

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

**Exe Application No. 48/2023 In OA
No. 427/2023**

**In the matter of:
Ashok Chandra Gautam**

Applicant

Versus

**Governing Body Members
Of Piyush Heights Residents
Welfare Association & Ors.**

Respondent(s)

INDEX

Sr. No.	Particulars	Date	Page
1.	Reply on behalf of District Town Planner, Enforcement, Faridabad	27.02.2024	1-3
2.	Application for regularization of the temple building (Annexure-R/1)	17.08.2023	4-5
3.	Application submitted by RWA (Annexure-R/2)	29.12.2023	6
4.	Report sent to Director, Town & Country Planning Haryana Chandigarh for composition of the existing temple building (Annexure-R/3)	08.01.2024	7-8

Place: Faridabad
Date: 27.02.2024


(Rajender T. Sharma)
District Town Planner
Enforcement Faridabad

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Exe Application No. 48/2023 In OA****No. 427/2023****In the matter of:****Ashok Chandra Gautam****Applicant****Versus****Governing Body Members****Of Piyush Heights Residents****Welfare Association & Ors.****Respondent(s)**

**Reply on behalf of District Town Planner,
Enforcement, Faridabad in the Matter of Ashok
Chandra Gautam Vs Governing Body Members Of
Piyush Heights Residents Welfare Association & Ors.**

1. The applicant vide execution application no. 48/2023 in OA in original application no. 427/2023 is seeking execution of the commitment made in the joint factual and action taken report regarding demolition of the temple/illegal structure in green area/open space of Piyush Heights, Sector-89, Faridabad.
2. The relevant excerpts of order dated 25.08.2023 are being reproduced for ready reference of Hon'ble Principal Bench:

"8: As per the above report, a temple is found to be under construction on open space/green area and action has already been initiated against the said construction. Along with report, the order dated 10.05.2023 passed by the District Town Planner (Enforcement), Faridabad (exercising the Powers of DTCP Haryana) under Section

10(2) of the Haryana Development and Regulation of Urban Areas Act, 1975 has been placed on record. The report also reveals that the action is proposed in pursuance to the said order.

9: Learned counsel appearing for the respondents, office bearers of PHRWA has also submitted that said respondents are also taking steps to approach the appropriate authority to protect their interest.

10: The above sequence of events reveal that the order has already been passed by the concerned statutory authority and parties are taking consequential steps/remedial action before the appropriate authority, therefore, at this stage, no interference by the Tribunal is required.”

3. That it is pertinent to mention that vide orders dated 25.08.2023 the Hon'ble Tribunal has made observation that parties are taking consequential steps/remedial action before the appropriate authority, therefore, at this stage, no interference by the Tribunal is required. It is pertinent to mention herein that the RWA, Piyush Heights had submitted an application for regularization of the temple building on 17.08.2023 (**Annexure-R/1**). However, the RWA was apprised to submit the representation/application duly supported with the survey plans & area details and accordingly the RWA resubmitted the application dated 29.12.2023 (**Annexure-R/2**) wherein the detailed survey plan was submitted along with the area calculation of the available green area within their group housing colony.

low

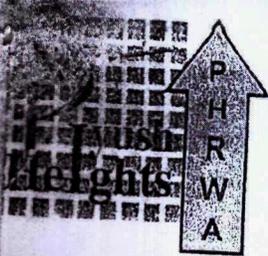
4. That the documents submitted by the RWA, Piyush Heights were examined by the office of Senior Town Planner, Faridabad and subsequently the report along with the representation of the RWA were forwarded by Senior Town Planner, Faridabad vide office memo no. 75 dated 08.01.2024 (**Annexure-R/3**) to the office of Director, Town & Country Planner Haryana Chandigarh with the request for taking a decision for composition of the existing temple building in Piyush Heights, Sector-89, Faridabad.

5. It is pertinent to mention herein that application of RWA, Piyush Heights is pending before the Director, Town & Country Planning Haryana regarding composition and regularization of the alleged temple building. It is humbly submitted that further action for execution of the action taken report submitted, can be taken by the undersigned subsequent upon the decision by Director, Town & Country Planning Haryana regarding composition and regularization of the temple building.


(Rajender T. Sharma)
District Town Planner
Enforcement, Faridabad

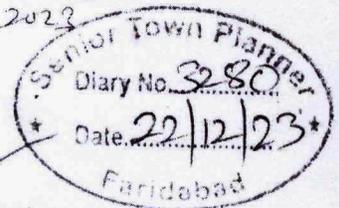
Date: 27.02.2024
Place: Faridabad

Piyush Heights Residents Welfare Association
Sec-89, Faridabad (Regd.)



To,
 The Senior Town Planner,
 Office of STP, Sector-12,
 Faridabad, Haryana

Ref:- PHRWA/Date 14.08.2023
 187/PHRWA/2023



Subject: Request for Permission for Religious Place (Temple) within the Society Premises.

Respected Sir,

We the PHRWA and residents of Piyush Heights, Sector-89, Faridabad, Haryana for which License No. 161 and 162 of 2007 was granted by the office of DGTCP, Haryana. At present the society maintenance is being carried out by Piyush Heights Residents Welfare Association and Around 4500 People are residing in the society. The total Population of the society as the density calculation of the department will be around 6000 people on occupation of all the 1080 Flats.

On the behalf and demand of all the residents, we hereby request you to please grant the permission to retain the small Temple constructed within the society in around 136. Sqm of the Open area by the residents with their own fund collection.

The details of the said Society is as Follow:-

The total area of the Project is 17.406 Acres or 70,804.126 Sqm. And permissible ground coverage is 24781.15 Sqm.

Status Of Ground Coverage:-

Sr. No.	Description	Ground Coverage
1	Ground Coverage of 16 Towers, 1080 Flats	11514.188 Sqm
2	Ground Coverage of EWS	494.37 Sqm
3	Ground Coverage of Conventional Shopping	348.50 Sqm
4	Ground Coverage of Community Building	246.77 Sqm
TOTAL GROUND COVERAGE (APPROXIMATE)		12603.00 Sqm (17.7%)

Status Of Green Area:-

Sr. No.	Description	Ground Coverage
1	Green Area of Central Park	6900 Sqm.
2	Green Area of Green Belt (Outside the Boundary Wall)	900 Sqm
3	Green Area of Children Park	10237 Sqm
TOTAL GREEN AREA (APPROXIMATE)		18037.00 Sqm (25%)

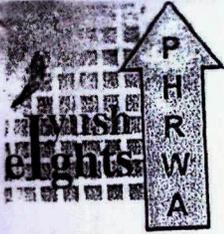
Permitted
 17/8/23

Day
 Distt. Town Planner
 Enforcement, Faridabad

Piyush Heights Residents Welfare Association

Sec-89, Faridabad (Regd.)

5



1. That, the above calculation is based on tentative measurements at site as we do not have the copy of the as build drawings of the project and this area may increase on physical verification at site.
2. That, we do not have any religious place nearby our society and for the reason two-three accidents of senior citizens already happened while going for worship far and outside the society.
3. That, 500 plus Flats owners has already given the consent for this small worship place (Temple) within the society and may increase, if required.

Under the above circumstances, we request you to please accord the approval of the said Temple inside the society, and in case any documentation or process is required to fulfill the requirement of the Haryana Scheduled Roads and Controlled Area Restriction Act of Unregulated Development Act, 1963 Rule of 1965, The Haryana Development and Regulation of Urban Area Act, 1975, Rule 1976, Please advise. We will comply with all the requirements according to law.

Looking forward towards, you for appropriate action in the interest of public at large.

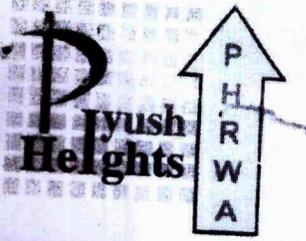
Thanks and Regards,

[Signature]
Piyush Heights Residents Welfare Association.

Enclosed:-

1. Service Layout Plan of the Society approved by DGTCP vide Memo No. 29090, dt. 19.11.2007 Map No 18.
2. Landscaping/ Parking Layout Plan of the Society approved by DGTCP vide Memo No. 29090, dt. 19.11.2007 Map no 19.
3. Consent of 500 Society Flat Owners.
4. Photographs of Temple.

[Signature]
Distt. Town Planner
Enforcement, Faridabad



Piyush Heights Residents Welfare Association Sec-89, Faridabad (Regd.)

Ref. No. 04/PHRWA/Dt. 29/12/2023

To,
The Senior Town Planner
Faridabad Circle,
HSVP Office Complex Sector 12
Faridabad Haryana - 121001



Sub: Submission of Latest Surveyed Site Map Project called "Piyush Heights Sector 89" Faridabad with Reference of Dairy No 2010 dt 17/8/2023 for Regularization of Religious Space.

Dear Sir,

Greetings for the day and with Reference to Dairy No. 2010 dated 17/08/2023 regarding to pursuant for Regularization of Religious space.

Please find attached the latest site "Piyush Heights Sector 89 Faridabad" Surveyed by M/s S K Surveyors F -284 Shaheen Bagh Okhla (New Delhi). Please find the enclosed 3 Copies (all originals with duly temple marked in site map with areas marked and stamped) as well as old reference

You are requested to please do the needful at the earliest. In case of any further clarification or documents requirement, please feel free to contact us.

Thanks & Regards,



For Piyush Heights Residents Welfare Association

Authorised Signatory

Enclosures :- 1.) 3 Nos of all Originals (surveyed Site Piyush Heights Sector 89), with Area Calculations

2.) Diary application Number 2010 dt 17/8/2023 and re-submission dt 21/12/2023.

Distt. Town Planner
Enforcement, Faridabad

**OFFICE OF SENIOR TOWN PLANNER, FARIDABAD CIRCLE
FARIDABAD**

HSVP Office Complex, Sector-12, Faridabad
Tel. No. 0129- 2220705

E-mail: stp5.faridabad.tcp@gmail.com

To

Director,
Town & Country Planning, Haryana,
Nagar Yojana Bhawan, Plot no. 3,
Sector-18A, Madhya Marg, Chandigarh

Memo No. 75

Date : 08/01/24

**Sub:- Request for permission for Religious Place(Temple) within the society
Premises- Piyush Buildwell India Ltd.**

Ref.: Applicant's application dated Nil received in this office on 22.12.2023 &
application dated 29.12.2023 received in this office on 02.01.2024.

Vide representation under reference, received from Piyush Height Residential
Welfare Association, it has been requested to compound the construction of Temple
building, built near tower J & K of Piyush Height in Sector 89, Faridabad.

Matter has been examined. In this regard, in the matter of NGT order no.
296/2023 dated 24.04.2023, the comments sent by DTP(Enf.) Faridabad to Deputy
Commissioner, Faridabad vide memo no. 7497 dated 07.08.2023 (copy enclosed) were
also referred. OA no. 427/2023 and MA no.65/2023 in original application
no.296/2023 have been disposed off by the Hon'ble NGT vide order dated 25.08.2023
(copy enclosed). Accordingly, the brief details in the matter are as under:-

1. A temple was found constructed without any permission of the competent authority by the DTP(Enf.) Faridabad on 19.04.2023.
2. Show cause notice and restoration order dated 10.05.2023 were issued against the said construction for restoring the land to its original state.
3. However, DTP(Enf.) Faridabad did not take any conclusive action against the temple building keeping in view of the representation dated 05.06.2023, duly signed by residents of the society.
4. DTP(Enf.) Faridabad also got inspected the site on 01.06.2023, jointly by representative of HSPCB, HSVP and DTP(Enf.) Faridabad. It was found that the said construction of temple has been carried out on the areas earmarked as green, open space & open parking area as per approved layout plan of the project sanctioned by Directorate vide memo no. 29090 dated 19.11.2007.
5. During the site inspection by DTP(Enf.) Faridabad, it was also found that the said temple has been constructed over an area measuring 125 sqm., out of which approx. 40 sqm. of the constructed portion is falling within the area

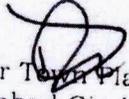
marked as green and rest of the area measuring 85 sqm. found to be existed in the open area and the area earmark for open surface parking. A copy of part layout plan showing the temple building by DTP(Enf.) Faridabd is enclosed.

It is relevant to mention here that recently, report of occupation certificate of tower J & K received from DTP, Faridabad vide memo no. 4129 dated 12.12.2023 was forwarded to HQ vide this office memo no. 4342 dated 18.12.2023. Accordingly, area details of the project are as under:-

Attributes	Permissible area (in sqm.)	Sanctioned Area (in sqm.)	Already Achieved Area (in sqm.)	Built up area of temple site (in sqm.)
Ground Coverage	24781.444	11450.93		125
FAR	123269.25	123179.925	121044.419	125

Keeping the above facts in view, the request of Piyush Height Residents Welfare Association, Sector-89, Faridabad for composition of existing temple building may be decided at Directorate level please.

DA/ As above


Senior Town Planner,
Faridabad Circle,
Faridabad. No. 08-01-24

Endst. no. 76

A Copy is forwarded for District Town Planner(Enf.) Faridabad for information and further necessary action please.

Dated 08/01/24
Planner(Enf.) Faridabad for


Senior Town Planner,
Faridabad Circle,
Faridabad. No. 08-01-24.


Dist. Town Planner
Enforcement, Faridabad