

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

Original Application No. 24/2021

**Joint Action Taken Report in O.A No. 24/2021 titled Manav Awaaj Trust V/s
Union of India in compliance of order of the Hon'ble National Green
Tribunal dated 09-02-2021 respectfully showeth.**

It is submitted that M/s Indian Oil Corporation Ltd. vide their application dated 02-06-2020 had applied for Grant of NOC for proposed retail outlet (MS/HSD/CNG) at location Khasra No. 611/4 village Chakkarpur, Sector-27, Gurugram.

This office vide letter no.2113-17/LP dated 05-06-2020 sought report from the following departments:-

- a) The Commissioner, Municipal Corporation Gurugram.(Fire Safety/Road Point of view)
- b) The Commissioner of police, Gurugram.(Reg. any kind of objection)
- c) The Sub Divisional Magistrate, Gurugram.(Land title and general Point)
- d) The District Forest Officer (T), Gurugram.(Forest Laws)
- e) The District Town Planner, (E), Gurugram. (Change of Land use)
for whether they have any objection for setting up of new petrol pump at the proposed site.

It is further submitted that in reference to this office letter, reports from Sub Divisional Magistrate, Gurugram and District Town Planner, (E), Gurugram are still pending, whereas reports were received from:

- a) Commissioner, Municipal Corporation of Gurugram.
- b) Commissioner of Police, Gurugram.
- c) Divisional Forest Officer, Gurugram.

The Commissioner, Municipal Corporation of Gurugram and Commissioner of Police, Gurugram departments had no objection in the setting up of said petrol pump.

It is further submitted that the Divisional Forest officer, Gurugram vide it's report no. 728-G dated 29-7-2020 informed that

“the proposed site/land bearing khasra no. 611/4 situated at Chakkarpur was allotted by MCG for establishing new petrol pump vide its letter dated 15-03-19 while this land falls under Aravali Forest area and the Hon'ble Supreme court has considered the land under Aravali Forest/plantation area as a forest land. In forest area to carry out non-forest activities without getting prior permission of Ministry of Environment and Climate Change is violation of forest conservation act-1980, orders of Hon'ble Supreme court. The concerned agency has to seek permission mandatorily under forest conservation act, 1980 by

applying on online portal prior to commencement any construction activities on the proposed site.”

Hence, in the above said matter the office of the Deputy Commissioner has not issued any NOC to M/s Indian Oil Corporation Ltd.

It is further submitted that an application was filed by Manav Awaaz trust before the Hon'ble National Green Tribunal dated 09.02.2021 in O.A. 24/2021 and following order was passed:

“1. Grievance is against diversion of forest land for non-forest purposes in violation of law. According to the applicant, the Haryana Govt. has allotted 1500 sq. mtr Khasra No. 611/4 in village Chakkarpur, Gurugram to M/s Indian Oil Corporation Limited. The Forest Department vide letter dated 29.07.2020 pointed out to the Deputy Commissioner, Gurugram that the site in question was part of Forest and in terms of the decision of the Hon'ble Supreme Court, it cannot be used for non-forest purposes and thus the retail outlet of the Indian Oil Corporation Limited could not be setup on the said site. In spite of the said stand of the Forest Department, the Municipal Corporation, Gurugram has failed to take the remedial action to enforce the law. Use of forest land for non-forest purposes is also in violation of MOEF & CC Notification dated 07.05.1992, with regard to the Aravali Range. The applicant has also relied upon order of the Punjab and Haryana High Court dated 13.02.2020 prohibiting any construction activity in forest land, in view of the judgment of the Hon'ble Supreme Court in M.C Mehta v/s union of India & Ors.(2018) 18 SCC 397.”

Hon'ble National Green Tribunal gave its directions that an action taken report may be filed jointly by Deputy Commissioner, Gurugram and Divisional Forest Officer, Gurugram.

It is further submitted that as per the orders of the Hon'ble National Green Tribunal, reports were sought from Divisional Forest Officer, Gurugram and Municipal Corporation, Gurugram in the said matter. Site Inspection of the land in question was also carried out by Commissioner, Municipal Corporation, Gurugram and Divisional Forest Officer, Gurugram.

In a fresh report sought on the said complaint, the Municipal Corporation, Gurugram in its report no. MCG/TP/DTP/2021/15281 dated 14-06-2021 has concluded that “the site in question is still lying vacant.”

The Divisional Forest Officer, Gurugram in its report no. 1670-G dated 18-06-2021 has submitted that

“Accordingly the proposed area Khasra No. 611/4 of Village Chakkarpur falls under Aravali area and is deemed to be forest land for the purposes of section 2 of the forest conservation Act, 1980. As per the provisions of the forest conservation Act, 1980 no forest can be diverted for non forestry purposes without prior approval of the ministry of environment, Forest & Climate Change, Government of India.

Further, it is submitted that the area applied for diversion, Khasra No 611/4 in the revenue estate of Chakkarpur is covered under the Aravalli plantation project area as per forest department. Records Aravalli plantation project was implemented in Southern District Haryana including Gurugram in year 1991 to 1999. Aravalli Plantation Project area is deemed to be Forest as per directions of Hon'ble Supreme Court. The Supreme Court in the matter of M.C Mehta V/s Union of India in WP(C) 4677 of 1985 in judgment dated 18.03.2004 had observed as under:-

“Reference can also be usefully made to the part of state of Forest Report, 1999 issued by Forest Survey of India in relation of Haryana. It, interalia, provides that large scale plantation were carried out under Aravali project since 1992. The document claims increase of the forest cover in the state of a result of plantation under Aravali project. It interalia mentions that forest cover increase in Gurugram and Faridabad is mainly due to plantation in early 1990s. In these matters, neither the state nor the lease holders can be permitted to turn around and now take a stand that the area covered under the Aravali project is not forest”.

It is further submitted that pursuant to the direction issued by Hon'ble National Green Tribunal the above site was recently inspected by District Food Supply Controller(DFSC), Gurugram on the instructions of the under signed(District Magistrate) who had submitted vide its report no. 1179 dated 23-06-2021 which is as follows:

“DFSC, Gurugram alongwith Halqa Patwari inspected the land/site. As per jamabandi report of village chhakkarpur for the year 2018-19, the ownership of the land bearing Khewat/Khata no. 292/316 Khasra no. 611/4 admeasuring to be 5 Bigha & 17 Biswa Gair Mumkin Darkhatan Land. Gair Mumkin Pahar stand in the name of Municipal Corporation, Gurugram. It has further, submitted the Municipal Corporation, Gurugram has executed boundary wall over it and planted trees in it to make it park and the land in question is still laying vacant.”

So, in the said matter, the district administration has not issued any NOC to the M/s Indian Oil Corporation Ltd. and also that there is no construction of any such kind in the said premises by M/s Indian Oil Corporation Ltd. In view of the facts and circumstances stated above it is worthwhile to mention that at present no action seems to be required. Report is submitted please.


Divisional Forest Officer,
Gurugram


District Magistrate
Gurugram













