

PRINCIPAL CHIEF CONSERVATOR OF FORESTS, HARYANA
FOREST DEPARTMENT, GOVERNMENT OF HARYANA

C-18, VAN BHAWAN, SECTOR-6, PANCHKULA. TEL./FAX +91 172 2563988, 2560118 E-mail: cfplg@yahoo.com

No. DI 490 / 7242

Dated 25-8-2020

To

The Registrar,
Hon'ble National Green Tribunal,
New Delhi.

Sub: In the matter of Sonya Ghosh Vs. State of Haryana & Ors. and Haryali Welfare Society Vs. Union of India & Ors. in O.A. No. 4/2013 (Suo Moto) (M.A. No. 186/2013, M.A. No. 568/2013, M.A. No. 737/2013, M.A. No. 74/2014, M.A. No. 75/2014 & M.A. No. 787/2014) and OA No. 28/2015 (MA No. 61/2015).

Ref: In continuation of this office letter No. D-I-490/6213 dated 18.06.2020

In reference to subject as stated above, the Hon'ble National Green Tribunal vide order dated 23.10.2018 has observed as under:-

"26. The Notification dated 07.05.1992 also refers to the area shown as forest land. According to the State of Haryana itself, the area covered by Notification under Sections 4 and 5 of the PLPA Act is treated as forest land by the State. Area covered by PLPA notification is also part of the above table. Moreover, in the judgment of the Hon'ble Supreme Court in M.C. Mehta (supra), after referring to earlier judgment in T.N. Godavarman

Thirumulpad Vs. Union of India & Ors.2, it was made clear that area covered by the Notification under Sections 4 and 5 of the PLPA Act was to be treated as forest area.

27. In view of above, any construction raised on the forest area or the area otherwise covered by Notification dated 07.05.1992 without permission of the competent authority (after the date of the said Notification) has to be treated as illegal and such forest land has to be restored.

28. We order accordingly.

29. Since there is dispute above the identity of the land covered by the Notification dated 07.05.1992, as far as the land covered by Notification under the PLPA Act by the State of Haryana is concerned, the same has to be treated as forest land. With regard to any other land, identification has to be made for executing the direction in this Order. Such identification may be made by a Joint Committee comprising of the representatives of the Ministry of Environment,

Forest and Climate Change, Forest Department of the State of Haryana and Rajasthan and the concerned District Magistrates in respective States.

30. Such Committees may assume charge within two weeks and complete the process within three months thereafter. Action of restoring the forest land already identified may be completed within three months."

In compliance of above orders Additional Chief Secretary, Govt. of Haryana, Forest & Wildlife Department vide order No. 1495-Ft-I-2019/9013 dated 08.07.2019 has constituted a district level committee to identify the areas under Aravalli Notification dated 7.5.1992, comprising of following:

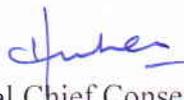
- | | |
|---|------------------|
| 1. District Magistrate | Chairperson |
| 2. Divisional Forest officer (Territorial), | Member Secretary |
| 3. Representative of MoEF&CC | Member |

The reports submitted by the District Committees for the districts of Gurugram, Mewat-Nuh & Faridabad had been submitted vide this office letter No. D-I-490/6213 dated 18.06.2020.

An Additional Report (pages 1 to 8) has been received from the District Committee, Mewat through Divisional Forest Officer, Mewat at Nuh vide his office letter No. 1225 dated 24.08.2020. The same is enclosed herewith.

This Additional Report may kindly be taken on record. The directions passed by the Hon'ble Tribunal shall be complied with sincerely.

Encl:- As Above.


Principal Chief Conservator of Forests (HoFF),
Haryana, Panchkula.

Forest Department Government of Haryana

Office of Divisional Forest Officer, Mewat Forest Division

Gaushalla Road, Forest Complex, Nuh- Mewat

Tel/Fax: 01267-274701 E-mail: dfo_mewat@yahoo.com

To

✓ Principal Chief Conservator of Forests,
Haryana, Panchkula

No. 1225

Date:- 24/08/2020

Subject:- Additional Report in the matter of Sonya Ghosh Vs. State of Haryana & Ors. and Haryali Welfare Society Vs. Union of India & Ors. in OA No. 04/2013 (Suo Moto) (M.A. No. 186/2013, M.A. No. 568/2013, M.A. No.737/2013, M.A. No.74/2014, M.A. No.75/2014 & M.A. No. 787/2014) and OA No. 28/2015 (MA No. 61/2015).

R/Sir,

On the subject cited above the additional report regarding identification of land/violations covered in the matter of Sonya Ghosh Vs. State of Haryana & Ors. And Haryali Welfare Society Vs. Union of India & Ors. in OA No. 04/2013 (Suo Moto) (M.A. No. 186/2013, M.A. No. 568/2013, M.A. No.737/2013, M.A. No.74/2014, M.A. No.75/2014 & M.A. No. 787/2014) and OA No. 28/2015 (MA No. 61/2015) duly signed by District Magistrate, Nuh (Chairman of Committee) , Divisional Forest Officer, Nuh (Member Secretary) and Representative , Ministry of Environment, Forest & Climate Change, Govt. of india, Regional Office, North Region, Chandigarh is attached herewith for your information and necessary action please.

Encls. As above.

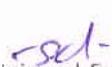

Divisional Forest Officer,
Nuh

Endst. No.

Dated

A copy is forwarded with enclosure to :-

1. Secretary Forests, Forest Department Haryana, Sector-17 , Mini Secretariate, Chandigarh.
2. Chief Conservator of Forests, South Circle, Gurugram


Divisional Forest Officer,
Nuh

JOINT COMMITTEE REPORT REGRADING IDENTIFICATION OF LAND COVERED BY THE NOTIFICATION DATED 07.05.1992 (ARAVALLI NOTIFICATION) OF MOEF & CC IN DISTRICT NUH (HARYANA)

(Additional Report)

In the matter of Sonya Ghosh Vs. State of Haryana & Ors. And Haryali Welfare Society Vs. Union of India & Ors. in OA No. 04/2013 (Suo Moto) (M.A. No. 186/2013, M.A. No. 568/2013, M.A. No.737/2013, M.A. No.74/2014, M.A. No.75/2014 & M.A. No. 787/2014) and OA No. 28/2015 (MA No. 61/2015), Hon'ble National Green Tribunal, New Delhi had observed as under vide order dated 23.10.2018:

"29. Since there is dispute above the identity of the land covered by the Notification dated 07.05.1992, as far as the land covered by Notification under the PLPA Act by the State of Haryana is concerned, the same has to be treated as forest land. With regard to any other land, identification has to be made for executing the direction in this Order. Such identification may be made by a Joint Committee comprising of the representatives of the Ministry of Environment, Forest and Climate Change, Forest Department of the State of Haryana and Rajasthan and the concerned District Magistrates in respective States.

30. Such Committees may assume charge within two weeks and complete the process within three months thereafter. Action of restoring the forest land already identified may be completed within three months."

In compliance of order of Hon'ble Tribunal, the Govt. of Haryana, Forest Department constituted a committee vide order No. 1495-Ft-I-2019/9013 dated 08.07.2019 comprising of following:

- | | |
|--|-------------------------|
| <i>1. District Magistrate, Nuh</i> | <i>Chairperson</i> |
| <i>2. Divisional Forest officer (Territorial), Nuh</i> | <i>Member Secretary</i> |
| <i>3. Representative of MoEF&CC</i> | <i>Member</i> |

The work of committee was stated from 30th April 2020 as per the directions of Government Haryana. The meetings of committee were held on 27.05.2020 and on 04.06.2020 under chairmanship of Deputy Commissioner Nuh. The First report about the identification of areas as per Aravali Notification 1992 has been prepared the detailed report was submitted in June 2020. The report regarding violations of Aravali Notification 1992 was not finalized due to time constraint and for same a request was made to Hon'ble NGT to grant some more time.

The work of recording of violations of above said notification has been done and in this regard the report from Regional Officer Pollution Control Board Nuh was received vide this letter HSPCB/NUH/2020/388 dated 17.08.2020 about the violations of Aravali Notification 1992 in the area of Gair Mumkin Pahar in the Nuh district **(Annexure-XII)**.

In this regard the report from Districts Town Planner Nuh was received vide this letter no. MT/DTP-P/889/2020 dated 21-08-2020 about the violation of Aravali Notification 1992 in the controlled area of Nuh district **(Annexure-XIII)**.

After receiving reports from the above offices and ground report of Forest staff the detailed report of violation in section 4&5 of PLPA 1900/Aravali Notification 1992 in district Nuh **(Annexure-XIV)** is as under:-

| Sr No | Name of Range | Farm House No./Structure detail | Khasra No. of Land | Detail of Construction as per forest record | | Status of land w.r.t PLPA Aravali Plantation and Forest Act. | Action taken by Forest Department for Violation of PLPA, Aravali Plantation and forest Act. | Remarks |
|-------|---------------|---------------------------------|--------------------|---|---|--|---|---------------------------------|
| | | | | Pre Aravali Notification | Post Aravali Notification along with period | | | |
| 1 | Nuh | Structure | Mustil No. 74 | | | Nalhar Sec. 4&5 | FOR No. 100/525 dated 01.01.2020 | Prosecution case to be Prepared |
| 2 | F.P.Jhirka | Structure | 289/1 | | | Biwan Sec. 4&5 | FOR No. 029/0530 Dt. 09-12-2019 | PC No. 29 FPJ 2020-21 |
| 3 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka Sec. 4&5 | 049/0559 Dt. 05-10-2019 | PC No. 02 FPJ 2020-21 |
| 4 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka Sec. 4&5 | 050/0559 Dt. 06-10-2019 | PC No.03 FPJ 2020-21 |
| 5 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka Sec. 4&5 | 051/0559 Dt. 07-10-2019 | PC No. 04 FPJ 2020-21 |
| 6 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka Sec. 4&5 | 052/0559 Dt.07-10-2019 | PC No. 05 FPJ 2020-21 |

| | | | | | | | | |
|----|------------|--|----------------------------|--|--|-----------------------------|--|--|
| 7 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka a Sec. 4&5 | 053/0559 Dt. 07-10-2019 | PC No. 06 FPJ 2020-21 |
| 8 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka a Sec. 4&5 | 054/0559 Dt. 08-10-2019 | PC No. 07 FPJ 2020-21 |
| 9 | F.P.Jhirka | Structure | 422 | | | F.P.Jhirka a Sec. 4&5 | 055/0559 Dt. 08-10-2019 | PC No. 08 FPJ 2020-21 |
| 10 | F.P.Jhirka | Structure of CRPF- Camp and Firing Range FP. Jhirka | 324 to 375, 379 to 426, | | | F.P.Jhirka a Sec. 4&5 | Vide letter no. 517 dt. 17.01.2020 notice issued | The 350 acres of land was transferred to CRPF Group Centre in 2002. The area was covered under section 4&5 of PLPA as per Notification No. S.O.42/P.A.2/1900/S.4/94, dated 23 May, 1994 S.O.43/P.A.2/1900/S.5/94 dated 23 May, 1994 |

In case of violation of Punjab scheduled Roads and control area restriction of unregulated Development Act 1963 in the revenue estate of Firozpur Jhirka the show cause notice has been issued by District Town Planner Office Nuh for the violation.

In case violation of notified area under Sec. 4 and/or 5 of PLPA, 1900 is concern, the Department has taken action as per the provision of India Forest Act, 1927. Show cause notice/ Forest Offence report/P.C case has prepared/ issued for the violations.


Divisional Forest Officer
Nuh


Deputy Commissioner
Nuh


Representative
MoEF & CC
RO, Chandigarh



Regional Office, Nuh at Palwal
Haryana State Pollution Control Board
Phagna Tower, Ward No. 10, NH-02,
Near Red Rocks Cinema, Palwal
Website - www.hspcb.gov.in E-Mail - hspcbnuh@gmail.com



REGIONAL OFFICE, NUH AT PALWAL

No. HSPCB/NUH/2020/388

Dated: 17/08/2020

To,

The District Forest Officer,
Nuh.

Sub: Sonya Gosh Vs State of Haryana and Others reg.

In this connection, it is submitted that as per record available in this office there have not any violation noticed in Gair Mumkin Pahad Rakba in District Nuh (Mewat) further it is also submitted there is not any complaint received in this office regarding violation in Gair Mumkin Pahad Rakba in District Nuh (Mewat)

Submitted for kind information and further necessary action please.


Regional Officer
Nuh Region

291
19/8/2020

Annexure - ~~XIII~~

OFFICE OF DISTRICT TOWN PLANNER, NUH

Room no. 215 & 216, 1st Floor, Mini Secretariat, Nuh

Tel. 01267-274748, E-mail: dtp1.nuh.tcp@gmail.com

To,

District Forest Officer,
Nuh.

Memo No. MT/DTP-P/889/2020

Date: 2/08/2020

Sub:- In the matter of Sonya Ghosh Vs. State of Haryana & Ors. And Haryali Welfare Society Vs. Union of India & Ors in OA No. 04/2013 (Suo Moto) (M.A. No. 186/2013, M.A No. 568/2013, M.A. No. 737/2013, M.A. No. 74/2014, M.A. No. 75/2014 & M.A. No. 787/2014) and OA No. 28/2015 (MA No. 61/2015).

Reference: - Your office memo no. 1176-78 dated 19.08.2020.

With reference to subjected matter, it is informed that this office has issued Show Cause Notice (copy attached) for violation of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act 1963 in the revenue estate of Firozpur Jhirka, Tehsil Firozpur Jhirka, District Nuh on name of Sh. Gurcharan Singh, Additional DIGP Group center CRPF Camp Firozpur Jhirka having total land 350 acres. This is for your information and further necessary action please.

Endst No:

for

 District Town Planner,
Nuh

Date:

A copy of above is forwarded to Worthy Deputy Commissioner, Nuh for information and further necessary action please.

District Town Planner,
Nuh

Show Cause notice under sub section (2) of section 12 of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

Memo No: ENF -MT/DTP-P/194

Dated: 28/12/2019

To,

Sh. Gurcharan Singh Add. DIGP Group Centre CRPF,

Village & Tehsil- Firozpur Jhirka,

Distt Nuh

OR

To whom so ever it may concern.

Whereas it has been noticed by the undersigned that you have established a CRPF Camp over the land falling in khasra no. 324 to 336, 343 to 351 in the revenue estate of village- Firozpur Jhirka Tehsil Firozpur Jhirka, Distt Nuh. The said information was brought to the notice of undersigned during the preparation of report regarding the unauthorized construction raised on the land falling in Controlled Areas declared by the Town & Country Planning as well as over the land notified under Section 4 & 5 Punjab Land Preservation Act, 1900. The revenue record of the impugned site was procured from revenue official as per which the said land is mutated in your name over which the said CRPF Camp & Firing range have been established.

It is further informed that no record is available in this office regarding any exemptions/permissions procured by you from any Govt. agency or the competent authority as envisaged vide provisions of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 i.e. Director, Town & Country Planning, Haryana.

Therefore in view of above, it is desired that the copy of Change of Land Use Permission, if any procured/obtained from Department of Town & Country Planning, or copy of any other permission/expenditures procured from any other Govt. agency may be provided to this office on any working day within a week in my office at 1st floor, Mini Secretariat Nuh, with a period of 7 day from the receipt of this letter to enable this office to proceed further for taking appropriate action in the matter.

This may be treated as Urgent as compliance report in the matter is required to be intimated to Higher Authority for appraised of Worthy Supreme Court of India.

District Town Planner, Nuh
Exercising the Power of Director
Town & Country Planning,
Haryana

Detail of Violations in Section 4&5 of PLPA 1900 in District Nuh Forest Division

| Sr. No. | Name of Range | Farm House No./Structure detail | Area of Violation (in Ha.) | Khasra No. of Land | Detail of Construction as per forest record | | Status of land w.r.t PLPA Aravalli Plantation and Forest Act. | Action taken by Forest Department for Violation of PLPA, Aravalli Plantation and forest Act. | Remarks |
|---------|-----------------|--|----------------------------|-------------------------|---|--|---|--|---|
| | | | | | Pre Aravalli Notification | Post Aravalli Notification along with period | | | |
| 1 | Nuh | Structure | 0.0042 | Mustil No. 74 | | | Nalhar Sec. 4&5 | FOR No. 100/525 dated 01.01.2020 | Prosecution case to be Prepared |
| 2 | Firozpur Jhirka | Structure | 0.003 | 289/1 | | | Biwan Sec. 4&5 | FOR No. 029/0530 Dt. 09-12-2019 | PC No. 29 FPI 2020-21 |
| 3 | Firozpur Jhirka | Structure | 0.2144 | 422 | | | Firozpur Jhirka Sec. 4&5 | 049/0559 Dt. 05-10-2019 | PC No. 02 FPI 2020-21 |
| 4 | Firozpur Jhirka | Structure | 0.21 | 422 | | | Firozpur Jhirka Sec. 4&5 | 050/0559 Dt. 06-10-2019 | PC No.03 FPI 2020-21 |
| 5 | Firozpur Jhirka | Structure | 0.018 | 422 | | | Firozpur Jhirka Sec. 4&5 | 051/0559 Dt. 07-10-2019 | PC No. 04 FPI 2020-21 |
| 6 | Firozpur Jhirka | Structure | 0.018 | 422 | | | Firozpur Jhirka Sec. 4&5 | 052/0559 Dt.07-10-2019 | PC No. 05 FPI 2020-21 |
| 7 | Firozpur Jhirka | Structure | 0.02 | 422 | | | Firozpur Jhirka Sec. 4&5 | 053/0559 Dt. 07-10-2019 | PC No. 06 FPI 2020-21 |
| 8 | Firozpur Jhirka | Structure | 0.03 | 422 | | | Firozpur Jhirka Sec. 4&5 | 054/0559 Dt. 08-10-2019 | PC No. 07 FPI 2020-21 |
| 9 | Firozpur Jhirka | Structure | 0.03 | 422 | | | Firozpur Jhirka Sec. 4&5 | 055/0559 Dt. 08-10-2019 | PC No. 08 FPI 2020-21 |
| 10 | Firozpur Jhirka | Structure of CRPF-Camp and Firing Range FP. Jhirka | 141.64 | 324 to 375, 379 to 426, | | | Firozpur Jhirka Sec. 4&5 | Vide letter no. 517 dt. 17.01.2020 notice issued | The 350 acres of land was transferred to CRPF Group Centre in 2002. The area was covered under section 4&5 of PLPA as per Notification No. S.O.42/P.A.2/1900/S.4/94, dated 23 May, 1994 S.O.43/P.A.2/1900/S.5/94 dated 23 May, 1994 |
| | Total | | 142.1876 | | | | | | |


Divisional Forest Officer,
Nuh