

TRIBUNALAT PRINCIPAL BENCH,

NEWDELHI

Execution Application No. 48/2023 In

Original Application No. 427/2023 (I.A. No.

873/2023)

1

Ashok Chandra Gautam

Applicant

Versus

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

Respondent(s)

**Factual Report on behalf of Haryana Pollution Control Board by
Regional officer Faridabad in the Matter of Ashok Chandra
Gautam Vs Governing Body Members Of Piyush Heights Residents
Welfare Association & Ors.**

1.0 Background

Vide its Order dated 22.12.2023 in the matter of Ashok Chandra Gautam Vs Governing Body Members of Piyush Heights Residents Welfare Association & Ors. Hon'ble NGT issued the following Directions:

Grievance in this application is against failure to prevent violation of order of this Tribunal order dated 25.08.2023 passed in Original Application No. 427/2023. Submission of learned Counsel for the applicant is that in the joint factual and action taken report submitted before the Tribunal, it was stated that the action against the temple building constructed on the open space/green area will be

taken within a period of one month and considering the said report, the original application was disposed of but the respondents have not complied with the said statement and have not acted in accordance with the said statement.

NGT Directions in order dated 25.08.2023.

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.

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.

NGT Directions order dated 22.12.2023

Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service on or before next date of hearing.

2.0 Factual Report

That, in compliance of order dated 22.12.2023 the Deputy Commissioner Faridabad has directed the Senior Town Planner Faridabad and Regional office Faridabad to submit joint factual Action Taken Report vide memo. No. LFA/15-16-G-II/2024 dated 12.01.2024 **(Annexure-R/1)**.

Further, the Senior Town Planner Faridabad, Circle Faridabad has appointed District Town Planner (Enf), Faridabad vide Memo No.92 dated 09.01.2024 in case of Sh. Ashok Chandra Gautam Original Application no.427/2023 against Governing Body Members Of Piyush Heights Residents Welfare Association

&Ors. in the National Green Tribunal Principal Bench, New Delhi and requested to examine the same and file the reply to defend the case on behalf of this office. **(Annexure-R/2)**.

Further Deputy Commissioner, Faridabad has issued a letter to the District Town Planner, Enforcement, Faridabad vide memo no. LFA//146-150/G-II/2024 Dated 09-02-2024 and requested to take necessary action on said matter as per directions of Hon'ble NGT and submit report vide order dated 22-12-2023


(Annexure-R/3)

It is submitted that no action has been left pending on the part of Haryana State Pollution Control Board and remaining actions are required to be taken by Department of Town and Country Planning, Govt of Haryana.

Report is submitted for kind consideration.

PLACE: Faridabad

DATE: 26/2/24


SANDEEP SINGH.
Regional Officer
Faridabad Region

To

1. S.T.P, Faridabad
2. RO, HSPCB, Faridabad.

Memo. No. LFA/ 15-16 /G-II/2024 Dated 13/01/2024

Annexure-R/1

Subject:- Order dated 22/12/2023 in the Execution Application No. 48/2023 in Original Application No. 427/2023 (I.A. No. 873/2023) Ashok Chandra Gautam V/s Governing Body members of Piyush Heights Residents Welfare Association & Ors.

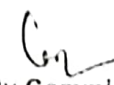
In compliance of order dated 22/12/2023 in the Execution Application No. 48/2023 in O.A No. 427/2023 (IA No. 873/2023) Ashok Chandra Gautam V/s Governing Body Members of Piyush Heights Residents Welfare Association & Ors SDM, Faridabad is appointed as representative of District Magistrate, Faridabad. You are directed to submit joint factual Action Taken Report regarding action against the temple building constructed on the open space/ green area as per said orders and to submit the same to Hon'ble NGT before the next date of hearing i.e. 28/02/2024.


for Deputy Commissioner,
Faridabad.

Endst. No. LFA/ 17-18 /G-II/2024 dated 13/01/2024

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

1. SDM, Faridabad.
2. ADA, DC office, Faridabad.
3. All other respondents.


for Deputy Commissioner,
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

Annexure-R/2

To
District Town Planner (Enf),
Faridabad.

Memo No.

Dated

PO (77)
SC 10/11/24
A.F. 10/11/24
19/11/24

Sub- I.A No. 873 of 2023 title as Sh. Ashok Chandra Gautam Vs
Governing Body Members of Piyush Heights Residents Welfare
Association & Ors.

On the subject cited matter, it is intimated that Sh. Ashok Chandra
Gautam has filed a Original Application no. 427/2023 against Governing Body
Members of Piyush Heights Residents Welfare Association & Ors. in the National
Green Tribunal Principal Bench, New Delhi. A copy of the said application along
with eclosers is enclosed herewith with the request to examine the same and file
the reply to defend the case on behalf of this office. The next date of hearing is
26.02.2024.

This may be treated as MOST URGENT.

DAJAs above

Senior Town Planner,
Faridabad Circle,
Faridabad

Encl. No. 92

Dated: 09/01/2024

A copy is forwarded to Regional Officer, Haryana State Pollution Control
Board (HSPCB) Sec-16-A, Opp: Hewo Appartment, Faridabad, for information
please.

Senior Town Planner,
Faridabad Circle,
Faridabad.

To,

Annexure-R/3

District Town Planner, (Enf),
Faridabad.

Memo. No. LFA/146 /G-II/2024 Dated: 09-02-2024

Subject:- I.A No. 873 of 2023 title as Sh. Ashok Chandra Gautam V/S
Governing Body Members of Piyush Heights Residents
Association & Ors.

Please refer to this office letter No. LFA/19-20/G-II/2024 dated
12/01/2024 (copy enclosed) and letter No. 92 dated 09/01/2024 Senior Town
Planner, Faridabad on the subject cited above.

You are requested to take necessary action on this matter as per
directions of Hon'ble NGT vide order dated 22/12/2023 on O.A No. 873 of
2023 and file reply before the next date of hearing i.e, 28/02/2024.


for Deputy Commissioner,
Faridabad.

Endrst No. LFA/147-150/G-II/2024 Dated: 09-02-2024

A Copy of above is forwarded to the following for information
and necessary compliance:-

1. SDM, Faridabad.
2. Senior Town Planner, Faridabad.
3. RO, HSPCB, Faridabad.
4. ADA, DC office, Faridabad.


for Deputy Commissioner,
Faridabad.