant any permission to change land use except of land under "tea gardens". However, the classification has been changed by the Settlement Collector Shimla vide order, dated 08-07-2000 in case titled as Sh. Ashok Sood V/S State of H.P. (case No. 141/2004) Smt. Usha Sood V/S State of H.P. (case No. 142/2004) and Smt. Divya Sood V/S State of H.P. (case No. 143/2004) in a quasi judicial capacity.

In this regard as has been submitted in reply that the Settlement Collector has changed the classification of land in a quasi-judicial capacity and as such the same can not be termed as a fraud. Moreover, if any person is aggrieved by the said order of the Settlement Collector, the same can be assailed by way of an appeal or revision before the competent Court of Jurisdiction.

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