

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

IA No. 485 / 2025

In

OA NO. 1091/2024

In the matter of: News Item titled "Gurgaon farmhouses back Raze & rebuild cycle ensures Raisina never heals" appearing in the Times of India dated 28.07.2024

And in the matter of:

Ansal Retreat Resident Welfare Association (Regd)

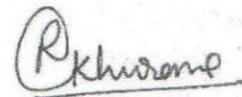
IA Applicant

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Date: 17.02.2026

Through



Rahul Khurana, Advocate  
A-174, 2<sup>nd</sup> Floor, Defence Colony  
New Delhi, 09811894060  
rkhuranalegal@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

IA No. 485 / 2025

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In the matter of: News Item titled "Gurgaon farmhouses back Raze & rebuild cycle ensures Raisina never heals" appearing in the Times of India dated 28.07.2024

And in the matter of:

Ansal Retreat Resident Welfare Association (Regd)

IA Applicant

REPLY ON BEHALF OF RESPONDENT NO.2 and 5

Most Respectfully Showeth:

1. That present IA under reply has been filed seeking following prayers:

- (i) Pass an order recalling the suo moto Order dated 23.08.2024 passed in the present matter taking cognizance of false news item titled "Gurgaon farmhouses back Raze & rebuild cycle ensures Raisina never heals" appearing in the Times of India dated 28.07.2024;
- (ii) Issue notice to the author of the news item titled "Gurgaon farmhouses back Raze & rebuild cycle ensures Raisina never heals" appearing in the Times of India dated 28.07.2024 on basis of which this Hon'ble Tribunal has been misled to take suo motu cognizance to disclose the evidentiary material on basis of which the misleading article has been published which has led to an abject abuse of process of law;
- (iii) Pass an order directing Respondent Nos.1 to 5 not to take any coercive action with respect to the properties belonging to the Instant Applicant and its members situated at Khewat No.28 and 29, Village Raisina, Tehsil Sohna, District Gurgaon; and/or

- (iv) Pass an order granting interim protection against any coercive action by the Respondent Nos.1 to 5 with respect to the properties belonging to the Instant Applicant and its members situated at Khewat No.28 and 29, Village Raisina, Tehsil Sohna, District Gurgaon during the pendency of the instant Application; and/or

2. That present reply is being filed through Sidharth Bhargava, Regional Officer, Gurugram Region (South) who is authorised and competent to file the same on behalf of answering respondents.

3. That primarily applicant has challenged the suo moto cognizance of the present matter by this Hon'ble Tribunal vide order dated 23.08.2024. In regard to action initiated by the MC, Sohna, it is submitted that said independent authority is also party to the present OA and same has filed its separate reply to present IA. The present reply is being filed dealing with issue of status of revenue record and applicability of Aravali Notification, 1992.

4. That this Hon'ble Tribunal has already passed the orders in OA No.4/2013 (Sonya Ghosh) which are not being referred herein for the sake of brevity. It is relevant to mention here that an order dated 11.06.2020 for correction of entries to Gair Mumkin Pahar in revenue record was passed by the Respondent No.5. The applicant in present IA has challenged said order by way of the Civil Writ Petition No.10286 of 2020 before Hon'ble High Court of Punjab & Haryana at Chandigarh. Copy of Civil Writ Petition No.10286 of 2020 is already annexed with present IA as Annexure A-22. Copy of order dated 12.06.2020 passed by Respondent No.5 (Hindi version) is annexed herewith as **Annexure-R/1**. Copy of translated Copy annexed with said Civil Writ Petition No.10286 of 2020 as Annexure P-18 is annexed herewith as **Annexure-R/2**.

5. That Hon'ble High Court vide order dated 20.07.2020 stayed the operation of order dated 11.06.2020 of Respondent No.5. Copy of order dated 20.07.2020 passed by Hon'ble High Court in Civil Writ Petition No.10286 of 2020 is annexed herewith as **Annexure-R/3**.

6. That written statement to said writ petition has been filed on behalf of answering respondents. Copy of written statement dated 17.03.2021 (without annexures) is annexed herewith as **Annexure-R/4**.

7. That said writ petition is pending before Hon'ble High Court of Punjab & Haryana at Chandigarh and NDOH shown is 13.03.2026.

In view of the facts and circumstances mentioned herein, present IA is not maintainable and it is humbly prayed that present IA may kindly be dismissed.

  
Regional Officer,  
Gurugram Region (South)

Date:17.02.2026  
Place: Gurugram

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

This document has been registered

IA No. 485 / 2025

at Sr. No. 808 ..... Book No. 3

In

Page No. 166 ..... On Dated. 17/2/26

OA NO. 1091/2024

In the matter of: News Item titled "Gurgaon farmhouses back Raze & rebuild cycle ensures Raisina never heals" appearing in the Times of India dated 28.07.2024

AFFIDAVIT

I, Sidharth Bhargava, Regional Officer, Gurugram Region (South), aged about 39 years do hereby solemnly affirm and state as under:

1. That I am authorized representative of Respondent No.2 and 5 in present case. I am well conversant with the facts and circumstances of the case, therefore, I am competent to swear this affidavit.
2. That I have read the contents of accompanying reply which has been drafted under my instructions.
3. That annexures are true copy of their originals.

  
DEPONENT

VERIFICATION

Verified that the contents of above affidavit are true and correct to my knowledge and on the basis of information derived from the Official record which I believed to be true and no material fact has been concealed therein.



17 FEB 2026

ATTESTED

  
SURAJ BHAN  
ADVOCATE & NOTARY  
GOVT. OF INDIA  
DIST. GURUGRAM (HARYANA), INDIA

17 FEB 2026

  
DEPONENT

इस कार्यालय के पृ० क्रमांक 1894-1907 एस०के० 2 दिनांक 12.06.2020 के निरन्तरता में:- .

तरमीमी आदेश जिला कलैक्टर दिनांक 11.06.2020

जिला गुरुग्राम में प्रायः यह देखने में आया है कि अरावली के पहाड़ों की गिरदावरी गैरमुमकिन पहाड की जगह गैर मुमकिन फार्म हाउस व गैर मुमकिन चार दिवारी व सडक इत्यादि का इन्द्राज खसरा गिरदावरी में किया हुआ है। जबकि मौके पर गैर मुमकिन पहाड है।

राजस्व रिकार्ड में गैर मुमकिन पहाड अरावली नोटिफिकेशन 07.05.1992 के लिये रिजर्व है। उक्त विषय में माननीय पंजाब एवं हरियाणा उच्च न्यायालय CRM Nos M-51514 of 2007 & 880 of 2010 द्वारा औवजरवेशन दी है, व केस अनुमान OA No. 4 of 2013 सोनिया घोष बनाम स्टेट ऑफ हरियाणा व वैलफेयर सोसायटी बनाम यूनियन ऑफ इंडिया में आदेश दिनांक 23.10.2018 माननीय न्यायालय एन०जी०टी० द्वारा भी आदेश पारित किये है, कि यदि कोई पटवारी बिना किसी सक्षम लीगल अथोरटी के आदेश के राजस्व रिकार्ड में गैर मुमकिन फार्म हाउस चारदिवारी सडक इत्यादि का इन्द्राज करता है। तो इस प्रकार का इन्द्राज stray entries ( फिजूल का इन्द्राज ) माना है इस प्रकार के इन्द्राज को नजरअंदाज ( Ignore ) किया जाना चाहिए। अतः राजस्व रिकार्ड में किस्म गैर मुमकिन पहाड दुरुस्त करने के आदेश पारित करता हूँ।

-हस्ता/-

जिला कलैक्टर, गुरुग्राम।

पृ० क्रमांक 1932-45/एस.के. 2

दिनांक 16-6-20

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. उपमण्डल अधिकारी (ना०), गुरुग्राम, बादशाहपुर, पाटौदी, सोहना।
2. तहसीलदार - गुरुग्राम मानेसर, सोहना, फरुखनगर, पाटौदी, वजीराबाद व उप-तहसीलदार बादशाहपुर, कादीपुर व हरसरु।
3. नायब सदर कानूनगों, सदर कानूनगों शाखा।



कृते: जिला कलैक्टर, गुरुग्राम।

आदेश जिला कलेक्टर दिनांक 11.06.2020

जिला गुरुग्राम में प्रायः यह देखने में आया है, कि अरावली के पहाड़ों की गिरदावरी गैरमुमकिन पहाड़ की जगह गैरमुमकिन फार्म हाउस व गैरमुमकिन चारदिवारी व सड़क इत्यादि का इन्द्राज खसरा गिरदावरी में किया हुआ है। जबकि मौके पर गैरमुमकिन पहाड़ है।

नोटिफिकेशन दिनांक 07.05.1992 के अनुसार गैरमुमकिन पहाड़ वन क्षेत्र के लिए रिजर्व है। उक्त विषय में माननीय पंजाब एवं हरियाणा उच्च न्यायालय CRM Nos M-51514 Of 2007 & 880 of 2010 द्वारा औवजरवेशन दी है, व केस अनुमान OA No 4 ऑफ 2013 सोनिया घोष बनाम स्टेट ऑफ हरियाणा व हरियाणा वैलफेयर सोसाइटी बनाम यूनियन ऑफ इंडिया में आदेश दिनांक 23.10.2018 माननीय न्यायालय एन0जी0टी0 द्वारा भी आदेश पारित किये हैं, कि यदि कोई पटवारी बिना लीगल अथोरटी के आदेश के राजस्व रिकार्ड में गैरमुमकिन फार्म हाउस, चारदिवारी, सड़क इत्यादि का इन्द्राज करता है। तो इस प्रकार का इन्द्राज **stray entries** (फिजूल का इन्द्राज) माना है इस प्रकार के इन्द्राज को नजरअदाज (Ignore) किया जाना चाहिए। अतः राजस्व रिकार्ड में किस्म गैर मुमकिन पहाड़ दूरुस्त करने के आदेश पारित करता हूँ।

—हस्ता/—

जिला कलेक्टर, गुरुग्राम।

पृ० क्रमांक 1894-1907. /एस.के. 2

दिनांक 12.6.2020.

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. उपमण्डल अधिकारी (ना0), गुरुग्राम, बादशाहपुर, पाटौदी, सोहना ।
2. तहसीलदार —गुरुग्राम मानेसर, सोहना, फरुखनगर, पटौदी, वजीराबाद व उप—तहसीलदार बादशाहपुर, कादीपुर, हरसरु।
3. नायब सदर कानूनगो, सदर कानूनगो शाखा।

कृते: जिला कलेक्टर, गुरुग्राम।

The order District Collector dated 11.06.2020

In District Gurugram it has been often seen, that the entry of Aravalli hills in girdawari have been recorded as gair mumkin farm house, gair mumkin boundary wall and road etc. instead of gair mumkin farm house.. While on the spot, there is a non-existent mountain.

As per notification dated 07.05.1992, gair mumkin pahar is reserved as forest area. In respect to above matter, there has been observation by the Hon'ble Punjab and Haryana High Court in CRM Nos M - 51514 Of 2007 & 880 of 2010, and in OA No 4 of 2013 Sonia Ghosh vs State of Haryana and Haryana Welfare Society vs Union of India Hon'ble Court NGT has also passed order dated 23.10.2018, that if a Patwari enters the non-existent farm house, boundary wall, road etc. in the revenue record without the order of legal authority, then this type of entry is to be considered as stray entries (fijool ka Indraj), this type of entry should be ignored. Therefore, I pass orders to correct these entries to gair mumkin pahar in the revenue record.

Sd/- / District Collector, Gurugram.

Page number 1894-1907. / Sk 2 dated 12.6.2020.

A copy of this is sent to the following for information and necessary action.

1. Sub Divisional Officer (N), Gurugram, Badshahpur, Pataudi, Sohna.
2. Tehsildar - Gurugram Manesar, Sohna, Farukhnagar, Pataudi, azirabad and Sub-Tehsildar Badshahpur, Kadipur, Harsaru.
3. Naib Sadar Kanungo, Sadar Kanungo Branch

District Collector, Gurugram.

Come at Koyalat  
Sundar  
Adu

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115 CWP-10286-2020  
ANSAL RETREAT RESIDENT WELFARE ASSOCIATION VS STATE OF  
HARYANA AND ANOTHER

Present : Mr. Sumit Jain, Advocate for the petitioner.  
\*\*\*\*\*

Submits *inter alia* that the present petitioner is the Association, of which the writ petitioners in CWP No.7719 and 2020 were the members.

The said writ petition was disposed off by a Division Bench of this Court on 30.06.2020, with a direction that the Municipal Council, Tehsil Sohna would grant an opportunity of hearing not only the petitioners in the said writ petition, but also to the other similarly situated persons who were notified about the proposed demolition, within a period of 07 days.

Submits further that to defeat the purpose of the aforesaid decision, respondent No.2, i.e., the District Collector, Gurugram, who was also a party in the previous writ petition being respondent No.4, has passed the impugned order dated 11.06.2020, which would have the effect of making the case of all the affected persons being rendered redundant, on account of a simple executive direction, to disregard entries in the Revenue Records drawn up since prior to the disputed date of notification, i.e., 07.05.2020.

Notice of motion.

Mr. Rajesh Gaur, Additional Advocate General, Haryana, to accept notice on behalf of the respondents. Let a requisite number of copies of the Paperbook be supplied to him.

Adjourned to 30.09.2020.

In the meantime, operation of the impugned order shall remain stayed. However, this order shall not come in the way of Municipal Council, who is not a party in the present writ petition, to comply with the order passed in CWP No.7719 of 2020.

**July 20, 2020**

*Ali*

**(SUDIP AHLUWALIA)  
JUDGE**

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**BEFORE THE HIGH COURT OF THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH**

IN C.W.P. No. 10286 of 2020

Ansal Retreat Resident Welfare Association

.....Petitioner

**Versus**

State of Haryana &amp; Anr

.....Respondents

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Place: Gurugram  
Dated: 17.03.2021

(Yash Garg, IAS),  
Deputy Commissioner, Gurugram  
For and on behalf of Respondents no. 1 & 2

**BEFORE THE HIGH COURT OF THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH**

IN C.W.P. No. 10286 of 2020

Ansal Retreat Resident Welfare Association

.....Petitioner

**Versus**

State of Haryana & Anr

.....Respondents

*State of Haryana*  
*17/3/21*

2021  
*State of Haryana* Rs. 20  
*17/3/21*  
बीस रुपये TWENTY RUPEES

*State of Haryana*  
*17/3/21*

*State of Haryana*  
*17/3/21*

Place: Gurugram  
Dated: 17.03.2021

(Yash Garg, IAS),  
Deputy Commissioner, Gurugram  
For and on behalf of Respondents no. 1 & 2

516

**BEFORE THE HIGH COURT OF THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**In the Matter of:**

C.W.P. No. 10286 of 2020

Ansal Retreat Resident Welfare Association

.....Petitioner

***Versus***

State of Haryana & Anr

.....Respondents

**WRITTEN STATEMENT OF YASH GARG, IAS, DEPUTY COMMISSIONER  
GURUGRAM FOR AND ON BEHALF OF RESPONDENTS NO. 1 & 2**

**RESPECTFULLY SHOWETH:**

**PRELIMINARY OBJECTIONS/SUBMISSIONS:**

1. That the present petition is bad for non-joinder of necessary parties as the Ministry of Environment and Forests (Government of India), Forest Department Haryana, Haryana State Pollution Control Board, Municipal Council Sohna, Dakshin Haryana Bijli Vitran Nigam and Director Town and Country Planning, Haryana have not been arrayed as respondents to the present petition. Thus, this petition is liable to be dismissed on this ground alone.
2. That it is visible from the Jamabandi for the year 1985-1986, that the nature of the land in question i.e land of Aravalli hills of Village Raisina, District Gurugram was "Gair Mumkin Pahar" and by the time of preparation of Jamabandi for the year 1990-1991, the same was collusively changed to "Gair Mumkin Farmhouse" etc. in the revenue record by the revenue officials in connivance with the petitioner and other private persons. It is submitted that the petitioner and many other persons have built up the alleged farmhouses by changing the nature of the land and are endangering fragile ecology of the Aravallis in violation of the notification dated 07.05.1992 issued by the Ministry of Environment and Forests (Government of India). Further, it is submitted that there is no revenue terminology called "Gair Mumkin Farmhouse" in the revenue laws. A true copy of the Jamabandi for the year 1985-1986 is annexed as **Annexure R-1**.

3. That when the change of revenue records came to the notice of authorities in 2005-06, a committee was constituted under the chairmanship of the then Deputy Commissioner, Gurugram. The said committee had also inspected the area on 23 February, 2006 and found that the land was part of the hills where unauthorised construction had been raised by some persons. Accordingly, the Deputy Commissioner cum Collector, Gurugram vide its order dated 23.02.2006 had directed the revenue officials to correct the revenue entries from "Gair Mumkin Farmhouse" to "Gair Mumkin Pahar". A true copy of the order dated 23.02.2006 is annexed as **Annexure R-2**.
4. That upon noticing certain violations of the Aravalli Notification dated 07.05.1992, the State Government constituted a sub-committee in May 2006 consisting of officers of the Haryana State Pollution Control Board, Forest Department, Haryana, and the representatives of District Administration, Gurugram. The said committee submitted its report wherein it was observed that large number of farm houses had come up in the Aravalli hills areas in violation of the Aravalli Notification dated 07.05.1992 for which prior environmental clearance was required under this notification. The land in possession of the petitioner, which was developed as farm house illegally, was shown as Gair Mumkin Pahar in the Khasra Girdawari of October, 1990. A true copy of the report is annexed as **Annexure R-3**.
5. That thereafter, an inquiry was conducted in the matter by District Revenue Officer (DRO), Gurugram wherein he observed in his report dated 29.12.2006, that it is surprising that so many khasra numbers have been changed from Gair Mumkin Pahar to Gair Mumkin Farmhouse because this involves lot of cost. Secondly, this change cannot be completed within a small span of time of Kharif 1990 and Rabi 1991. It was also observed by DRO in his report that the Patwari was supposed to record this change in the daily diary as per Land Record Manual No. 9.9 sub para 'e', but it has not been done. A true copy of the report dated 29.12.2006 is annexed as **Annexure R-4**.
6. That the Haryana State Pollution Control Board, filed criminal complaints against the violators of the notification dated 07.05.1992 in the Special Environment Court at Faridabad. The said complaints were challenged by way of filing CRM Nos. **M-51514 of 2007 titled as M/s Ansal Properties and Infrastructure Ltd. & Ors. V. Haryana State Pollution Control Board** and **CRM No. M-880 of 2010 titled as Arvinder S. Brara V. Haryana State Pollution Control Board (alongwith connected petitions)**. The said CRMs were decided by this hon'ble court by a

common order dated 03.05.2012, whereby this Hon'ble court in para no. 34, made the following observations:-

*"Concededly, the developers have got changed the kind of land from Gairmumkin Mountain (Pahad) to Gairmumkin Farm houses. If any Patwari without any legal authority had made the stray entries in the Khasra Girdawari for some consideration and for the reasons best known to him, which were illegal & without any authority and further carried out in the column of Jamabandi and Aksh Sizra then, such stray and illegal entries are non est, void and are not sufficient to hold that the land in litigation was Gairmumkin Farm houses. Such entries deserve to be outrightly ignored and kind of land in dispute (Gairmumkin Mountain (Pahad)) would remain the same for all intents and purposes in this relevant behalf."*

Further, this Hon'ble court in its order dated 03.05.2012 also observed in para no. 36 as under:

*"Likewise, there can hardly be any dispute that the Acts of 1963 & 1975 operate altogether differently in their respective domain/fields. The purpose, aims, object, scope, jurisdiction, area, manner of operation, ambit, action and remedies of these Acts are entirely different and are not at all relatable in any manner to the provisions of the Act of 1986 and the notification (Annexure P5). Therefore, the letters (Annexures P2, P3, P9, P10 & P12-A) written by the Director, Town & Country Planning, Executive Engineer, Electrical Inspectorate, Haryana etc. under the different Acts and the alleged clarification made by the Additional Director of the Central Government, vide letter dated 1.11.2006 (Annexure P17) (in CRM No.M-51514 of 2007) & (Annexure P12) in (CRM No. M-880 of 2010) and reports of the Patwari/Tehsildar (irrelevant authorities), ipso facto, are not at all sufficient to wipe out the criminal liability/offences committed by the petitioners-accused under the Act of 1986 and notification (Annexure P5), particularly when it is not yet clear/proved that they were legally competent/authorized to issue such clarification in this respect."*

A true copy of the order dated 03.05.2012 passed by this High Court in CRM No. M-51514 of 2007 and CRM No. M-880 of 2010 is annexed as **Annexure R-5**. The petitioner has concealed these facts from this Hon'ble Court. Hence, the present petition is liable to be dismissed.

7. That the above matter was also considered by the **National Green Tribunal, Principal Bench, New Delhi** in Case titled **Sonya Ghosh v Union Of India (OA No. 04 of 2013) & Ors and Haryali Welfare Society v Union Of India & Ors (OA No. 28 of 2015)** in its order dated 23.10.2018. For complying the above order of this Hon'ble Court and NGT, the then Deputy Commissioner Gurugram passed the order dated 11.06.2020 and after receiving a copy of the said order, rapat No. 499 dated 16.06.2020 and rapat No. 504 dated 17.06.2020 were made by the Halqa Patwari, Raisina in the Rapat Roznamcha for giving effect to the said orders. However, no entry qua the said order is made in the Jamabandi till date. A true copy of order dated 23.10.2018 passed by the National Green Tribunal, a true copy of the rapat No. 499 and of the rapat No. 504 are annexed as **Annexures R-6 to R-8**, respectively.

Further, the hon'ble NGT in its order dated 23.10.2018, observed in para no. 26 that:

*"The Notification dated 07.05.1992 also refers to the area shown as forest land. According to the State of Haryana itself, the area covered by Notification under Sections 4 and 5 of the PLPA Act is treated as forest land by the State Area covered by PLPA notification is also part of the above table. Moreover in the judgment of the Hon'ble Supreme Court in **M.C. Mehta Vs. Union of India (2004) 12 SCC 118**, after referring to earlier judgment in **T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (1997) 2 SCC 267**, it was made clear that area covered by the Notification under Sections 4 and 5 of the PLPA Act was to be treated as forest area."*

In view of the above made submissions, the present petition is liable to be dismissed.

#### **PARAWISE REPLY:**

1. That the contents of para no.1 of the petition qua formation of society by farmhouse owners is denied for want of knowledge and the petitioner be put to strict proof thereof. Rest of the contents of this para are wrong and denied. It is submitted that no fundamental or legal right of the petitioner has been infringed that entitles the petitioner to invoke the extraordinary jurisdiction of this Hon'ble Court by way of filing this writ petition.

2. That the contents of para no.2 of the petition regarding factum of number of members of society and their ownership of the alleged farmhouses are wrong and denied for want of knowledge and the petitioner be put to strict proof thereof. Further, it is submitted that order dated 11.06.2020 (wrongly mentioned in petition as 12.06.2020) passed by respondent no.2 is not the creation of his own mind rather

The said order is passed to implement the observations dated 03.05.2012 of this Hon'ble court passed in CRM NO. 51514 of 2007 and directions dated 23.10.2018 issued by Hon'ble NGT in O.A. No. 28 of 2015.

3. That the contents of para no.3 of the petition are wrong and denied. It is submitted that the alleged farmhouse owners had raised construction illegally over the mountain land in Raisina village and got the entry made in Khasra Girdawari for the year 1990-1991 in collusion with some revenue officials to defeat the notification dated 07.05.1992 and hence the same are not sustainable in the eyes of law.

4. That the contents of para no.4 of the petition are wrong and denied. It is submitted that taking undue advantage of the wrong entries in the revenue record, the members of petitioner society has constructed the boundary walls, houses and roads in the Aravalli hills of Village Raisina in violation of the notification dated 07.05.1992 issued by the Ministry of Environment and Forests (Government of India). It is further submitted that the observations made by this Hon'ble Court in CRM No. M-51514 of 2007 may be read as part and parcel to the reply of this para as the same are not repeated herein for the sake of brevity. Submissions made in para no 6 of the preliminary submissions are reiterated to avoid repetition.

5. That the contents of para no. 5 of the petition are wrong and denied. It is submitted that such communications were procured in order to circumvent the notification dated 07.05.1992. Further, it is submitted that tactically the Director Town and Country Planning Department, Haryana has not been arrayed as a party to the petition by the petitioner which could have replied about the communication in a better way.

6. That the contents of para no. 6 of the petition are wrong and denied. It is submitted that the alleged construction took place after the issuance of the notification dated 07.05.1992 and the revenue record was prepared in collusion with the revenue officials to circumvent the notification dated 07.05.1992. Further, the observations made by this Hon'ble Court in CRM No. M-51514 of 2007 may be reiterated here in reply to this para as the same are not repeated herein for the sake of brevity. Submissions made in para no 6 of the preliminary submissions are reiterated herein to avoid repetition.

7. That the contents of para no. 7 of the petition are admitted to the extent of issuance of notification dated 07.05.1992 and the rest of the contents of this para are wrong and denied. However, in order to defeat the purposes of the notification

dated 07.05.1992, the alleged construction has been shown from the back date by

fabricating the revenue record by members of petitioner society etc. in collusion with the revenue officials.

8. That the contents of para no. 8 of the petition are wrong and denied. It is submitted that the report of District Revenue Officer, Gurugram itself indicates some foul play in the change of revenue record of Village Raisina. It is mentioned in the report that the nature of the land cannot be changed by the project proponent within a short span of five months i.e. October, 1990 to March, 1991 in a large area.

9. That the contents of para no. 9 of the petition are wrong and denied for the want of knowledge. It is submitted that intentionally the Forest Department, Haryana has not been arrayed as party to the present petition which could have replied well about the authenticity of the letter dated 29.06.1993. It is further submitted that the alleged members of petitioner society got changed the revenue records fraudulently. Further, it is submitted that the areas falling under the Aravalli hills of Village Raisina are prohibited under section 4 of the Punjab Preservation Act, 1940 in whole of this revenue estate and a warning to the buyers of these farm houses in Aravalli hills of Raisina Village by the Divisional Forest Officer, Gurugram which was published in the Hindustan Times dated 22.08.1989. A true Copy of the same is annexed as **Annexure R-9.**

10. That the contents of para no. 10 of the petition are admitted to be correct. It is submitted that the petitioner had made unauthorised construction in the Aravalli hills of Village Raisina because of which complaints were rightly filed by the Haryana State Pollution Control Board.

11. That the contents of para no. 11 of the petition are a matter of record being the contents of the judgment passed by the Special Environment Court. However, in its para no. 23, it was observed by Hon'ble NGT about the judgment of the Special Environment Court that:

*"In any case, without commenting of consequence of our interpretation on an interprets judgment and pending any specific clarification of the MoEF & CC, our view is that interpretation of a notification in an eco-sensitive area should be purposive. Even if a person is not convicted by criminal court for which proof beyond reasonable doubt is required, the authorities must enforce the intent of protecting eco-sensitive area by prohibiting construction activities."*

Further in para no. 24 it was also observed by hon'ble NGT that:

*“Hyper technical interpretation should not be preferred. If in substance the category of land is covered for environment protection, by mere change of nomenclature, such areas should not be read as excluded from the Notification by the concerned authorities.”*

12. That the contents of para no.12 of the petition are a matter of record about challenging of judgment of Special Environment Court, Faridabad before this Hon'ble Court and its observations therein. However, the factum of existence of farm houses prior to notification dated 07.05.1992 are wrong and denied. The observations made by Hon'ble NGT mentioned in para no. 11 above may be read as part and parcel to the reply of this para.

13. That the contents of para no.13 of the petition are wrong and denied. It is submitted that the authenticity of communication can be verified by the Ministry of Environment and Forests, Government of India which has not been intentionally impleaded as a respondent to the present petition. Further, the contents of preliminary objections/submissions of this written statement may be read as part and parcel in reply to this para as the same are not repeated herein for the sake of brevity and conciseness.

14. That the contents of para no. 14 of the petition are a matter of record. However, it is submitted that the alleged farm houses were not in existence prior to notification dated 07.05.1992.

15. That the contents of para no. 15 of the petition are wrong and denied. It is submitted that the alleged members of petitioner society got changed the revenue records fraudulently. Further, it is submitted that the areas falling under the Aravalli hills of Village Raisina are prohibited under section 4 of the Punjab Preservation Act, 1940 in whole of this revenue estate and a warning to the buyers of these farm houses in Aravalli hills of Raisina Village by the Divisional Forest Officer, Gurugram which was published in the Hindustan Times dated 22.08.1989.

16. That the contents of para no. 16 of the petition are wrong and denied. It is submitted that the alleged farm houses were not in existence prior to notification dated 07.05.1992.

17. That the contents of para no. 17 of the petition are wrong and denied except the factum of passing of order by this Hon'ble court in CWP No. 7719 of 2020 which is a matter of record. It is submitted that the petitioner intentionally has not arrayed the Municipal Council, Sohna as party to the present petition which could have

replied well about their course of action against the violators of notification dated 07.05.1992.

18. That the contents of para no. 18 of the petition are denied for want of knowledge. It is submitted that the Municipal Council, Sohna could have replied this para very well which has not been arrayed intentionally as a party to this petition.

19. That the contents of para no. 19 of the petition are wrong and denied. It is submitted that the order dated 11.06.2020 was passed by the then Deputy Commissioner cum Collector, Gurugram in view of observation/direction of Hon'ble NGT, which is legal, well reasoned, justified and sustainable in the eyes of law .

20. That the contents of para no. 20 of the petition are wrong and denied. It is submitted that the order dated 11.06.2020 is legal, well reasoned, justified constitutional and sustainable in the eyes of law. The grounds mentioned in this para are false, frivolous and concocted one and deserves to be overlooked by this Hon'ble Court. Further, the preliminary submissions/objections be read as part and parcel to the reply of this para and the contents of which are not repeated for the sake of brevity and conciseness.

21. That the contents of para no. 21 of the petition are wrong and denied. No law point is involved in the writ petition that requires adjudication by this Hon'ble Court.

22. That the contents of Para no. 22 of the petition are denied for want of knowledge.

23. That the contents of the Para no. 23 of the petition are wrong and denied. It is submitted that the petitioner has not availed the efficacious remedy available to him before approaching this Hon'ble court.

The last para of the petition is a prayer para, which is wrong, denied and vehemently opposed.

It is, therefore, most humbly prayed that the petition under reply may kindly be dismissed with costs being devoid of merits.

Place: Gurugram

Dated: 17.03.2021

  
RESPONDENT NO. 2

For and on behalf of respondents no. 1 & 2

**VERIFICATION:**

Verified that the contents of paras no. 1 to 7 of the preliminary Objections / Submissions and that of paras no. 1 to 20, 22 & 23 of the reply on merits of the above written statement writ petition are true and correct to my knowledge based on information derived from office record which I believe to be true. No part of it is false and nothing material has been concealed therein. Submissions made in para 21 are based on legal advice which I believe to be correct.

Place: Gurugram

Dated: 17.03.2021

  
RESPONDENT NO.2

For and on behalf of respondents no. 1 & 2

**ATTESTED**  
  
Executive Magistrate  
Gurugram