



No. HSPCB/FR/2023/ 1080

Dated: 07/08/2023

To

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

**Sub: Joint Factual & Action Taken Report by Haryana State Pollution Control Board in the Matter of Ashok Chandra Gautam Vs Vinod Thakur & Ors. OA no. 296/2023.**

In this connection, please find enclosed herewith the Joint factual & action taken report submitted through Haryana State Pollution Control Board in OA No. 296/2023 in the matter of Ashok Chandra Gautam Vs Vinod Thakur & Ors, for your kind consideration.

DA/as above

**Regional Officer  
Faridabad Region**

**Endst. No.**

**Date:**

A Copy of the above is forwarded to the Deputy Commissioner, Faridabad for information please.

**Regional Officer  
Faridabad Region**

**Endst. No.**

**Date:**

A Copy of the above is forwarded to the Sr. Environmental Engineer, SWM, Haryana State Pollution Control Board Panchkula for information please.

**Regional Officer  
Faridabad Region**

**Endst. No.**

**Date:**

A Copy of the above is forwarded to the Deputy District Attorney, Legal Branch, Haryana State Pollution Control Board Panchkula for information please.

**Regional Officer  
Faridabad Region**

**BEFORE THE NATIONAL GREEN  
TRIBUNAL AT PRINCIPAL BENCH,  
NEW DELHI**  
**Original Application No. 296/2023**

**Ashok Chandra Gautam**

.....Applicant

**Versus**

**Vinod Thakur & Ors.**

.....Respondent

**Joint Committee Report in the Matter of Ashok Chandra Gautam**

**Vs Vinod Thakur & Ors. OA no. 296/2023.**

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**Joint Committee Report****in the Matter of****Ashok Chandra Gautam****Vs Vinod Thakur & Ors. OA no. 296/2023**

1. By way of the present proceeding, issue has been raised regarding construction of temple in violation of master plan and zoning plan.

Vide Order dated April 24, 2023 this Hon'ble Tribunal directed that factual position be verified by the State PCB and District Magistrate, Faridabad and action taken report given to Registrar General of this Tribunal.

2. That, in compliance of aforesaid Hon'ble NGT's Orders, Joint committee comprising of following members has been constituted:

Sr. No.	Name and Designation of Officer	Nominee/Representative
1.	District Town Planner (P) & Executive Engineer, Division I & III, Haryana Sehri Vikash Pradhikaran, Faridabad.	Deputy Commissioner, Faridabad.
2.	Smt. Akansha Tanwar, Regional Officer, Faridabad	HSPCB

The Environment Clearance of the project Piyush Heights, Sector- 89, Faridabad was reinstated vide MoEF order dated 18.05.2022. The complaint site at Piyush Heights, Sector-89, Faridabad was jointly inspected by the team of officers comprising of Sh. Ujjwal Kumar, AEE, HSPCB, Sh. Ankit, JE, HSVP, Faridabad, Virender Kumar, JE, DTP (E), Faridabad along with RWA on 01.06.2022. During inspection it was found that school structure has been demolished completely in compliance of NGT orders, and greening work is under way. The photographs of demolition of school are enclosed as **Annexure R/1**. A Temple of was found under construction on open space/green

space within the premises of project. Murti Staphna was already done in the temple.

3. It was informed by DTP that the said temple has been constructed over an area measuring 125 sqm. and out of which approximately 40 sqm. of the constructed portion is falling within the area marked as green whereas the rest of the area measuring 85 sqm. is falling in the open area and the area earmarked for open surface parking.

It was also submitted by DTP team that Show cause notice to the 6 residents of the society vide DTP memo no. 458-463 dated 19.04.2023 under Section 10(2) of Act no. 8 of 1975. And memo no. 478-483 dated 10.05.2023 for restoring the land to its original state as per provisions of Act *ibid.*

4. Residents of the impugned society submitted their representation dated 05.06.23 to District Town Planner duly signed by almost 500 residents and thereby submitted a request for getting the building of temple regularized from department of town & country planning and sought at least one month time and urged for not to demolish the temple building as same has been constructed by the collecting funds from the residents of the society and they wished to remove the said structure on their own if required and hence no immediate action for demolition of the temple building keeping in view the religious sentiments of approximately 4500 residents of the society. However, no communication regarding any application for getting the building plans approved was received even after a month.

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5. District Town planner submitted that they were unable to carry out any sealing/ demolition drive during the month of July-August 2023 due to Kawad Yatra, flood in Faridabad and riots in District Nunas the police force was deployed for maintaining law and order. Copy of letter dated 07.08.2023 of the District Town Planner (Enforcement) is Annexed as R/2

In view of aforesaid facts, it is submitted that necessary action against the temple building would be taken by the District Town Planner (Enforcement), Town & Country Planning Department within next one month or as soon as the law and order situation improves in the District Faridabad, Nun and Gurugram.

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

  
AEE, HSPCB,  
Faridabad

  
RO, HSPCB,  
Faridabad

  
E.E.  
HSVP, Faridabad

  
District Town  
Planner, (E)  
Faridabad



 GPS Map Camera



Google

Faridabad, Haryana, India  
L-812, Piyush Heights, Sector 89, Faridabad, Haryana  
121002, India  
Lat 28.416423°  
Long 77.365735°  
22/06/23 01:16 PM GMT +05:30



GPS Map Camera

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Google

Faridabad, Haryana, India

Block-J, Piyush Heights, Sector 89, Faridabad, Haryana 121002, India

Lat 28.416173°

Long 77.366001°

25/06/22 08:37 AM

Annex - R/2

**DISTRICT TOWN PLANNER, ENFORCEMENT FARIDABAD 29**  
SCO-22, Opposite SRS Mall, Near - Airtel Office, Sector-12, Faridabad - 121007  
Phone & Fax - 0129-4881559  
E-mail: dtpenf3.faridabad.tcp@gmail.com

To,  
Deputy Commissioner,  
Faridabad.

Memo No. FD-DTP(E)/ Dated:

**Subject: NGT order no. 296/2023 dated 24.04.2023 - Unauthorized construction of Green Belt in Piyush Heights Society, Sector-89, Faridabad.**

Reference: Your office memo no. LFA 3493/F-II/2023 dated 29.05.2023, memo no. 4357/G-1/2023 dated 08.06.2023, memo no. LFA/G-II/2022/4712-14 dated 03.08.2023 and Regional Officer, Faridabad region, HSPCB office memo no. HSPCB/FR/2023/1031 dated 01.08.2023.

On the subjects cited above the letter received in this office vide letter under references have been examined and the report of this office reads as under:-

- 1- This office received the letters from Sh. Ashok Chander Gautam to take action against the temple under construction in the green area of the subject matter society. In this regard it is to inform that during the visit of impugned site it revealed that the said temple was being constructed without any approval building plans by the department of town and country planning and hence this office issued the show cause notice to the 6 residents of the society vide this office memo no. 458-463 dated 19.04.2023 (**Annexure-1**) under Section 10(2) of Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter referred to as Act no. 8 of 1975). Further this office issued the restoration order vide this office memo no. 478-483 dated 10.05.2023 (**Annexure-2**) for restoring the land to its original state as per provisions of Act ibid. However the residents of the society

**DISTRICT TOWN PLANNER, ENFORCEMENT FARIDABAD**

SCO-22, Opposite SRS Mall, Near – Airtel Office, Sector-12, Faridabad – 121007

Phone & Fax – 0129-4881559

E-mail: dtpenf3.faridabad.tcp@gmail.com

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appeared in this office on 05.06.2023 and submitted their representation duly signed by almost 500 residents and thereby submitted a request for getting the building of temple regularized from department of town & country planning and sought at least one month time and urged for not to demolish the temple building as same has been constructed by the collecting funds from the residents of the society and hence this office did not took any immediate conclusive action against the temple building keeping in view the religious sentiments of approximately 4500 residents of the society. However this office did not receive any communication from the residents of the society in respect of the any application for getting the building plans approved from the department of Town & Country Planning Haryana Chandigarh and hence it was decided to take further necessary conclusive action against the impugned temple building as per provisions of Section 10(3) of Act No. 8 of 1975.

2- Further it is brought to the kind notice that a joint site inspection was conducted on 01.06.2023 which included the representatives of HSPCB, HSVP and DTP (Enforcement) Faridabad and it was found that the said construction of temple has been carried out on the areas earmarked as green, open space as well as open parking area and hence this office demarcated the alleged temple on the approved landscaping layout plan of the said colony vide memo no. 29090 dated 19.11.2007 to ascertain the factual status about construction of building on green area/open area etc. and thereby it revealed that the said temple has been constructed over an area measuring 125 sqmt. and out of which approximately 40 sqm. of the constructed portion is falling within the area marked as green whereas the rest of the area measuring 85 sqmt. is falling in the open area and the area earmarked for open surface parking. The copy of aforementioned part layout plan **(Annexure-3 & 4)** duly showing the temple building is being attached herewith for ready reference of Hon'ble National Green Tribunal.

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3- It is pertinent to mention that this office was unable to carry out any demolition/sealing drive during the month of July 2023 due to Kawad Yatra, flood situation in Yamuna river and riots in District Nuh. However, in view of aforesaid facts it is clear that this office has taken up the requisite action in the complaint matter whereas conclusive action against the temple building could not be taken up due to aforementioned circumstances, however it is ensured that this office will take necessary action against the temple building within next one month or as soon as the law and order situation improves in the District Faridabad, Nuh and Gurugram.

This is for your information and further necessary action in the matter please.

D.A/as above.

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District Town Planner  
Enforcement, Faridabad

Endst. No. FD-DTP(E)/ 7498

Dated : 07/08/2023

A copy of above is forwarded to Regional Officer, Faridabad Region, HSPCB, Sector-16A, Faridabad with reference to letter dated 01.08.2023 for information and necessary action please.

/

District Town Planner  
Enforcement, Faridabad

**DISTRICT TOWN PLANNER, ENFORCEMENT, FARIDABAD**  
SCO-22, Opposite SRS Mall, Near - Airtel Office, Sector-12, Faridabad - 121007

Phone & Fax - 0129-4881559

E-mail: [dtpenf3.faridabad.tcp@gmail.com](mailto:dtpenf3.faridabad.tcp@gmail.com)

To,

1. Sh. Vishal, R/o Tower G,
2. Sh. Vinod Thakur, R/o Tower F,
3. Sh. Brijesh Verma,
4. Sh. Satish Amitabh,
5. Sh. Yamini Goswami,
6. Sh. Rajesh Mittal C/o Trust Laxmi Narayan Temple  
All R/o Piyush Height, Sector 89, Faridabad

Or

To whom so ever it may concern

Memo No.: DTP(E)-FBD/2023/ 458-463 Dated: 19/4/23

**Subject:- Show Cause Notice Under Section 10 (2) of The Haryana Development And Regulations of Urban Areas Act. 1975.**

Whereas, the undersigned has received a complaint that you are constructing a structure without prior permission for temple in a Open Area/ Green Belt of Piyush Height, Sector 89, Faridabad. In this regard the official of this office has visited the site and found that the said unauthorized structure is under construction in the Open Space/Green Belt in the licensed granted society namely Piyush Height, Sector 89, Faridabad without any prior permission from the department.

*Whereas section 3B of the Haryana Development and Regulation of Urban Area Act 1975, provides that no person shall erect or re-erect building in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director, Department of Town and Country Planning Haryana, Chandigarh.* As, you are constructing a structure without prior permission for temple in a Open Area/ Green Belt of Piyush Height, Sector 89, Faridabad and hence you have contravened the provisions of section 3B of the Act *ibid.* Therefore, You are hereby called upon to appear before the undersigned along with relevant documents on or any working day within **seven days** in my office situated at **SCO 22, 1<sup>st</sup> floor, HUDA Special Market, opposite SRS Mall, Sector 12, Faridabad at 12:00 PM** and to show cause as to why you should not be ordered to restore the land as per the sanction plan and why it should not be recommended to the Competent Authority to disconnect your water, sewerage and electricity connections. In this regard, you are also directed to supply/ bring authenticated copies of the following documents in support of your contention:

1. Approved Layout plan of the colony.
2. Completion certificate of the colony issued by competent authority.
3. Any other documents related to licensed colony if necessary.

*DC*  
District Town Planner,  
Enforcement, Faridabad.  
(Exercising the Powers of DTCP Haryana)

To,

1. Sh. Vishal, R/o Tower G,
2. Sh. Vinod Thakur, R/o Tower F,
3. Sh. Brijesh Verma,
4. Sh. Satish Amitabh,
5. Sh. Yamini Goswami,
6. Sh. Rajesh Mittal C/o Trust Laxmi Narayan Temple  
All R/o Piyush Height, Sector 89, Faridabad

Or

To whom so ever it may concern

Memo No.: DTP(E)-FBD/2023/478-483 Dated: 10/5/23

**Subject:- Restoration order under section 10 (2) of the Haryana Development and Regulations of Urban Areas Act. 1975.**

Whereas, the undersigned has received a complaint that you are constructing a structure without prior permission for temple in a Open Area/ Green Belt of Piyush Height, Sector 89, Faridabad. In this regard the official of this office has visited the site and found that the said unauthorized structure is under construction in the Open Space/Green Belt in the licensed granted society namely Piyush Height, Sector 89, Faridabad without any prior permission from the department..

Whereas vide this office show cause notice bearing memo no. **DTP(E)FBD/2023/458-463 dated 19.04.2023** you were required to stop further contravention and to appear in person or through authorized person to show cause why you should not be ordered to stop further contravention at above mentioned land, in respect of which the aforesaid contravention has been committed, to its original state and to bring it in conformity with the provisions of the Act and Rules framed there under.

*That you have not appeared in person and submitted a reply in this office regarding above said illegal encroachment and construction in the aforementioned colony in respect of show cause notice.*

Accordingly, you are hereby ordered under section 10 (2) of the Act no. 8 of 1975 to restore the site into its original state and bring it into the as per the approved layout plan of the colony, failing which appropriate necessary action will be taken against you to give effect to this order and the cost of such measures will be recovered from you as the arrear of land revenue under section 10 (3) of the Act no. 8 of 1975.

*DCW*  
District Town Planner,  
*dc* Enforcement, Faridabad  
(Exercising the Powers of DTCP Haryana)  
*dcw*



# Annexure IV

