

Site Inspection Report of Police Line Manesar, Gurugram, Haryana

In compliance of order dated 01.07.2019 of Hon'ble National Green Tribunal, New Delhi passed in OA No. 543 of 2019 titled Ram Avtar Yadav Vs. UoI&ors

An OA No. 543/2019 titled Ram Avtar Vs. Union of India & Others was filed in National Green Tribunal, New Delhi alleging that construction of Police Lines has been carried by Haryana Police Department in Aravallis at Manesar, distt Gurugram, in violation of orders of various Courts and in violation of order dated 07.05.1992 (Aravalli Notification) of Ministry of Environment, Forest & Climate Change, Govt.

While hearing the application on 01.07.2019, Hon'ble NGT, New Delhi passed the following order:

"Let a factual and action taken report in the matter be furnished by the Principal Chief Conservator of Forests (HoFF), Haryana and the Regional Office of Ministry of Environment, Forest and Climate Change (MoEF&CC) at Chandigarh within one month by email at judicial-ngt@gov.in. The nodal agency will be the PCCF (HoFF), Haryana for coordination and compliance."

Background:

An area of 23.327 hectares (461Kanal3 Marla) of Panchayat land of village Manesar was sold to Police Department for construction of Police Line vide Govt. of Haryana, Rural Development & Panchayat Department order Endst. No. SBA-3-2010/9431-35 dated 08.03.2010 bearing following khasra numbers:

Mustil No.	Kila No.
100	24/2
102	1, 2/2, 8/3, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22
103	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
131	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24
132	1, 2, 10
133	1, 2, 3, 8, 9, 10, 11, 12, 20

Out of the total land 23.327 ha owned by police department, 7.461 ha of land is under category of Gair mumkin pahar and 15.866 ha is under category of Banjar kadeem. Aravali plantation area is 7.329 ha, which overlaps the Gair mumkin pahar category of land.


के जेड भुटिया भा व से / K Z BHUTIA IFS
उप-वन महानिरीक्षक (केन्द्रीय)
Dy. Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest & Climate Change
उत्तर क्षेत्रीय कार्यालय / North
भारत सरकार


Principal Chief Conservator of Forests
Haryana, Panchkula 15/9/19


Conservator of Forests
South Circle, Gurugram

After perusal of available records, the brief facts in the matter are listed below:

- No part of the land sold to Police Line as mentioned above is closed under Sec 4 & 5 of Punjab Land Preservation Act 1900.
- Following khasra numbers of the said land are part of Plantation under Aravalli Project:

Mustil No.	Kila No. sold to Police Department	Aravalli Project Plantation Kila numbers
100	24/2	Nil
102	1, 2/2, 8/3, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22	13, 18, 22
103	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25	Nil
131	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24	10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24
132	1, 2, 10	1, 2, 10
133	1, 2, 3, 8, 9, 10, 11, 12, 20	1, 2, 3, 8, 9, 10, 11, 12, 20
	Total area under Aravalli Plantation	7.329ha

- As per orders dated 1803.2004 of Hon'ble Supreme Court, the Aravalli Project Plantation areas have to be treated as forests for the purpose of Forest (Conservation) Act 1980.
- Other than the Khasra numbers which are covered under Aravalli Plantation, following khasra numbers are under "Gair Mumkin Pahar" and "Banjar Kadeem" category:

Mustil No.	Kila No. sold to Police Department	Gair Mumkin Pahar Kila numbers	Banjar Kadeem
100	24/2	Nil	24/2
102	1, 2/2, 8/3, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22	11, 12, 13, 18, 19min, 21min, 22min	1, 2/2, 8/3, 9, 10, 19min, 20, 21min, 22min
103	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25	Nil	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
131	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24	6min, 10min, 11, 12min, 13min, 14min, 15min, 16, 17min, 18, 19, 21, 22, 23, 24	1, 2, 3, 4, 5, 6min, 7, 8, 9, 10min, 12min, 13min, 14min, 15min, 17min
132	1, 2, 10	1min, 2, 10	1, min
133	1, 2, 3, 8, 9, 10, 11, 12, 20	1, 2, 3, 8, 9, 10, 11, 12, 20	Nil

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इय - वन सहायिरीसक (केन्द्रीय)

Inspector General of Forests (Central)

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Min. of Environment, Forest & Climate Change

उत्तर क्षेत्रीय कार्यालय / Northern Regional Office

Haryana, Panchkula

भारत सरकार

Principal Chief Conservator of Forests

Haryana, Panchkula

15/9/19

Conservator of Forests

South Circle, Gurug

- According to Notification dated 07.05.1992 of MOEF & CC, GoI (generally called Aravalli Notification), no construction work can be carried out without prior approval of the Central Government on "Gair Mumkin Pahar".
- In the Jamabandi of land of Police Line area for the period 2016-17, the type of land in Khasra numbers is either "Banjar Kadeem" or "Gair Mumkin Pahar".
- According to Revenue Department officials, "Banjar Kadeem" is a type of land which is not under cultivation since last four years. "Banjar Kadeem" word is not mentioned in Aravalli Notification dated 07.05.1992 of MoEF&CC, GOI whereas "Banjar Beed" is mentioned in the notification. The detail of land as per Jamabandi is Annexed as Annexure I.
- As per records submitted by the applicant, Sh. Ram Avtar Yadav, the land shown under Banjar Kadeem had not been under cultivation at any time. He has submitted land records since 1958.

Site Inspection Report:

A joint inspection was carried out by Haryana Forest Department and Regional Office of MoEF&CC, GoI on 22.07.2019. The applicant ShriRam AvatarYadav was present. The representatives of following departments/organizations were present:

1. Regional office of MoEF& CC, GoI - Sh. K. Z. Bhutia IFS, DIG (Forests)
2. Haryana Forest Department - Ms. VasviTyagi IFS, CF, South Circle, Gurugram & Sh. SubhashYadav HFS, DFO, Gurugram
3. Haryana Police Department
4. Haryana Police Housing Corporation
5. Haryana Pollution Control Board
6. Revenue Department, Haryana

After going through the records and digitized maps available with DFO office, following violations were noticed at site:

1. **Construction in Aravalli Project Plantation area:** The construction in Aravalli Plantation project area is given below:

Mustil No.	Kila No.	Area (sqm)
102	13	509.63
132	01	1324.09
Total		1833.72

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 Dy. Inspector General of Forests (Central)
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Min. of Environment, Forest & Climate Change
 उत्तर क्षेत्रीय कार्यालय / Northern Regional Office
 भारत सरकार चण्डीगढ़ / Govt. of India Chandigarh

Conservator of Forests
 South Circle, Gurugram

Principal Chief Conservator of Forests
 Haryana, Panchkula

Besides above violations, temporary dumping of seized/accidental vehicles was found in the following khasra numbers:

Mustil No.	Kila No.	Area (sqm)
131	10	4000.00

Total violation in Aravali Plantation area: 5833.72 sqm or 0.5834 ha. Punitive action will be initiated for violation in Aravalli Plantation area as per law. Remaining Aravalli plantation area which is 6.7456 ha has not been broken for non-forestry purpose by Police Lines Manesar

2. **Construction in "Gair Mumkin Pahar" area:** The construction in Gair Mumkin Pahar area has been carried out without seeking any kind of permission from appropriate authority. The area of construction in Gair Mumkin Paharis given below:

Mustil No.	Kila No.	Area (sqm)
102	11	163.91
102	12	445.75
102	21	2694.89
131	6	122.19
Total		3426.74

Total violation in Gair Mumkin Pahar: 0.3427 ha

3. **Construction in "Banjar Kadeem" area:** The total construction on "Banjar Kadeem" land is 11.56 ha. The area under temporary dumping of seized vehicles in Banjar Kadeem area is 1.42 ha. Most of the construction is in Banjar Kadeem area which is not mentioned in Aravalli Notification. The distribution of Land in various categories is annexed as Annexure II
4. The periodical review of the land under google imagery depicts that there is no construction in the year 2010 and 2011 and the tree cover is intact in Banjar Kadeem area. However in the imagery of 2013, the trees have been removed and the construction has started. No permission for tree felling was sought by concerned authorities of Police Department. The google imagery of 2014 and 2018 are enclosed to view the extent of construction. The detail of construction are annexed as annexure III and the periodic images of the site are Annexed as Annexure IV
5. The area was covered under General section 4 of PLPA vide notification no S.O.113/P.A2./1900/S.3/97 dated 17.11.1997. As per the notification no trees can be felled without the permission of the Divisional Forest Officer. However in the notification no S.O.81/P.A2./1900/S.3/2012 dated 19.12.2012 Manesar Tehsil is not covered General section 4 of PLPA and therefore there is no restriction on felling of trees after December 2012.

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Principal Chief Conservator of Forests
Haryana, Panchkula 15/9/12

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Conservator of Forests
South Circle, Gurugram

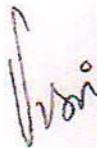
6. As per the office record no permission has been taken for felling of trees by Police lines Manesar, nor a case has been applied under FCA for diversion of Aravalli Plantation Land for non- forestry purpose.
7. As per Regional Officer, Haryana Pollution Control Board, permission has not been taken under Aravalli Notification 1992, by Police Line, Manesar.
8. The details of buildings and area covered under various buildings as given by Police Department is enclosed as Annexure-III but the Police Department has not included the roads and other facilities which have been created at site. The total area under construction is given below:
 - a. Construction on Banjar Kadeem : 11.56 ha
 - b. Construction on Aravali Plantation: 0.5834 ha
 - c. Construction on Gair Mumkin Pahar: 0.3427 ha

Total construction Area: 12.4861 ha

Inference:

1. That out of 23.327 hectares of land owned by Police lines Manesar 7.461 hectare is Gair Mumkin Pahar and 15.866 hectare of land is Banjar Kadeem. About 7.329 hectares is Aravalli plantation which overlaps the Gair Mumkin Pahar.
2. There is construction in 0.5834 hectares of Aravalli plantation which is violation of FC Act 1980.
3. The land under question does not fall under the prescriptions of the working plan but is ecologically fragile and needs to be protected.
4. That observing the landscape of the premises and the documents in form of google imageries provided by the applicant it can be inferred that there was a water body in killa no 10 of mustkil no 102 which is now dry and is an area of depression where the seized vehicles are being dumped.
5. That the police department has to take permission from Forest department under FC Act, 1980 for using forest land for non-forestry purpose to the extent of 0.5834 hectares which is Aravalli plantation.


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 Conservator of Forests
 South Circle, Gurugram

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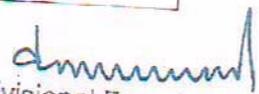
 Principal Chief Conservator of Forests
 Haryana, Panchkula 151001

Annexure I

Details of land as per Jamabandi (2016-17)

Mustil No.	Kila No.	Area(Kanal-Marla)	Type of land
100	24/2	4-0	BanjarKadeem
102	1	8-0	-do-
	2/2	2-13	-do-
	8/3	2-6	-do-
	9	8-0	-do-
	10	8-0	GairMumkinPahar
	11	8-0	-do-
	12	8-0	-do-
	13	3-0	-do-
	18	0-6	-do-
	19 min	3-17	-do-
	19 min	3-13	BanjarKadeem
102	20	8-0	-do-
	21 min	7-15	-do-
	21 min	0-5	GairMumkinPahar
	22 min	0-5	BanjarKadeem
	22 min	4-7	Gairmumkinpahar
103	1/2	0-10	Banjarkadeem
	2/1	2-13	-do-
	3/2	1-9	-do-
	4/2	4-16	-do-
	5	8-0	-do-
	7	8-0	-do-
	9	8-0	-do-
	10	8-0	-do-
	11	5-4	-do-
	12	8-0	-do-
	13	8-0	-do-
	14	8-0	-do-
	15	8-0	-do-
	16	8-0	-do-
	17	8-0	-do-
	18	8-0	-do-
	19	8-0	-do-
	20	8-0	-do-
	21	8-0	-do-
	22	8-0	-do-
	23	8-0	-do-
	24	8-0	-do-
	25	8-0	-do-
131	1	8-0	-do-
	2	8-0	Banjarkadeem
	3	8-0	-do-
		8-0	-do-

E. Patkari


 Divisional Forest Officer
 Gurgaon

	4	8-0	-do-
	5	8-0	-do-
	6 min	6-6	-do-
	6 min	1-14	GairMumkinPahar
	7	8-0	Banjarkadeem
	8	8-0	-do-
	9	8-0	-do-
	10 min	6-8	-do-
	10 min	6-12	GairMumkinPahar
	11	8-0	-do-
	12 min	7-16	Banjarkadeem
	12 min	0-4	Gairmumkinpahar
	13 min	5-7	Banjarkadeem
	13 min	2-13	Gairmumkinpahar
	14 min	0-6	-do-
	14 min	7-14	BanjarKadeem
	15 min	3-17	Gairmumkinpahar
	15 min	1-7	Banjarkadeem
	16	0-11	Gairmumkinpahar
	17 min	6-18	-do-
	17 min	0-7	Banjarkadeem
	18	8-0	Gairmumkinpahar
	19	8-0	-do-
	21	8-0	-do-
	22	8-0	-do-
	23	7-18	-do-
	24	1-18	-do-
132	1 min	4-7	-do-
	1 min	3-4	Banjarkadeem
	2	1-3	Gairmumkinpahar
	10	3-0	-do-
133	1	8-0	-do-
	2	8-0	-do-
	3	4-4	-do-
	8	0-5	-do-
	9	6-12	-do-
	10	8-0	-do-
	11	6-19	-do-
	12	1-2	-do-
	20	0-12	-do-

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Divisional Forest Officer
Gurgaon

Annexure II

Categoriwise Details of land purchased by Haryana Police from Gram Panchayat, Manesar, Gurugram, Haryana

Mustil No.	Kila No. sold to Police Department	Gair Mumkin Pahar Kila Numbers	Banjar Kadeem Kila Numbers	Aravalli Plantation numbers	Project Kila
100	24/2	Nil	24/2	Nil	
102	1, 2/2, 8/3, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22	11, 12, 13, 18, 19 min, 21 min, 22 min	1, 2/2, 8/3, 9, 10, 19 min, 20, 21 min, 22 min	13, 18, 22	
103	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25	Nil	1/2, 2/1, 3/2, 4/2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25	Nil	
131	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24	6 min, 10 min, 11, 12 min, 13 min, 14 min, 15 min, 16, 17 min, 18, 19, 21, 22, 23, 24	1, 2, 3, 4, 5, 6 min, 7, 8, 9, 10 min, 12 min, 13 min, 14 min, 15 min, 17 min	10, 11, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24	
132	1, 2, 10	1 min, 2, 10	1 min	1, 2, 10	
133	1, 2, 3, 8, 9, 10, 11, 12, 20	1, 2, 3, 8, 9, 10, 11, 12, 20	Nil	1, 2, 3, 8, 9, 10, 11, 12, 20	
Area in Kanal-Marla	461 Kanal 3 Marla	147 Kanal 10 Marla	313 Kanal 13 Marla	144 Kanal 18 Marla	
Total Area in acres	57.64375 acres	18.4375 Acres	39.20625 Acres	18.1125 Acres	
Total area in ha	23.327ha.	7.461ha.	15.866ha.	7.329ha.	

(Signature)

(Signature)
Divisional Forest Officer
Gurgaon

Annexure-III

Total Build up Area of Manesar Project:

The various buildings and residences which have been constructed are as under:

Sr. No	Name of Building	Area in Sft	No of units	Total Area
1.	ArmoryKot	4378.44	1	4378.44
2.	N.G.O Mess	7456	1	7456
3.	NGO & ORS Barrack	11626	2	21252
4.	ORS Mess	10641	1	10641
5.	Common Toilet	1941	2	3882
6.	Admn. Block	32161	1	32161
7.	Shopping Complex	4152	1	4152
8.	M.T.O	9805	1	9805
9.	T-I Houses	622	12	7464
10.	T-II Houses	832	408	3,39,456
11.	T-III Houses	990	24	23760
12.	T-IV Houses	1115	12	13,380
13.	T-V Houses	2785	4	11140
14.	T-VII Houses	3000	1	3000
	Total			4,91,927sqft
				45,700.06 SqMts

[Signature]
A. Patwari

[Signature]
Divisional Forest Officer
Gurgaon

The distribution of the building between the Police Units is as under:

4th IRB Manesar:

Sr. No	Name of Building	Area in (sq ft)	No.	Total Area
1.	Armory Kot	4378.44		4378.44
2.	N.G.O Mess	7456		7456
3.	NGO & ORS Barrack	11626	2	21252
4.	ORS Mess	10641		10641
5.	Common Toilet	1941	2	3882
6.	Admn. Block	32161		32161
7.	M.T.O	9805		9805
8.	T-II Houses	832	120	99,840
	Total			1,89,415
				Or 17596.65 square meter

Police Lines Manesar:

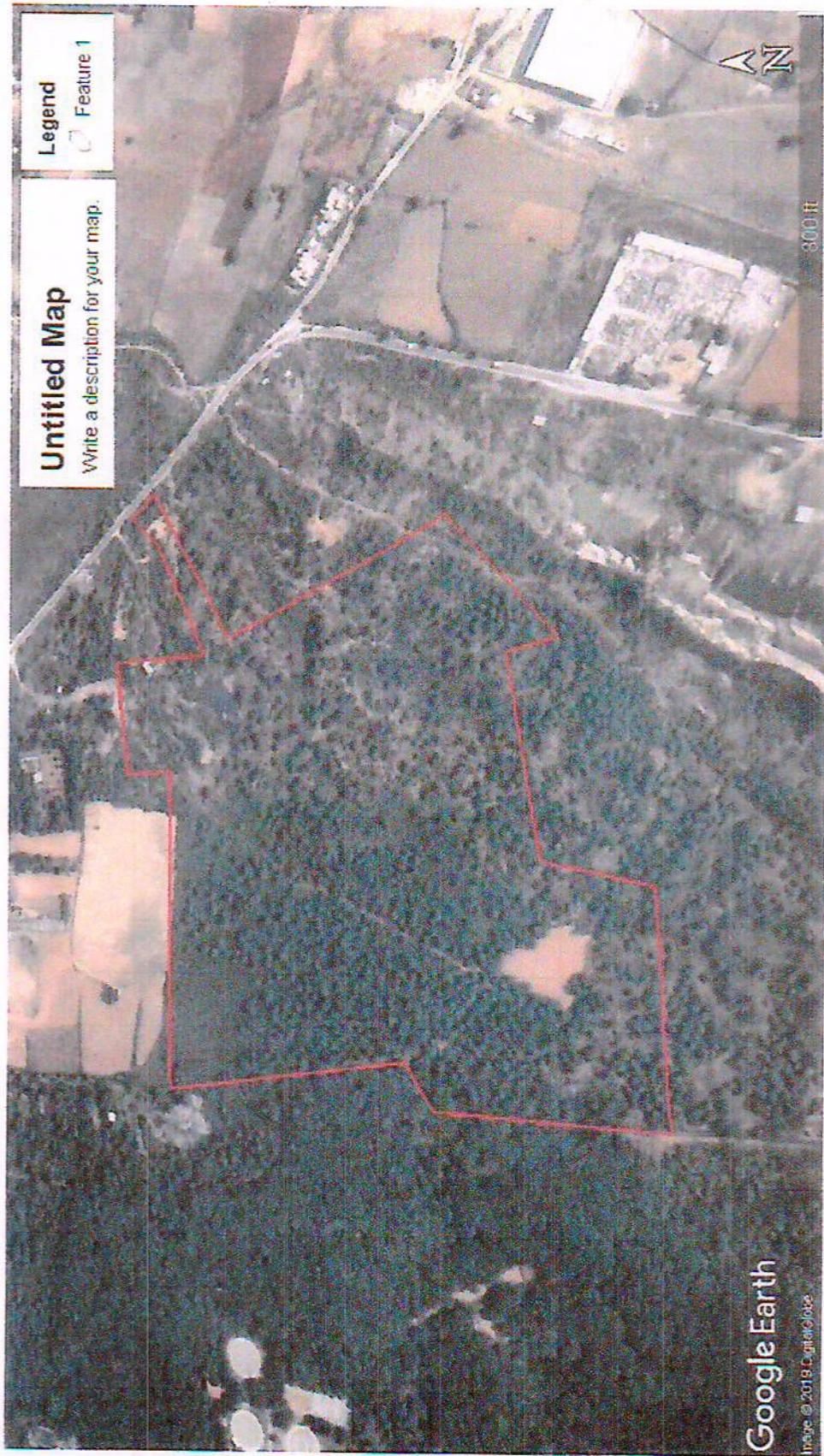
Sr. No	Name of Building	Area in (sq ft)	Total Area(sq ft)
1.	Shopping Complex	4152	4152
2.	T-I Houses	622 X 12	7464
3.	T-II Houses	832 X 168	1,39,776
4.	T-IV Houses	1115 X 12	13,380
5.	T-V Houses	2785 X 4	11140
6.	T- VII Houses	3000X1	3000
	Total		1,78,912
			Or 16,620.93 square meter

Misc. Units

Sr. No	Name of Building	Area in (sq ft)	No	Total Area(sq ft)
1.	T-II Houses	832	120	99840
2.	T-III Houses	990	24	23760
	Total			1,18,030
				Or 10,964.99 M2

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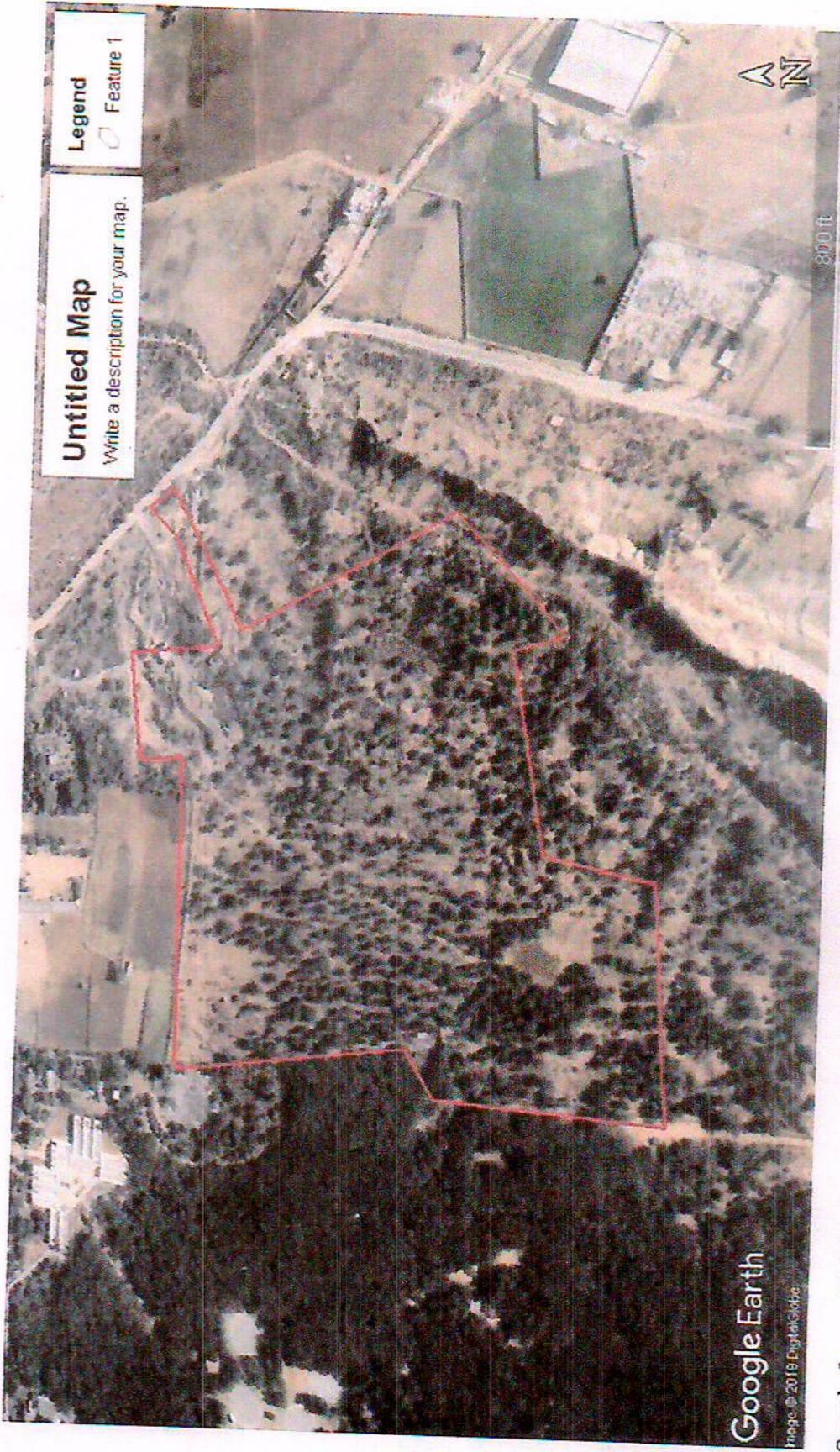
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Google Image 2010

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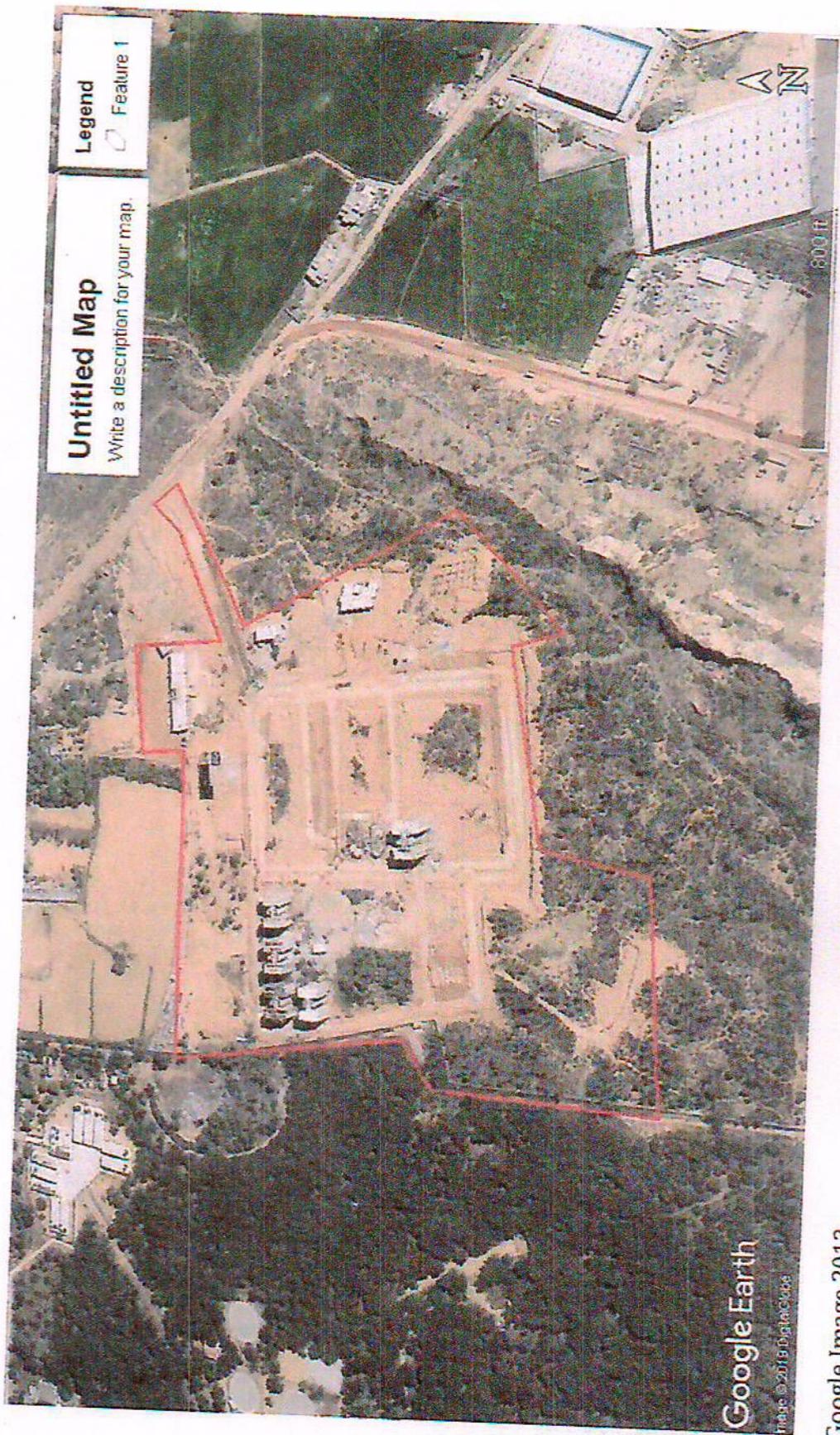
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Divisional Forest Officer
Gurgaon



Google Image 2011

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Divisional Forest Officer
Gurgaon

Dr. Sharma



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Deepti Patwari

Deepti Patwari
Divisional Forest Officer
Gurgaon

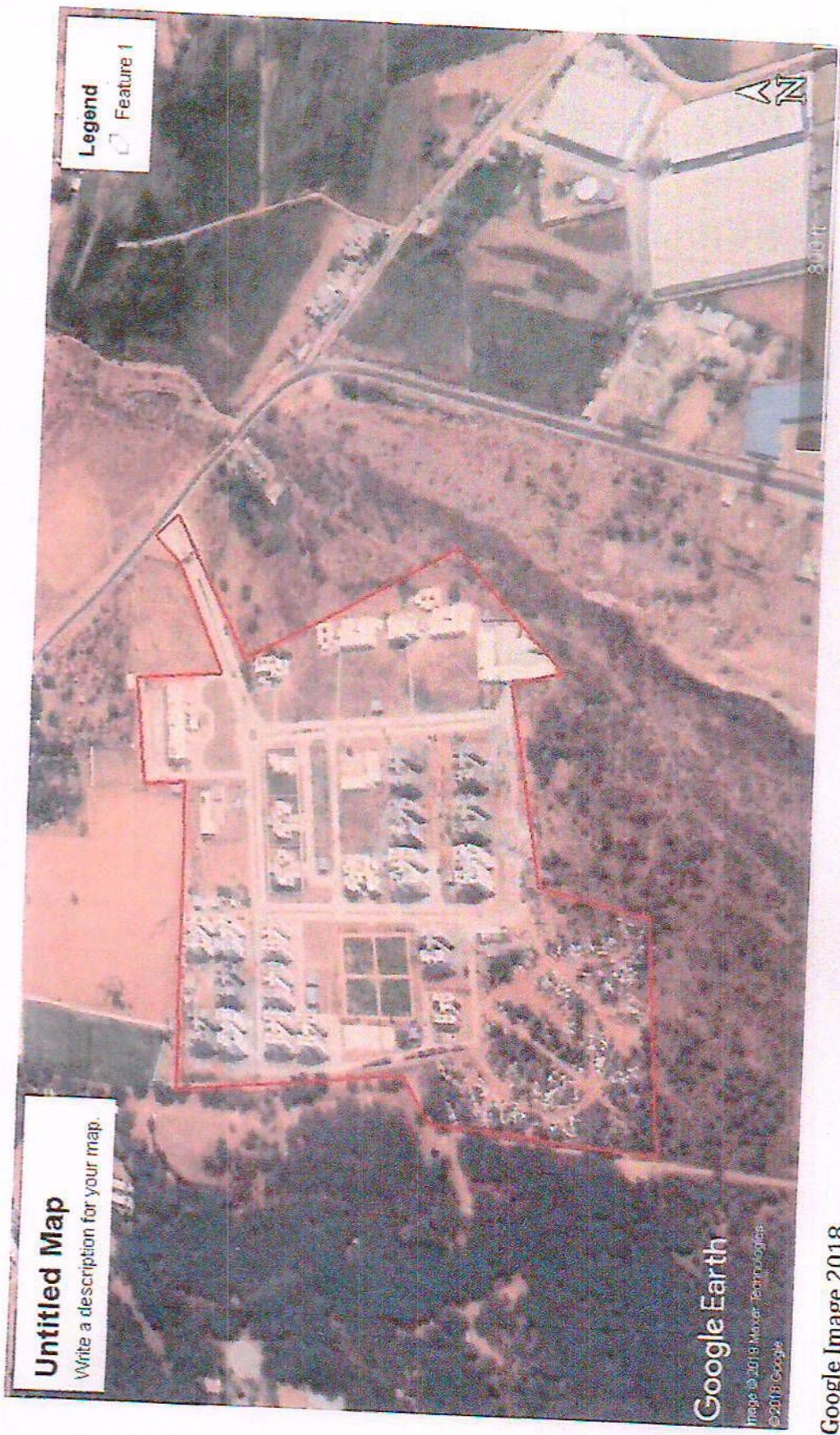


Google Image 2014

Dr. P. K. Singh

Dr. P. K. Singh

Divisional Forest Officer
Gurgaon



Google Image 2018

Chandrabhaga
Divisional Forest Officer
Gurgaon

A. S. Srinivasan

कार्यालय
प्रधान मुख्य वन संरक्षक, हरियाणा,
वन विभाग, हरियाणा सरकार,

सी-18, वन भवन, सेक्टर 6, पंचकुला, दूरभाष/फैक्स +91 172 2563988, 2563861, E-mail: cffcpanchkula@gmail.com

क्रमांक: प्रशा-डी-एक-707 / 2148

दिनांक: 10.9.2019

सेवा में

वन संरक्षक, दक्षिणी परिमण्डल,
गुरुग्राम ।

विषय: Action taken Report in compliance of Order dated 01.07.2019 of Hon'ble National Green Tribunal, New Delhi passed in OA No. 543 of 2019 titled Ram Avtar Yadav Vs. UoI & Ors.

उपरोक्त विषय पर आप द्वारा भेजी गई निरीक्षण रिपोर्ट का अवलोकन करने पर यह स्पष्ट है कि पुलिस विभाग द्वारा पुलिसलाईन मनेसर में अरावली प्रोजेक्ट प्लांटेशन क्षेत्र की 0.5834 है० भूमि पर निर्माण कार्य किया गया है जो कि माननीय सर्वोच्च न्यायालय के MC Mehta Vs Union of India & Ors. के निर्णय दिनांक 18.03.2004 के अनुसार वन संरक्षण अधिनियम, 1980 की उल्लंघना है।

अतः आपको निर्देश दिये जाते हैं कि इस मामले में उचित कार्यवाही करते हुए तुरन्त action taken report इस कार्यालय में भेजे ताकि माननीय एन०जी०टी० को सूचना भेजी जा सके ।

मुख्य वन संरक्षक (एफ०सी०ए०)
हरियाणा, पंचकुला ।