

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION No. 331/2022**

IN THE MATTER OF:

Om Prakash

....Applicant

Versus

State of Haryana & Ors.

.....Respondents

**INDEX**

S.No	Particulars	Page No.
1.	REPLY ON BEHALF OF RESPONDENT NO.3 I.E. MUNICIPAL CORPORATION OF FARIDABAD BY WAY OF AFFIDAVIT OF JITENDER KUMAR, IAS, COMMISSIONER, MUNICIPAL CORPORATION, FARIDABAD.	1 - 6
2.	Annexure-R/1: Map of the site	- 7 -
3.	Annexure-R/2: Google Map of the land dated 01.01.2022	- 8 -
4.	Annexure-R/3: Google Map of the land dated 01.04.2022	- 9 -

PLACE: New Delhi  
DATED: 09.11.2022

FILED BY:

  
Commissioner,  
Municipal Corporation Faridabad, Haryana.

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION No. 331/2022**

IN THE MATTER OF:

Om Prakash

....Applicant

Versus

State of Haryana & Ors.

.....Respondents

**REPLY ON BEHALF OF RESPONDENT NO.3 I.E. MUNICIPAL CORPORATION OF FARIDABAD BY WAY OF AFFIDAVIT OF JITENDER KUMAR, IAS, COMMISSIONER, MUNICIPAL CORPORATION, FARIDABAD.**

MOST RESPECTFULLY SHOWETH:

I, above named do hereby solemnly affirm and state as under:

1. That the above subjected original application has been filed alleging encroachment over the parkland termed as "Tubewell No. 2 Park". This Hon'ble Tribunal vide order dated 13.05.2022 constituted a joint committee of State PCB, DFO and Deputy Commissioner, Faridabad & This committee was directed to verify the factual position, look it to the grievances of the applicant and take remedial action in accordance of law.
2. That in compliance of order dated 13.05.2022, a report dated 13.07.2022 was submitted by the Deputy Commissioner Faridabad incorporating the inputs received from Joint Committee i.e. SDM (Faridabad), Regional Officer (HSPCB, Faridabad) and DFO, Faridabad. It is humbly submitted that before submitting the said report, the land-owning agency i.e. Municipal Corporation



*[Handwritten signature]*

Faridabad was not made aware on the issue involved in the present matter.

3. That when the MCF received a request from Deputy Commissioner Faridabad to take necessary action in view of above mentioned report dated 13.07.2022, the correct factual position was apprised by the MCF to the Deputy Commissioner Faridabad. Accordingly, an additional report dated 19.09.2022 was submitted before this Hon'ble Tribunal incorporating inputs provided by the answering respondent.
4. That this Hon'ble Tribunal considered both reports mentioned above and passed order dated 20.09.2022. The Hon'ble Tribunal vide said order has directed to file the reply/response giving details on certain queries. The relevant portion of order dated 20.09.2022 is reproduced below:-

"13. The Commissioner, Municipal Corporation, Faridabad is directed to file reply/response by way of an affidavit giving details as per revenue record regarding khasra number, size and location of the land in question, to whom the land in question belonged and what was its nature and user before the same vested in MCF, why the same was left unplanned after it vested in MCF and who constructed the walking track, installed the swings and planted the trees in the land in question, Whether any expenses were incurred by MCF on constructing boundary walls, walking tracks, swings etc. and planting trees, Whether any encroachments have been made on the same and what steps were taken for removal of such encroachments. The Commissioner, Municipal Corporation, Faridabad shall also mention in his affidavit as to when, by whom and with whose permission construction of the temple and room now existing on the land in question (besides the barat ghar/ community centre for Koli Community) was raised. In case the construction was raised after grant of sanction by Municipal Corporation,

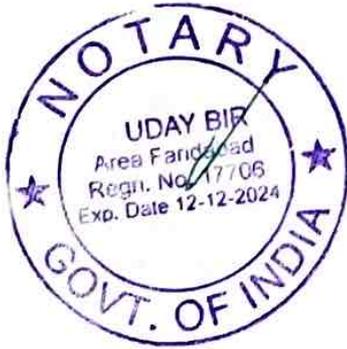


*fu*

Faridabad, the record pertaining thereto be produced and if said construction was raised unauthorisedly, the record when such unauthorised construction was reported to the authorities and what action was taken for demolition of such unauthorised construction be produced. Municipal Corporation Faridabad is bound under the doctrine of public trust to ensure proper utilisation of such land and cannot allow any encroachments and unauthorised constructions over the same. The Commissioner, Municipal Corporation, Faridabad is directed to file copies of Google Maps of the land in question where construction of the barat ghar/community center is being raised to show the comparative position of the same as on 01.01.2022 and 01.04.2022."

5. That after careful consideration of the order dated 26.09.2022, a thorough enquiry was conducted with respect to developments made on the land in question i.e. near about Tubewell No.2, Faridabad. The information gathered can be summarized as below:-

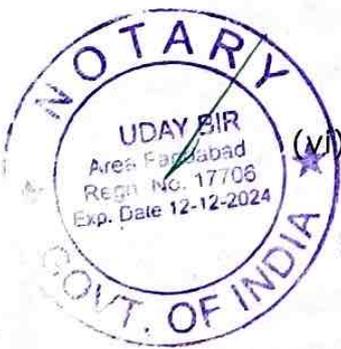
- (i) The land in question falls under Khasra No. 1587 of village, Tehsil, and District Faridabad. Size of said Khasra No. is 1 Bigha 2 Biswa. This Khasra No. contains (Three way roads, Temple since 2019 in Pre-existing building of non-functional primary school, tubewell No.2, ongoing Baraat Ghar/Community Centre (179 sq. yards.) as per administrative approval dated 04.02.2019 by the competent authority, MCF (after persuasion by the MLA) and walking tracks with two swings in form of park with administrative approval of the Additional District Magistrate-cum-Chairman, Nirman Kendra, Faridabad under District Plan Scheme. The land in question is surrounded with public road at three sides and with abaadi area (Bhoor Colony) at fourth side. For the sake of convenience of this Hon'ble



fu

Tribunal, the key map of the site in question is annexed herewith as **Annexure-R/1**.

- (ii) The land in question has been part of the Municipal Committee, Old Faridabad prior to enactments of Faridabad Complex (Regulation and Development) Act, 1971 on 15.11.1971 and then the said land vested in Municipal Corporation, Faridabad in 1994 after enactment of Haryana Municipal Corporation Act, 1994 and the land use was non-agricultural.
- (iii) Since the land in question was situated in Original Municipal Limit or core area which means thickly built up area of Old town, Lal Dora/ Firni or villages included in the municipalities or area shown as existing land use in the development plan of the Town, therefore neither planned as per proposals of Final Development Plan nor developed in a planned manner.
- (iv) Tubewell was installed in 1994.
- (v) Initially there was a School at the land in question but the school got closed in 2016 and thereafter premises was being used as Temple since 2019.
- (vi) As per instructions of then Cabinet Minister of Haryana, an estimate was prepared for repair of boundary wall & construction of Community Centre and after administrative approval by the competent authority. Accordingly, the work order was issued vide memo dated 08.03.2019 to start the work from 08.03.2019. However, due to delay on the part of contractor, the work was started in January, 2022.
- (vii) It is further submitted that the construction of walking track was done by the Addl. Deputy Commissioner-cum-Chairman, Nirman Kendra,



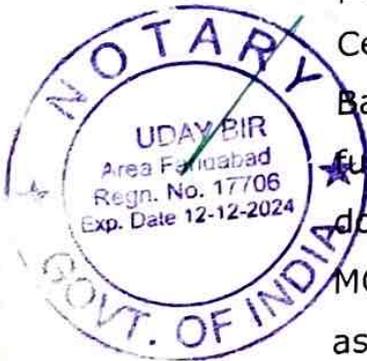
fu

Faridabad under administrative approval dated 09.03.2019 with MLA funds.

- (viii) No expense has been incurred by MCF on constructing walking tracks and setting up of swings. The MCF has not accorded any sanction for development of park. However, some trees have been planted by MCF in the month of September 2022 in vacant space available between track and boundary wall.
- (ix) That the complaint alleging encroachment was received w.r.t. Baraat Ghar/Community Center. In this regard, it is humbly submitted that same is being constructed after due administrative approval as explained in previous paragraphs.
- (x) Copies of Google Maps of the land in question as on 01.01.2022 and 01.04.2022 are **Annexed R/2 & R/3.**

6. That it is humbly submitted that both developments i.e. park near Tubewell No.2 and Baraat Ghar/Community Centre have their own administrative approvals. Infact, Baraat Ghar/Community Centre was sanctioned first. It is further submitted that although, development of park was done on MCF land without any sanction/permission, the MCF is committed to protect and maintain the park area as on today.

7. That discrepancies arose in previous report due to communication gap or otherwise is regretted. It is being undertaken to comply with the directions passed by this Hon'ble Tribunal.



*fu*

In view of the above mentioned facts and circumstances mentioned herein above, it is humbly prayed that present OA may kindly be dismissed to the extent that the same is against the construction of Baraat Ghar/Community Centre. It can be used by any community as per terms of the Municipal Corporation, Faridabad.

Place: Faridabad

Dated: 09.11.2022

  
Deponent

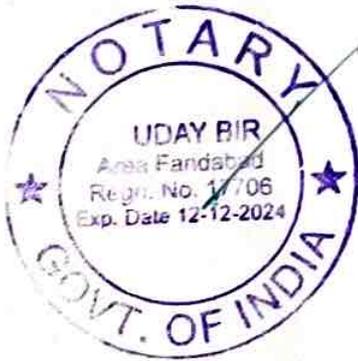
Verification:

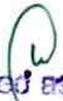
It is verified that the contents of my above affidavit are true and correct as per information derived from official record. No part of it is false and nothing material has been concealed therein.

Place: Faridabad

Dated: 09.11.2022

  
Deponent



  
Attested as Identified  
Notary Faridabad  
(Govt. of India)

09 NOV 2022

VAKALATNAMA

BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Appeal No./Original Application No. 331 of 2022

In re:- Om Parkash Applicant

VERSUS  
State of Haryana and others Respondent  
KNOW ALL to whom these present shall come that I/We .....

the above named \_\_\_\_\_ do hereby appoint

**Rahul Khurana, Advocate (D/2183/2008)**  
295, Lawyers Chamber Block-II, Delhi High Court,  
A-174, 2<sup>nd</sup> Floor, Defence Colony, New Delhi-110024  
9811894060, rkhoranalegal@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him:-

To act appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign file verify and present pleadings, appeals cross-objections or petitions for executive on review, revision, withdrawal, compromise or other petitions or affidavits of other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents including original documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the Power of Attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years, or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ..... day of .....2022

Accepted subject to the terms of fees.

Advocate

  
Client  
**Commissioner**  
**Municipal Corporation**  
**Faridabad.**



LAND IN QUESTION

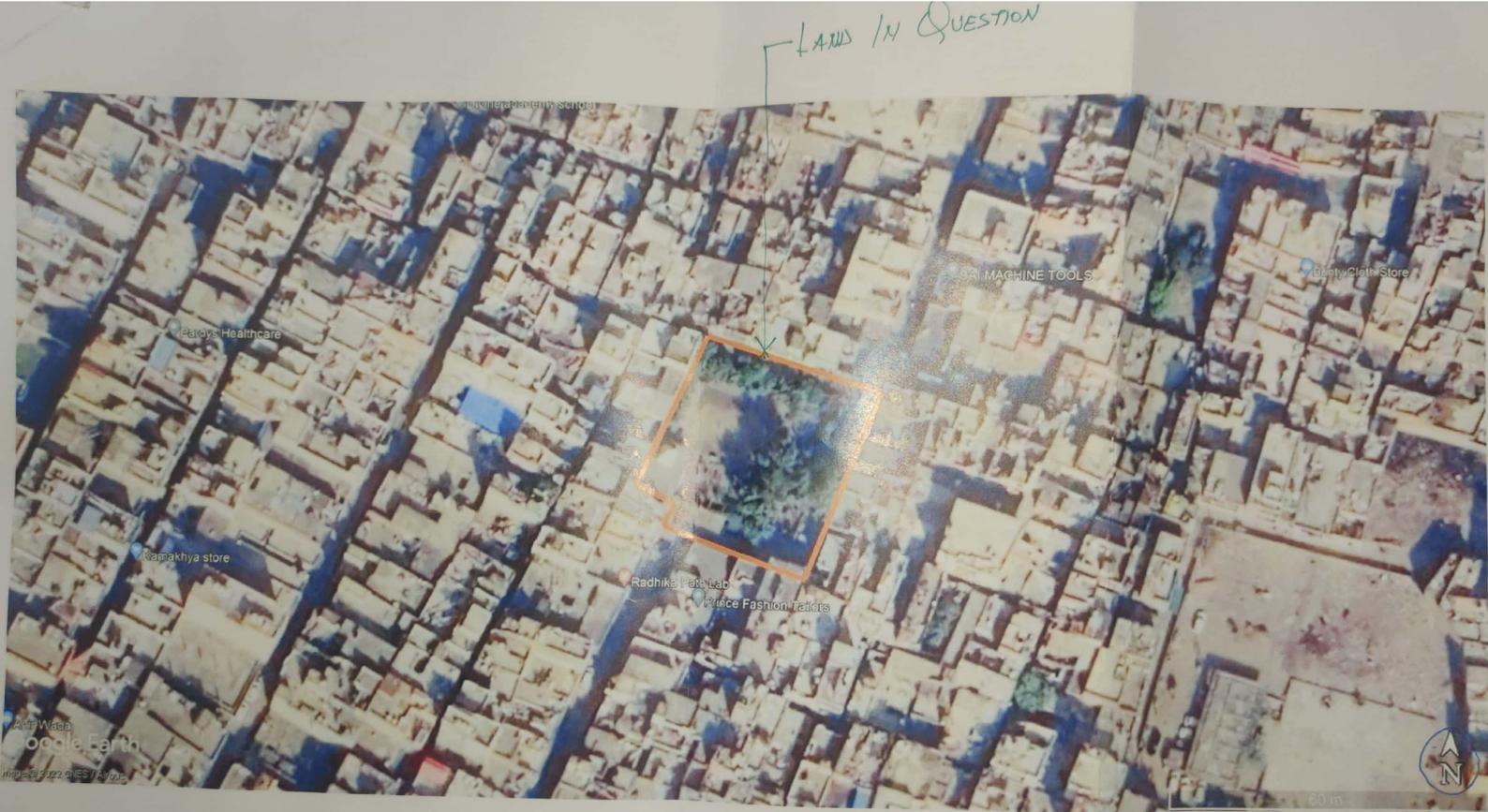


IMAGE: 1-1-2022



LAND IN QUESTION

IMAGE : 1.4. 2022