

**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)

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Place: Faridabad
Date: 21.08.2024


 (Rajender T. Sharma)
 District Town Planner
 Enforcement Faridabad

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Action Taken Report of District Town Planner,
Enforcement, Faridabad in compliance of order dated
09.05.2024

1. The applicant vide execution application no. 48/2023 in OA in original application no. 427/2023 is seeking execution of the statement 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 and the matter is now listed for hearing before Hon'ble NGT on 23.08.2024.
2. That it is brought to the kind notice of Hon'ble Tribunal that vide orders dated 25.08.2023 the Hon'ble Tribunal has made observations that parties are taking consequential steps/remedial action before the appropriate authority, therefore at this stage, no interference by tribunal is required. The application of the RWA dated 29.12.2023 for composition of unauthorized construction of temple building near tower-J & K of Piyush Heights Sector-89,



Faridabad has been refused by Director, Town & Country Planning (DTCP) Haryana vide memo no. ZP-261 Vol-II/AD(GK)/2024/11200 dated 01.04.2024 (**Annexure-R/1**). However, the RWA Piyush Heights has filed a request on 29.04.2024 for review of order dated 01.04.2024 and in this regard directions have been issued by DTCP, Haryana vide letter dated ZP-261 Vol-II/AD(GK)/2024/21923-25 dated 17.07.2024 to District Town Planner (Planning) Faridabad for re-survey of site of the temple in question (**Annexure-R/2**).

3. That in view of the aforesaid directions of DTCP, Haryana a re-survey has been conducted by District Town Planner (Planner) Faridabad and as per information received from District Town Planner (P) Faridabad, the required green area as per approved layout plan of the Piyush Heights Group Housing Colony is measuring 10620.619 Sqmt. whereas the total available green area at site as on date is measuring 14484.48 Sqmt. after excluding the temple structure (125 Sqmt.) as well as the Under Ground Tank Mumty (101.65 Sqmt.). It is brought to the kind notice of Hon'ble Tribunal that the area under demolished primary school building measuring 4070 Sqmt. is now being utilized and maintained as green area and hence it is evident that the available green area at site as on date is approx 40% more than the required and approved green area. The report of District Town Planner (P) Faridabad has been forwarded to DTCP, Haryana on 08.08.2024 and same is

under consideration in view of the review application of the Piyush Heights RWA.

4. That keeping in view the aforesaid developments, the answering defendant has issued a final opportunity to the RWA vide letter dated 12.07.2024 for complying with the directions contained in the restoration order dated 10.05.2023 for restoring the site of temple building within 15 days. The RWA appeared in the office on 29.07.2024 and apprised about the pendency of their review application in view of the order dated 01.04.2024 issued by DTCP, Haryana for refusal of composition of temple building and thereby requested for extending the time limit for taking action up to festival of "Raksha Bandhan" to be celebrated on 19.08.2024 keeping in view the sentiments of residents of the said group housing colony. The site has been got visited on 20.08.2024 and a sealing drive has been scheduled for 22.08.2024 and thereby the temple building shall be sealed keeping in view the review application of Piyush Heights RWA and further action in the matter shall be taken up subsequent upon the final decision by DTCP, Haryana in respect of the review application.


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

Date: 21.08.2024
Place: Faridabad

ANNEXURE - R/1

DIRECTORATE OF TOWN AND COUNTRY PLANNING, HARYANA
Nagar Yojana Bhavan, Plot No. 3, Block-A, Sector-18-A, Madhya Marg, Chandigarh.
Tele -Fax: -0172-2548475; 0172-2549851, E-mail:tcpharyana7@gmail.com
Web Site www.tcpharyana.gov.in

To

Senior Town Planner,
Faridabad.

Memo No. ZP-261 Vol-II/AD(GK)/2024/ 11200 Dated:- 01/04/24

Subject: Request for permission to set up "Temple (Religious Building)" in Group Housing Scheme over an area measuring 17.406 acres (License no. 161 & 162 of 2007 dated 28.03.2007) in Sector-89, Faridabad being developed by Piyush Buildwell India Ltd.

Reference: Your office memo dated 08.01.2024 on the subject cited above.

On the subject cited above, it is intimated that the request of the Piyush Height Residential Welfare Association for compounding of unauthorized construction of "Temple (Religious Building)" near Tower-J & K of Piyush Height in the subjected license received vide letter under reference has been examined in this office and observed that temple has been constructed over an area measuring 125 sqm. out of which approx. 40 sqm. of the constructed portion falls within area marked for green and rest 85 sqm. area falls within in the open area (area earmarked for open surface parking). Further, as per Act/Policy, the constructed temple is in violation and cannot be compounded.

Hence, I have been directed to inform you that the application for compounding of unauthorized construction of "Temple (Religious Building)" near Tower-J & K of Piyush Height has been refused by DTCP. This is for your kind information and further necessary action please

(Savita Jindal)

District Town Planner (HQ)

For; Director, Town & Country Planning
Haryana, Chandigarh.

Endst. No. ZP-261 Vol-II /AD(GK)/2024/ 11201-02 Dated 01/04/24

A copy of the above is forwarded to following for information and further necessary action in the matter please.

1. District Town Planner, Faridabad
2. Sh. Rajesh Mittal C/o Trust Luxmi Narayan Temple, Piyush Height, Sector-89, Faridabad.

District Town Planner
Faridabad

(Savita Jindal)

District Town Planner (HQ)

For; Director, Town & Country Planning
Haryana, Chandigarh.

DIRECTORATE OF TOWN AND COUNTRY PLANNING, HARYANA
Nagar Yojana Bhavan, Plot No. 3, Block-A, Sector-18-A, Madhya Marg, Chandigarh.
Tele -Fax: -0172-2548475: 0172-2549851, E-mail:tcpharyana7@gmail.com
Web Site www.tcpharyana.gov.in

To

District Town Planner,
Faridabad.

Memo No. ZP-261 Vol-II/AD(GK)/2024/ 21923 Dated:- 17/07/24

Subject: Request for review of order memo no. ZP-261 Vol-II/AD(GK)/2024/11202 dated 01.04.2024.

Reference: In reference to this office memo dated 01.04.2024 & applicant request dated 29.04.2024 on the subject cited above.

Please find enclosed herewith copy of request from residents of Piyush Height Society in reference to the review of this office letter dated 01.04.2024. You are requested to re-survey the site of Temple (Religious Building) and send your report through STP, Faridabad within 7 days.

(Savita Jindal)

District Town Planner (HQ)

For; Director, Town & Country Planning
Haryana, Chandigarh.

Endst. No. ZP-261 Vol-II /AD(GK)/2024/ 21924-25 Dated 17/07/24

A copy of the above is forwarded to following for information please.

1. Senior Town Planner, Faridabad
2. Sh. Bijender Singh, H.no. 215, C/o Trust Luxmi Narayan Temple, Piyush Height, Sector-89, Faridabad.

(Savita Jindal)

District Town Planner (HQ)

For; Director, Town & Country Planning
Haryana, Chandigarh.

District Town Planner
Faridabad