

# FOREST DEPARTMENT

O/o PRINCIPAL CHIEF CONSERVATOR OF FORESTS, HARYANA

VAN BHAWAN, PLOT NO. : C-18, SECTOR - 6, PANCHKULA TEL NO.: +91 172 2563988, FAX : +91 172 2583158

No. PS/PCCF/2027

Dated 7/10/2019

To

The Registrar  
National Green Tribunal  
Principal Branch, New Delhi

Subject: in OA No. 461 of 2019 – Titled Ram Avtar Yadav V/s Union of India & ORS.

Ref: Hon'ble National Green Tribunal, New Delhi Order dated 23.5.2019.

Dear Sir,

As ordered by the Hon'ble National Green Tribunal, Principal Branch, New Delhi dated 23.5.2019, please find attached the Status Report based on the facts in OA No. 461 of 2019 – Titled Ram Avtar Yadav V/s Union of India & ORS as reported by the Conservator of Forests (South Circle), Gurugram. The undersigned agrees with the status report submitted by the Conservator of Forests (South Circle), Gurugram and is hereby submitted to the Hon'ble NGT for its consideration and further orders.

Yours faithfully

Encl: As above.

  
Principal Chief Conservator of Forests  
Haryana, Panchkula

**STATUS REPORT BASED ON FACTS IN OA NO 461 OF 2019**  
**TITLED RAM AVTAR YADAV Vs UNION OF INDIA & ORS.**

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In the OA No 461 of 2019, Shri Ram Avtar Yadav, applicant had made a prayer to stop illegal construction of road and other illegal activities at rectangle No 81 in Killa No. 4/2, 5/1, 6/3, 7/1 in Manesar Village, Gurugram District, Haryana in violation of the Forest (Conservation) Act 1980.

The Hon'ble National Green Tribunal while considering the matter on 23.05.2019 has passed the following orders:

*"3. Before we consider the matter further, we find it necessary to require a report on factual aspects from the Principal Chief Conservator of Forest( HoFF), Panchkula, Haryana which may be furnished within one month by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).*

*4. A copy of this order be sent to the Principal Chief Conservator of Forest (HoFF), Panchkula, Haryana by email for compliance.*

*5. The applicant may furnish a complete set of papers to the Principal Chief conservator of Forest (HoFF) and file an affidavit of service within one week".*

In compliance of the order of the Hon'ble Tribunal, factual report is submitted as under:

**FACTUAL REPORT:**

After perusal of revenue record and records present in the Gurugram Forest Division, it has been observed as under:

- The land in question is a small hillock in village Manesar covering the Killa Numbers 4/2 (0-16), 5/1 (2-14), 6/3 (0-11), 7/1 (0-19) in the Mustil No. 81 measuring total area of 5 Kanal 0 Marla (2500 sqm). Copy enclosed as **Annexure-I**.
- All the above mentioned Killa Numbers fall in the category *Gair Mumkin Pahar*, a term mentioned in the Aravalli Notification dated 07.05.1992. No construction activities can be carried out in the said area as per Aravalli Notification without permission from competent authorities.

A perusal of records of Aravalli Project Plantation of village Manesar reveals that all the above mentioned Killa Numbers are covered under Aravalli Plantation. That in the judgement dated 18.03.2004 in Writ Petition (civil) 4677 of 1985, in the matter of M.C. Mehta Vs. Union of India & Ors, the Hon'ble High Court observed as under:-

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*"Reference can also be usefully made to the part of the State of Forest Report, 1999 issued by Forest Survey of India in relation to Haryana. It inter alia, provides that large scale plantations were carried out under Aravalli project since 1992. The document claims increase of the forest cover in the State as a result of plantation under the Aravalli project. It,inter alia, mentions that forest cover increase in Gurgaon and Faridabad is mainly due to plantation raised under the Aravalli project which was started in early 1990s. In these matters, neither the State nor the lease holders can be permitted to turn round and now take a stand that the areas covered under the Aravalli project is not forest."*

Therefore, areas of Aravalli plantation project are to be considered as 'Forest' and Forest (Conservation) Act 1980 is applicable on the said piece of land.

- Some days back, a complaint was made by the applicant Sh. Ram Avtar Yadav of village Manesar that a path has been constructed by doing illegal mining in the said piece of land.
- The Range Staff of Gurugram Range visited the site on 01.04.2019 and it was found that there is violation in the hillock and the land has been broken in an area of 30 m x 2m = 60 sq m for construction of road. A Forest Offence Report was registered by the Forest Department vide FOR No. 015 Book No. 0489 Dated 01.04.2019 against the Sarpanch of Manesar - Ms. Puja Devi. Copy of FOR is enclosed as **Annexure-II**.
- A complaint was also registered with Mining Officer, Gurugram and a notice was issued to Sarpanch, Manesar for the same on 02.04.2019 for violation of Rule 142 of Haryana Minor Minerals Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules 2012. It was learnt that some fine was imposed by Mining Officer and the same was deposited and the work of construction was stopped. The office of the Divisional Forest Officer, Gurugram vide its office letter No. 1506 dated 30.09.2019 has asked Regional Officer, Haryana Pollution Control Board, Gurugram to take appropriate action as per rules under the Aravalli Notification dated 07.05.1992 as the category of land where violation has taken place is *Gair Mumkin Pahar*.
- A perusal of Google Earth Image, it was revealed that other than path, some constructions have also been raised on the same piece of land on the other

side of the hillock. The image of digitized map overlay on Google Earth is enclosed for reference **Annexure-III**.

- The actual area in which construction has been raised and area has been encroached upon will be calculated after survey and demarcation with revenue officials. Prima face, it was found that construction has been carried out illegal in an area of 750 sq m. Forest Offence Report will be registered after demarcation of land and the land will be vacated.
- A letter has been written to Tehsildar, Manesar for survey and demarcation of two hillocks located side by side (**Annexure-IV**). Both hillocks are covered under Aravalli Plantation.
- It has been observed that violations have been done in the other hillock also. Actual area under violations will be calculated after survey and demarcation of the area by Revenue Authorities.

  
Conservator of Forests  
South Circle. GURGAON

नकल जमाबंदी (पड़त पटवार)		u s सति:	
गुरगांव		गुरगांव	
खेत या मिचल के अन्य साधन का नाम	खेत का संख्या और पटवार	रफ्तार और विवरण जमीन	रफ्तार और विवरण के साथ लगान जो मुद्रा देता है
	80// 19/2		1-11 गै. मु. पहाड़
	81// 1/2/2		2-4 ब.कदीम 0-16 गै. मु. पहाड़
	4/2		2-14 गै. मु. पहाड़
	5/1		0-11 गै. मु. पहाड़
	6/3		0-19 गै. मु. पहाड़
	7/1		
	82//		8-0 ब.कदीम
	1		8-0 ब.कदीम
	2		8-0 ब.कदीम
	3		0-3 गै. मु.
	7/1		पहाड़
	7/19		1-1 गै. मु. पहाड़
	7/20		0-3 गै. मु.

South Gurug, GURGAON

D.R.R No. 1G/2019-20



## वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

FOR Book No. 0489

FOR No. 015

वन मण्डल	255 गांव					
रेज/ब्लॉक/बीट	255 गांव मानसर मानसर					
रीज/जगह का नाम						
FOR No. (Date, Day & Time)	015/489 1/4/2019 दिन					
रिपोर्ट जारी करने वाले का नाम	राजेश कुमार वन रक्षक					
अपराध की जानकारी का स्रोत	स्वयं द्वारा गस्त/मुखवीर द्वारा/शिकायत ✓					
अपराध होने के तारीख/दिन/समय	1/4/2019					
जांच अधिकारी का नाम व पद	रामकरण वन दरीगा					
अपराध/घटना का विवरण संलग्न	नहीं, यदि हां तो पृष्ठ संख्या					
उल्लंघन किया गया अधिनियम	संलग्न					
भारतीय वन अधिनियम 1927						
वन्य प्राणी (संरक्षण) अधिनियम 1972						
पंजाब भूमि संरक्षण अधिनियम 1900						
भारतीय दण्ड संहिता						
अपराधी का विवरण	पिता का नाम	उम्र	सीति	पता		
	पुष्पा देवी सुरपंच 255 मानसर 30x2=60 Sqm	W/O रामकर	28	हरियाणा	मानसर-मानसर	5km - मानसर 1/4/2019
जन किये गये सामान का विवरण						
जन वन उपज का विवरण	प्रजाति	किम्प/साइज	संख्या	मूल्य	मुआवजा राशि	
	21 स्टे का चीड़ा करण 30x2=60 Sqm असह्य H. Supreme Court Judgment के आदेशों की 30cm	पेक्षा रीक्षण के कर 18.3.2004				
जन की कल का विवरण		रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष	
औजार/हथियार						
अन्य, यदि कोई हो						
सही को चिह्नित करें	नजरी-नक्शा जी०पी०एम० रोडिंग सहित	संलग्न किया है, तैयार नहीं किया गया		यदि हां तो पृष्ठ संख्या		
	फोटोग्राफ	संलग्न, तैयार नहीं किया गया				
	विडियोग्राफी	संलग्न, तैयार नहीं किया गया				

R.O.A.C.

मुखवीर/ शिकायतकर्ता/गवाह के हस्ताक्षर/अंगुठे का निशान

आरोपी का हस्ताक्षर/अंगुठे का निशान

वीट इन्चार्ज

चौ राउ अउ नाम

रैंक

दिनांक

Rajesh Kumar

अमर चौधरी

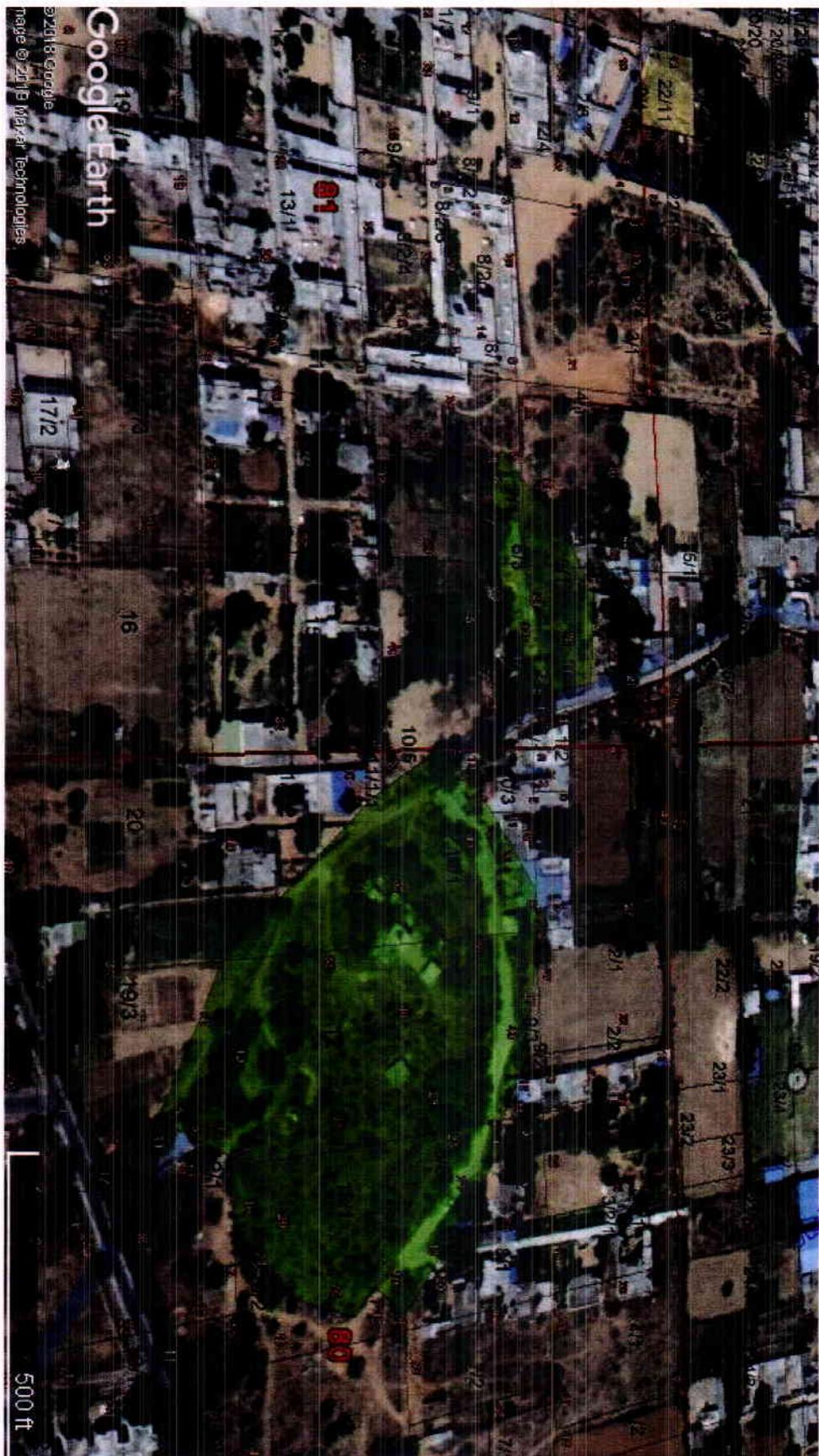
R.O.

Conservator of Forests,  
South Circle, GURGAON

श्रीकापीलानी की शिकायत पर मोहन पर 200  
मोहन पर 2000 सरपंच मानेसर पुष्पा देवी W/O सांगवीर  
के द्वारा राफते को चोड़ा करके 30X2=60 Sqm  
अशकली पॉवरहाउस के बारे में Supreme Court  
Judgment dated 18-3-2004 को आरेखा की  
उल्लंघना की है जिसकी शक्ति रिपोर्ट नं 15/489  
Dated 1/4/2019 को चालू कर दी गई।

Rishi Kumar  
F/G  
Manesar Beat

  
Conservator of Forests,  
South Circle, GURGAON



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