

In the matter of...

OA No. 196 of 2021

Sumit Batra & others

Vs

State of Haryana & others.

STATUS REPORT:

The Original Application No. 196 of 2021 has been filed by applicant Sumit Batra before the National Green Tribunal on 02.08.2021. That the Hon'ble NGT vide order dated 10.08.2021, made the following observations:-

"We have heard learned Counsel for the applicant. Even though from the copy of Jamabandi annexed, it appears that Panchayat Chalu is the owner of the land in question, learned counsel for the applicant states that the ownership is now vested in the Municipal Corporation Gurgaon and thus Municipal Corporation Gurgaon is under an obligation to ensure that no non-forest activities takes place on its forest land.

5. Before considering the matter further, we find it necessary to seek a factual report from a joint committee of Divisional Forest Officer, Gurgaon and Municipal Corporation Gurgaon which may be furnished by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form of image PDF within one month."

Findings /Observations of Constituted Committee:-

In compliance of above said order of Hon'ble NGT, the following Joint Committee along with other officers has visited the site in question:-

Sr. No.	Name	Designation
1	Satish Yadav, HCS	Joint Commissioner - III Municipal Corporation, Gurugram
2.	Rajeev Tejyan, IFS	Divisional Forest Officer, Gurugram

Rajeev

[Signature]

The factual observations of the Joint Committee of Divisional Forest Officer, Gurugram and Municipal Corporation, Gurugram are reported in the section below:-

1. Ownership of the land (Khasra no 838, 833, 829, 600, 601, 602, 605 and 619 in the revenue estate of Nathupur Village) is vested with Municipal Corporation, Gurugram.
2. There is opening in the boundary wall of V-10 Street, Sector - 24, DLF phase-III, Gurugram which is being used as thoroughfare and a kaccha road has come-up in MCG land linked with V-10 street, Sector - 24, DLF phase - III, Gurugram. Illegal Construction and Demolition waste has been dumped at few locations within MCG land.
3. There is one temple located in Khasra no 619 min 838 min, another temple structure at Khasra No. 833 and within close proximity to it some cemented pillars also exist. A few other temporary structures are also located in khasra no. 619. The map marking area in question is attached as **Annexure R/1**.
4. The land in question (Khasra no 833, 838, 605 and 619) is not covered under special orders under section 4 or 5 of Punjab Land Preservation Act, 1900 (PLPA) issued for regulating the breaking up of the land. The land in question is however included in the general order under Section - 4 of PLPA regulating felling of trees.
5. The land in question (Khasra no 833, 838, 605 and 619) is also not part of Aravalli Plantation Project.
6. Thus, the land in question is not forest land for the purpose of Forest Conservation Act, 1980 as it is neither included in a specific order issued under Sections 4 or 5 of PLPA for regulating the breaking up of the land and nor it is part of Aravalli Plantation Project.
7. That land in question i.e Khasra No. 838, 833, 619 and 605 which is under ownership of Municipal Corporation Gurugram, type/Kisam of these are mentioned as under:-

Ex



Serial No.	Khasra No.	Kisam of Land	
1.	833 (31-2-0)	Gair Mumkim Pahad	
2.	838 (42-0-0)	Gair Mumkim Pahad	
3.	619 (35-9-0)	619 (8-18-0)	Banjar Kadim
		619 (1-7-0)	GairMumkimPahad
		619 (20-4-0)	GairMumkimNallah
4.	605 (9-3-0)	Gair Mumkim Nallah	

8. As stated in the present Original Application, Khasra no 833, 838, 605 and 619 are recorded as gair-mumkinpahad and gair-mumkinnallah except some portion of Khasra No. 619 (8-18-0) which is recorded as Banjar Kadim in the revenue records. Thus, land covered under gair-mumkimpahad and gair-mumkin nallah are covered by Notification No S.O. 319(F) dated 07/05/1992 (Aravalli Notification) which prohibits certain activities without prior approval of Ministry of Environment and Forests viz.

1. Location of new industries,
2. Mining,
3. Cutting of trees,
4. Construction of any clusters of dwelling units, sheds, community centres etc. and any other activity connected with such construction including roads,
5. Electrification.

9. That vide notification dated 29.11.1999, the authority to take measures for protection and improvement of the area notified as per notification dated 07.05.1992 was delegated to the State Government. The Haryana State Pollution Control Board (HSPCB) oversees enforcement and implementation of Aravalli Notification.

Regi

[Signature]

10. That the village Nathupur has been included in the Municipal Corporation Gurugram on 02.06.2008 and after that Municipal Corporation Gurugram become the owner of the said land in issue. It is submitted that temple (Mata Mandir) existing in Khasra No. 619 min 838 min is famous temple and believes to be in existence since more than 80 years and local people are using V-10 Street as thoroughfare for visiting Mata Mandir.
11. That it is submitted that Consolidation (Chakbandi) of land never occurred in revenue estate of village Nathupur, Gurugram. Local people of village Nathupur are holding scattered land adjacent to V-10 Street (DLF Phase-III) and are using V-10 Street as thoroughfare to reach their land, hence it is not possible to block the way of local residents. In order to control/restrict the activity of illegal carrying of C&D Waste by large vehicles, low height barrier has already been installed, RCC column gate visible in photo is also estimated to be more than 20 years old. Photograph of the same are attached as **Annexure R/2**. That it is further submitted that CWP No. 6057 of 2021 titled as DLF-3 Voice An Initiative for Better Living Vs UOI & Ors is already pending before Hon'ble Punjab and Haryana High Court at Chandigarh which relates to same cause and listed for hearing before the Hon'ble Court on 30.08.2022. The copy of order dated 16.03.2021 passed in said CWP is attached as **Annexure R/3**.
12. That further to restrict illegal dumping of C&D Waste, enforcement measures has been increased in Zone-III area of MCG (including Nathupur). The enforcement team of MCG is taking proactive action against illegal dumping of waste from time to time by way of impounding and challaning of vehicles carrying C & D waste. The challan amount has been fixed between Rs. 10,000 to Rs. 50,000 depending upon the number of violation. Further, Concessionaire of MCG has been asked on urgent basis to assess and lift illegal C&D Waste dumped on MCG land for further processing and disposal.
13. That the land in question is included in the general order under section 4 of PLPA regulating felling of trees. Therefore, the Forest department can take action as per law for any felling of trees without permission. Forest Offence Report (FOR) no. 1399/30 dated 10.06.2021 for felling of 33

mesquite trees and FOR 1399/33 dated 29.06.2021 for felling of 6 mesquite trees has already been issued. Copy of FORs is annexed as **Annexure R/4.**

14. That regarding existence of temple structures in Khasra No. 833, it is submitted that temple nearer to Khasra No. 830 is in existence prior to 02.06.2008 i.e when MC Gurugram become the owner of said land, however new structure enclosing temple of an area around 1100 Sq Ft is illegally constructed in order to enlarge temple. In another site, only some pillars in Khasra No. 833 as depicted in map (Annexure R/1) towards Khasra No. 735 is in existence and construction of same was halted by MCG in year 2019. Notice under section 408 (A) (1) (b) of Haryana Municipal Corporation Act; 1994 vide Memo No. MCG/AE-III/2021/2795 dated 21.12.2021 has been served/pasted for illegal encroachment on land owned by MCG which is part of Khasra No. 833. It is further submitted that illegal encroachments will be demolished with the help of police force after adopting due process of law.

15. That as mentioned above about existence of some structures in Khasra No. 619 (8-18-0) which includes cow-shed etc is Banjar Kadim land by nature. The matter of unauthorised and illegal construction/occupation on land Khasra No. 619 (8-18-0) owned by Municipal Corporation Gurugram is pending before Hon'ble Punjab and Haryana High Court and status quo has been ordered by Hon'ble Punjab & Haryana High Court vide order dated 31.07.2018 in favour of appellants in CM No. 10614-C of 2018 in RSA No. 4079 of 2017 titled as Rambir and Others Vs Nagar Nigam, Gurgaon & Others. Copy of order dated 31.07.2018 is attached as **Annexure R/5.**

The report is submitted for kind consideration of this Hon'ble Tribunal. The direction passed by this Hon'ble Tribunal shall be complied with true letter and spirit.



Divisional Forest Officer,
Gurugram



Joint Commissioner - III,
Municipal Corporation , Gurugram

NATHUPUR HB NO.- 67 TEHSIL- GURUGRAM DISTRICT- GURUGRAM

Annexure R-1



- Legend**
- KILLA NO
 - VILLAGE BOUNDARY
 - KILLA BOUNDARY
 - SCHOOL GROUND
 - AABADI DEH
 - REVENUE RASTA
 - ENCROACHMENT
 - SCHOOL
 - TEMPLE
 - BIO DIVERCITY APRK
 - BOOSTING STATION
 - GAIR MUMKIN TUBEWELL
 - AWARD
 - SHAMSHANT

1:50,000 SCALE
1:50,000 SCALE
1:50,000 SCALE



Annex 15E - R-2

113 CWP-6057-2021

**DLF 3 VOICE-AN INITIATIVE FOR BETTER LIVING
VS
UNION OF INDIA AND ORS**

Present: Mr. Rajat Khanna, Advocate for the petitioner.

(The proceedings are being conducted through video conferencing, as per instructions)

Inter alia contends that vide communication dated 17.10.2019 (Annexure P-23), respondent No.8 had written to respondent No.7 regarding the complaint filed by the petitioner that V-10 street of the licensed colony namely DLF, Phase-III, Gurugram, was to remain as dead end and was not to be used as throughfare and the Enforcement Wing of respondent No.6 should take necessary action by constructing the boundary wall. Reference is also made to communication dated 24.12.2019 (Annexure P-25), addressed from respondent No.6 to respondent No.10 in this context, whereby directions have been given to take effective measures to prevent the trespassing through Corporation land. Reference is also made to photographs (Annexure P-29) to submit that the vehicles are having access through V-10 road into the Bio Diversity Park.

Notice of motion.

Mr. Ashish Rawal, Advocate has put in appearance on behalf of respondent No.1.

Mr. R.K.S. Brar, Addl. A.G. Haryana, accepts notice on behalf of respondent Nos.2 to 5, 8, 9 to 12.

To come up on 13.07.2021 for the service of unserved respondents.

16.03.2021

Pawan

(G.S. SANDHAWALIA)
JUDGE

For Subsequent orders see CM-4438-CWP-2022 Decided by HON'BLE MR. JUSTICE SUDHIR MITTAL

DRR NO - 2949/2021-22



वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

030

FOR Book No. 1399

FOR No.

वन मण्डल	GGM				
रेंज/कॉन्फ/बॉर्ड	GGM/GGM/Sukhpal				
गैज/गवाह का नाम	Nathupur Bio Diversity Park Book Sec-4				
FOR No. (Date, Day & Time)	030/1399 (10/06/2021) Day				
रिपोर्ट जारी करने वाले का नाम	Pravara Kumar G.O.				
अपराध की जानकारी का स्रोत	गण/हाम गण/ मृत्युगण द्वारा/अज्ञात				
अपराध होने के तारीख/दिन/मामय	08/06/2021 Day				
जांच अधिकारी का नाम य पद	Sh. Santosh Kumar G.O.				
अपराध/घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या				
उद्घरण किया गया अधिनियम	संलग्न				
भारतीय वन अधिनियम 1927					
वन्य प्राणी (संरक्षण) अधिनियम 1972					
पंजाब भूमि संरक्षण अधिनियम 1900	4				
भारतीय दण्ड संहिता					
अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
	Ramesh Yadav 9267201600	Balbir Singh Yadav			R/o Nathupur GGM.
- - - - - जन्म किये गये सामान का विवरण - - - - -					
शस्त्र-सम्पन्न उपकरण का विवरण	प्रजाति	किसम/साइज	संख्या	मूल्य	प्राप्तकर्ता का नाम
	Musket	UIS - 12 No			
		V - 18 No			
		D - 6 No			
वन कॉन्फ्ल का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष (
	सीमान्त	सीमांत वृक्ष जो 20 से 29 ई-वृक्ष किसे हुए हैं			हैं और वहां पर निंदी डाली जा रही है
आजार/हथियार					
अन्य, यदि कोई हो					
सही को चिह्नित करें	नजदीक-नकशा जी०पी०एस० रीडिंग 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.

Pravara Kumar G.O.
चोट इन्चार्ज

मुख्यीर/ शिकायतकर्ता/गवाह के हस्ताक्षर/अंगुठे का निशान

व० रा० अ० GGM.

नाम

रैंक

दिनांक

आरोपी का हस्ताक्षर/अंगुठे का निशान



वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

FOR No. 033

FOR Book No. 1399

वन मण्डल	G.G.R.O
रेजि/प्लॉक/पीट	G.G.R.O/AM/Std/Block
रीजि/जगह का नाम	Narathupur Sec/Ecom/4
FOR No. (Date, Day & Time)	033/1399, 23-06-2021
रिपोर्ट जारी करने वाले का नाम	Parveen Singh
अपराध की जानकारी का स्रोत	यदि तब तक / पत्र/गोप्य द्वारा / शिकायत
अपराध होने के तारीख/दिन/समय	23-06-2021
जांच अधिकारी का नाम व पद	Sh. Santosh Singh
अपराध/घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या
उत्प्रेषण किया गया अधिनियम	PLPA-19-00 सेक्शन 4
भारतीय वन अधिनियम 1927	
वन्य प्राणी (संरक्षण) अधिनियम 1972	
पंजाब भूमि संरक्षण अधिनियम 1900	
भारतीय दण्ड संहिता	Section 4

अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
1	अरुण सिंह	दुर्गा नन्द	31	गादल	19811252268
2	अनीस सिंह	बी.धरम	31	"	

जब्त किये गये सामान का विवरण	प्रजाति	किरम/माइज	संख्या	मूल्य	सुआवजा नॉशि
	6 U/S	शस्त्र	29995-11P 11P		

जब्त वीकल का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष

औजार/ हथियार					

अन्य, यदि कोई हो					

सही को चिन्हित करें	नजरी-नक्शा जी०पी०एस० रीडिंग 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

वीट इन्चार्ज

व० रा० अ० G.G.M.

नाम

रैंक

दिनांक

आरोपी का हस्ताक्षर/अंगुठे का निशान

260

CM No.10614-C of 2018 in
RSA No.4079 of 2017

Rambir and others

v.

Nagar Nigam, Gurgaon and others

Present: Mr. Santosh Sharma, Advocate
for the applicants/appellants.

None for respondents No.1,2,4 to 7, 9 to 11.

None appears on behalf of respondents No.1, 2, 4 to 7, 9 to 11, despite service. Respondents No.3 and 8 are reported to have died.

However, learned counsel for the applicants/appellants submits that the said respondents are proforma, therefore, bringing on record of legal representatives of respondents No.3 and 8 be dispensed with. Ordered accordingly. It is submitted that respondent No.1 – Nagar Nigam, Gurgaon (now Municipal Corporation, Gurugram) is the only contesting respondent.

It is noticed that despite service of the application, respondent No.1 Nagar Nigam, Gurgaon (now Municipal Corporation, Gurugram) is not represented.

In the interest of justice, adjourned to 10.08.2018.

In case there is no representation on behalf of Municipal Corporation, Gurugram on the next date of hearing, Commissioner, Municipal Corporation, Gurugram be present in Court.

Copy of the order be conveyed to the Commissioner, Municipal Corporation, Gurugram.

Status quo as on today be maintained till the next date of hearing.

(LISA GILL)
JUDGE

July 31, 2018.
'om'