

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

(OA No. 33/2020)

Surender Singh

.....Applicant

Versus

State of Haryana & Ors.

.....Respondent

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION No. 33 of 2020

IN THE MATTER OF:

Surender Singh Applicant

Versus

State of Haryana & Others Respondents

**REPORT ON BEHALF OF DEPUTY COMMISSIONER
FARIDABAD, HARYANA STATE POLLUTION CONTROL BOARD
AND FARIDABAD MUNICIPAL CORPORATION IN COMPLIANCE
OF ORDER DATED 03.02.2020.**

MOST RESPECTFULLY SHOWETH:

1. That the Hon'ble Tribunal has taken cognizance of the original application alleging illegal encroachment of a park in 2C Block & 2D Block of NIT Faridabad, Haryana by Shivalaya Colony and Nagababa Colony (Respondent No. 6 & 7).
2. That since the land in question falls under the jurisdiction of Municipal Corporation of Faridabad, therefore, comments have been sought from MCF.
3. That as per information received from the MCF, contempt petition bearing No. 2064 of 2015 titled as ""Jan Kalyan Samiti vs. Ashok Sharma" was filed raising the issue of illegal occupancy in parks in Block-2C and 2D, NIT, Faridabad. The said contempt petition is pending before the Hon'ble High Court which is fixed for 30.09.2020.

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4. That a status report has been filed by way of affidavit of Sh. Yash Garg, IAS, Commissioner, Municipal Corporation, Faridabad stating the following facts:

- (a) On 11.10.2017 Sh. Amardeep Singh the then Joint Commissioner filed an affidavit before this Hon'ble Court stating therein that more than thousands families have been residing in said area for more than 40 years and it was prayed to the Hon'ble Court to grant 3 months' time so that MCF can approach the Government to frame a rehabilitation plan in larger public interest to neutralize the issue of "encroached land".
- (b) The then Commissioner, Municipal Corporation, Faridabad, vide Memo no. MCF/STP/2019/59 dated 01.08.2019 had submitted a proposal to the Director, Urban Local Bodies Department, Haryana to change the use of the park site 2C/2D which was earmarked for parks situated in NIT, Faridabad for residential use alongwith existing religious and institutional buildings. The revised layout plan of the scheme was examined by the Urban Local Bodies Department, Haryana and it was observed that these two existing parks in the scheme were proposed to be converted and earmarked for residential use.
- (c) That vide memo no. DULB/CTP/A2/2019/13084 dated 08.08.2019 the Director, Urban Local Bodies Department, Haryana intimated that proposal of respondent-corporation forwarded vide memo dated 01.08.2019 regarding revision in layout plan of 2C/2D park bearing drawing no. MCF/STP/2019/1351 dated 01.08.2019 for change of land use for residential use alongwith Religious and Institutional buildings has been approved by the Government and directed to seek objections.
- (d) That in reference to the above, the public notice was issued in newspaper on .17.08.2019 and total 990 persons/trusts filed

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[Signature]

their objections/suggestions. It is submitted that personal hearings on 19.11.2019 and 20.11.2019 were given to the persons who had filed objections and suggestions. After considering/hearing the objections/suggestions, a reference vide memo no. MCF/STP/2019/110 dated 20.12.2019 was sent to the Director, Urban Local Bodies, Haryana for consideration and conveying the final decision on revision of layout plan being competent authority.

- (e) That vide memo no. DULB/CTP/A1/2020/3659 dated 03.06.2020 the Director, Urban Local Bodies Department, Haryana intimated that proposal of respondent-corporation forwarded vide memo dated 20.12.2019, has been approved by the Government with the direction to go ahead with the detailed planning by conducting a survey of illegal structures and to make detailed plan for the area in question. A copy of letter dated 03.06.2020 is annexed as **Annexure R-A**.
- (f) That as the land use of the park has now become residential therefore, the illegal structures/encroachment existing on the said land can now be regularized/redeveloped/improved either by way of preparing an improvement scheme under Section 339-342 or by way of EWS housing scheme under Section 345 of Haryana Municipal Corporation Act, 1994. Further the Government vide notification dated 17.05.2018 has issued a comprehensive policy namely "Slum-in-situ Rehabilitation Policy under Housing for All-2018" under the Section 345 & 398 (2) of the Haryana Municipal Corporation Act, 1994 and Section 250 (a) of the Haryana Municipal Act 1973. As per provision of this policy, slums existing on Govt. land can be taken up for 'in-situ' re-development for providing houses to the slum dwellers by involving private partners.
- (g) That after the aforesaid decision of the Government, the detailed survey of these two pockets i.e. 2C & 2D, NIT

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[Signature]

Faridabad will be conducted and further action will also be taken accordingly by following due process of law. It is further submitted that M/s Yashi Consulting Service Pvt. Ltd 501-501, 5th Floor, Kallash Tower, Lal Kothi, Tonk Road Jaipur, Rajasthan, has been requested to conduct the survey of these 2 slum pockets and prepare a DPR for their "in-situ" redevelopment on PPP mode at the earliest vide this office memo no. MCF/STP/2020/428 dated 19.06.2020. The copy of letter dated 19.06.2020 is annexed as **Annexure R-B**.

5. That implementation of residential scheme is in progress and said status report (**Annexure R-C**) is on record of the Contempt petition before the Hon'ble High Court for consideration. The directions passed by the Hon'ble High Court of Punjab & Haryana shall also be placed on record.

The report is submitted accordingly for kind consideration of the Hon'ble Tribunal.


Regional Officer
HSPCB Faridabad
Region

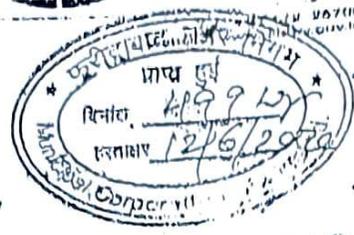

Deputy Commissioner,
Faridabad

Dt - 03/09/2020
Place - Faridabad

शहरी स्थानीय निकाय निदेशालय हरियाणा



DIRECTORATE OF URBAN LOCAL BODIES HARYANA



STP/DA 13

Recd.

The Commissioner, Municipal Corporation, Faridabad.

Memo.No.DULB/CTP/AI/2020/3659

Date: 03-06-2020

Subject:

COCP 2064 of 2015 titled as Jan kalyan Samiti V/s Ashok Kumar, IAS revision of layout plan of Pocket-1 (Block C) and Pocket-2 (Block-D) of the residential scheme NIT, Faridabad.

Kindly refer your office memo no. MCF/STP/2019/59 dated 01.08.2019 and memo no. MCF/STP/2019/110 dated 20.12.2019 on the matter cited as subject above.

- In reference to your office memo dated 01.08.2019 this office vide memo no. DULB/CTP/A2/2019/13084 dated 08.08.2019 had already intimated that the Government has approved change of use of park 2C/2D in the NIT Faridabad into residential purpose along with the existing religious and institutional buildings. It was also requested to seek objections and suggestions on the proposed revision of land use and decide such objections and suggestions at your own level. Furthermore, such revision of land use was to be handled by your office having conducted detailed survey of illegal structures falling in the area under reference and made detailed planning of this area.
- Your office vide memo dated 20.12.2019 forwarded the report on the objections and suggestions for consideration and conveying the final decision on revision of lay out plan being this office the competent authority. The Government has approved the proposal with the direction to go ahead with the detailed planning by conducting the survey of illegal structures and make detailed plan for this area.
- In view of above it is requested to take necessary action in the matter and submit action taken report to this office so that the reply of the worthy ACSULB may be prepared urgently as this case is listed on 03.07.2020.

(Signature)

(Sunil Verma) Assistant Town Planner for Director General, Urban Local Bodies Haryana, Panchkula.

Assistant Town Planner Municipal Corporation Faridabad



Municipal Corporation, Faridabad
B.K. Chowk NIT Faridabad - 21501
Tel: 0129 2411649, 2411654, 2415549
Fax: 0129 2416405

From

Commissioner
Municipal Corporation
Faridabad

To

Sh. Sanjay Gupta
Managing Director
M/s Yashi Consulting Services Pvt. Ltd.
501-510, 5th Floor, Kailash Tower, Lal Kothi, Tonk Road
Jaipur, Rajasthan

Memo No.

: MCF/STP/2020/ 428

Dated

: 19-06-2020

Sub: Preparation of DPR for In-Situ Redevelopment of Pocket-1 (Block 2C) and Pocket-2 (Block-2D) NIT-2, NIT, Faridabad.

It is intimated that as per govt. approval conveyed vide memo no. DULB/CTP/AI/2020/3659 dated 03.06.20 the land use of 2C and 2D slum pockets has been converted from park to residential. Now MCF intends to redevelop them under "Slum-In-Situ Rehabilitation Policy under Housing for All-2018" notified by the state Govt. on 17.5.18. The Govt. has also directed to go ahead with detailed planning by conducting the survey of illegal structures and make a detailed plan for this area.

It is further intimated that State Urban Development Authority (SUDA), Govt. Haryana has entrusted the job of preparation of Housing for All Plan of Action under PMAY (U) to you for all towns in Haryana including preparation of detailed project report. Accordingly your agency prepared the survey plans for the slums existing in Faridabad however the survey of present slums in 2C and 2D pockets of NIT could not be done due to the resistance of these slum dwellers at that time. Now in the changed circumstances as MCF is thinking of rehabilitating these slum dwellers at their present place, there should be no resistance from them.

In view of above it is requested to conduct the survey of these two slum pockets and prepare a DPR for their "in-situ" redevelopment on PPP mode at the earliest considering it as remaining part of your earlier work order assigned by the State Govt (SUDA).

ok *As*
Asstt. Town Planner
for :Commissioner

Endst.No. MCF/STP/2020/ 449

Di. 19.06.2020

A copy of the above is also forwarded to Director General, ULB, Govt. Haryana with the request to direct M/s. Yashi Consulting Services Pvt. Ltd., Jaipur to complete the said job under the scope of previous work order issued by State Urban Development Haryana

ok *As*
Asstt. Town Planner
for :Commissioner

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

COCP No. 2064 of 2019

Jan Kalyan SamitiPetitioner

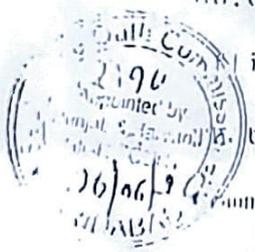
Versus

Ashok Kumar, IASRespondents

Status Report by way of affidavit of
Dr. Yash Garg, IAS, Commissioner,
Municipal Corporation, Faridabad.

I, the above name deponent do hereby solemnly
affirmed and declare as under:

1. That I the above deponent, has joined the Municipal
Corporation, Faridabad as its Commissioner on
06.01.2020 and is competent to file the present
affidavit.

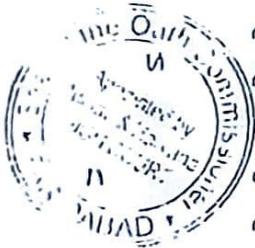


On 11.10.2017 Sh. Amardeep Singh the then Joint
Commissioner filed an affidavit before this Hon'ble
Court stating therein that more than thousands
families has been residing in said area for more
than 40 years and it was prayed to the Hon'ble Court
to grant 3 months time so that MCF can approach the
Government to frame a rehabilitation plan in larger
public interest to neutralize the issue of
"encroached land". The present affidavit is being
filed in continuation with the earlier status

reports/affidavits filed by the respondent-corporation.

6. That this Hon'ble Court vide order dated 29.01.2020 passed the following orders:

"Commissioner, Municipal Corporation, Faridabad is present in person Affidavit of Siddhi Nath Roy, Addl. Chief Secretary, Govt. of Haryana, Urban Local Bodies Department, Haryana filed, which is taken on record. Order dated 23.09.2009 passed in CWP-13508-2006 has admittedly been not complied so far and one or the other excuse has been put forth. Earlier, it was presented that some rehabilitation steps are being initiated by the State and on the undertaking, the contempt proceedings were disposed of on 07.09.2010. Till date, nothing cogent appears to have been done. Even the Commissioner, Municipal Corporation has no proposal to put forth for compliance of the order passed in the writ petition. Learned State counsel submits that a proposal of the Commissioner, Municipal Corporation dated 20.12.2019 has been received, which is being considered by the State. This appears to be a lame excuse, just to linger on the matter without taking any decision. The question is why the encroachment is not being removed. Commissioner, Municipal Corporation will file his personal affidavit to this effect on 03.04.2020. Additional Chief Secretary, Govt. of Haryana, will also apprise about action taken on the report of Commissioner, Municipal Corporation on that day and about compliance of the order passed in the writ petition, failing which he will remain present in the Court in person. List on 03.04.2020."



1. That, the then Commissioner, Municipal Corporation, Faridabad, vide Memo no. MCF/STP/2019/59 dated 01.08.2019 had submitted a proposal to the Director, Urban Local Bodies Department, Haryana to change the use of the park site 2C/2D which was earmarked for parks situated in NIT, Faridabad for residential use alongwith existing religious and

institutional buildings. The revised layout plan of the scheme was examined by the Urban Local Bodies Department, Haryana and it was observed that these two existing parks in the scheme were proposed to be converted and earmarked for residential use.

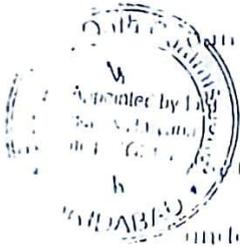
That vide memo no. DULB/CTP/A2/2019/13084 dated 08.08.2019 the Director, Urban Local Bodies Department, Haryana intimated that proposal of respondent-corporation forwarded vide memo dated 01.08.2019 regarding revision in layout plan of RC/20 park bearing drawing no. MCF/STP/2019/1351 dated 01.08.2019 for change of land use for residential use alongwith Religious and Institutional buildings had been approved by the Government and directed to seek objections.



In reference to the above, the public notice was issued in newspaper on 17.08.2019 and total 990 persons/trusts filed their objections/suggestions. It is submitted that personal hearings on 19.11.2019 and 20.11.2019 were given to the persons who had filed objections and suggestions. After considering/hearing the objections/suggestions, a reference vide memo no. MCF/STP/2019/110 dated 01.12.2019 was sent to the Director, Urban Local Bodies, Haryana for consideration and conveying the final decision on revision of layout plan being competent authority.

That vide memo no. DULB/CTP/A1/2020/3059 dated 03.06.2020 the Director, Urban Local Bodies Department, Haryana intimated that proposal of respondent-corporation forwarded vide memo dated 20.12.2019, has been approved by the Government with the direction to go ahead with the detailed planning by conducting a survey of illegal structures and to make detailed plan for the area in question. A copy of letter dated 03.06.2020 is annexed as Annexure R-A.

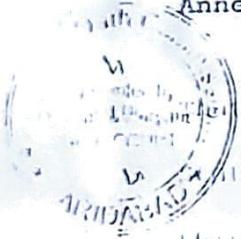
That as the land use of the park has now become residential therefore, the illegal structures/encroachment existing on the said land



can now be regularized/redeveloped/improved either by way of preparing an improvement scheme under Section 39-41 or by way of EWS housing scheme under Section 345 of Haryana Municipal Corporation Act, 1994. Further the Government vide notification dated 17.05.2018 has issued a comprehensive policy namely "Slum-in-situ Rehabilitation Policy under Housing for All-2018" under the Section 345 & 390 (2) of the Haryana Municipal Corporation Act, 1994 and Section 250 (a) of the Haryana Municipal Act 1973. As per provision of this policy, slums existing on Govt. land can be taken up for in-situ re-development for providing houses to the slum dwellers by involving private partners.

That after the aforesaid decision of the Government, the detailed survey of these two pockets i.e. 1D & 2D, NIT Faridabad will be conducted and further action will also be taken accordingly by following due process of law. It is further submitted that M/s Yash Consultants Service Pvt. Ltd 501-501, 5th Floor, Karishma Tower, 1st Bldg, Tonk Road Jaipur, Rajasthan, has been requested to conduct the survey of these 2 above pockets and prepare a DPR for their "in-situ" redevelopment on PPP mode at the earliest vide this office memo no. MCF/STP/2020/426 dated 19.06.2020. The copy of letter dated 19.06.2020 is annexed as

Annexure R-B.



the ongoing crisis of Covid-19 has brought the State and Local Governments on the frontlines of this crisis. The performance and manpower of this corporation has also come under the immense pressure. The respondent-corporation is engaged in various administrative duties like conducting door to door survey on Corona Virus. Apart from this, those who can be vulnerable to the virus are also being listed in the survey like senior citizens. This Hon'ble court may kindly take notice about the impact of Covid-19 on the discharge of official duties and function of the respondents. Further, respondent-corporation submits that though the

approval has been given by the Government to prepare the residential scheme but its implementation may take some time due to the circumstances mentioned above which are beyond the control of the respondents.

- 11 That the answering-deponent holds the order of Hon'ble Court in high esteem and can never think of disobeying the orders passed by the Hon'ble Court. However, if the Hon'ble Court deems that there is any lapse on the part of deponent, the deponent tendered unconditional and unqualified apology for the same.



It is, therefore, most respectfully prayed that in view of the above mentioned facts, submissions and circumstances, that this Hon'ble Court may kindly graciously be pleased to grant reasonable time deem appropriate, to the respondent-corporation for implementation of residential scheme and above contempt petition may kindly be dismissed in the interest of justice.

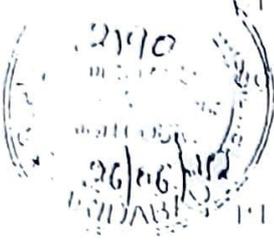
Place: Fardabad

Dated:


Deponent

Verification:-

Verified that the contents para no. 1 to 10 of the above reply are true and correct to my knowledge as derived from official record. No part of it is false and nothing material has been concealed therein

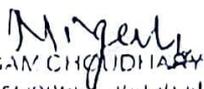


Place: Faridabad

Dated:


Deponent

Certified that the above was declared on oath Affirmation before me or by Sh. Yash Chaudhary who has been identified by self who is personally known to me the contents of the above have been dictated to the deponent.


NIGAM CHAUDHARY
Oath Commissioner, Faridabad