

**HARYANA STATE POLLUTION CONTROL BOARD**

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: www.hspcb.gov.in

Memo. No. HSPCB/FR/2020/

2705-07

Dated:

3/11/2020

To

The Registrar General,
National Green Tribunal,
New Delhi,

Sub: OA no. 775/ 2019 Varun Sheokand V/s Union of India & Ors.

In the above subject matter, the Deputy Conservator of Forests, Faridabad has sent an Action Taken Report vide email dated 03.11.2020. The said email is being forwarded for kind consideration of the Hon'ble Tribunal.

DA/as above

Frms. 53/22
03/11/2020

Skandis
Regional Officer
Faridabad Region

Endst. No. HSPCB/FR/2020

Dated:

A copy of above is forwarded to the Legal Cell, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

Skandis
Regional Officer
Faridabad Region

Endst. No. HSPCB/FR/2020/

Dated:

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

Skandis
Regional Officer
Faridabad Region

o/c

OFFICE OF
Divisional Forest Officer, faridabad

Forest Department, Haryana

sector 14 bye pass road near rose garden faridabad E. mail dfofbd2@gmail.com

No. 1195

Dated: 3-11-2020

To,

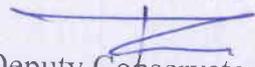
The Regional Officer,
Haryana State Pollution Control Board
Faridabad Region
Sector-16, Faridabad.

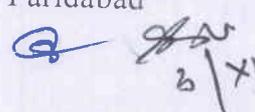
Sub: Order dated 25.02.2020 of the Hon'ble NGT Principal Bench New Delhi in the matter of OA 775/2019 Varun Sheokand V/s Union of India & Ors.

Ref: E-mail received from Sh. Anil Grover, AAG, Haryana on dated 28-11-2020 and your letter No. HSPCB/FR/2019/2663-64 Dated 30.10.2020.

In this connection, Hon'ble NGT order dated 25.02.2020 in OA No. 775/2019 Varun Sheokand V/s Union of India & Ors. directed that the Forest Department of the State may also initiate action in accordance with the law. In Compliance of aforementioned order ATR is, hereby, forwarded for necessary action please.

Treat it most Urgent.


Deputy Conservator of Forests
Faridabad


3/11



Action Taken Report in O.A. No. 775 of 2019

In compliance of order dated 26.02.2020 of Hon'ble National Green Tribunal, New Delhi passed in OA No. 775 of 2019 titled Varun Sheokand Vs. Union of India & Others

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An OA No. 775/2019 titled Varun Sheokand Vs. Union of India & Others was filed in National Green Tribunal, New Delhi alleging illegal construction activities of M/s Glen Apple Buildcon Pvt. Ltd., Kamaljeet, Kanhiyalal, Pardeep Bajaj, Rakesh Mohan Aggarwal and Narender Gupta in Khata No 208 Khevat No. 211 Killa No 6,7/2,8,9,10,11,12,13,14,15,17/2,16 Min of village Ankhir, Faridabad, which is closed under Section 4 of Punjab Land Preservation Act, 1900.

While hearing the application on 26.02.2020, Hon'ble NGT, New Delhi passed the following order:

"As per the report filed on 24.02.2020 action has been initiated but there is an injunction in operation by high Court of Punjab and Haryana . Learned counsel for the State states that remedies will now be taken against the order of injunction . The Forest Department of State may also initiate action in accordance with law."

The facts of the case are as under:-

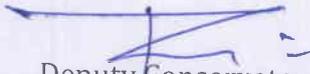
That the Forest Department, Government of Haryana, vide Notification No. S.O. 101/P.A.2/1900/S.3/92 dated 18.08.1992 notified 901 acres 6 Kanal 4 Marla of land in Village Ankhir, Tehsil Ballabhgarh, District Faridabad under section 4 of Punjab Land Preservation Act,1900, for a period of thirty years. That as per the aforesaid notifications, the Government of Haryana, in exercise of the powers conferred by section 4 of the PLPA, 1900 prohibited the acts as envisaged under section 4, for a period of thirty years from the date of publication of the said notifications in the official Gazette in the area specified in the schedule annexed to the said notifications. That as per section 4 of the PLPA, 1900, in respect of areas notified under section 3 generally or the whole or any part of any such area, the State Government may, by general or special order, temporarily regulate, restrict or prohibit;

- (a) the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under Section 3;
- (b) the quarrying of stone or the burning of lime at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under Section 3
- (c) the cutting of trees or timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in Clause (b) of this sub-section

- of any forest-produce other than grass, save for bona fide domestic or agricultural purpose of right-holder in such area;
- (d) the setting on fire of trees, timber or forest produce;
 - (e) the admission, herding pasturing or retention of sheep, goats or camels;
 - (f) the examination of forest - produce passing out of any such area; and
 - (g) the grating of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of any such area to take any tree, timber or forest produce for their own use therefrom, or to pasture sheep, goats or camels or to cultivate or erect buildings therein and the production and return of such permits by such persons.

It is stated that the Khasra no mentioned above of village Ankhir , Faridabad, in which the applicant has alleged construction is closed under Section 4 of Punjab Land Preservation Act, 1900 under which clearing and breaking of land is prohibited .

It is stated that a forest offence report No. 06/580 dated 22.4.2016 was issued for constructing a wall in village Ankhir, Faridabad, forest offence report No. 051/0452 dated 3.10.2017 was issued for constructing in area measuring 2 acre in village Ankhir, Faridabad , forest offence report No. 052/452 dated 25.10.2017 was issued for constructing a wall measuring area about 8 Acre in village Ankhir, Faridabad, forest offence report No. 055/0452 dated 11.11.2017 was issued for putting an Iron gate and cutting of 22 No. undersize Mesquit trees in village Ankhir, Faridabad. A detailed show cause notice (Annexure 1) was also issued vide letter No 590 dated 24.09.2020 against Kanhiya Lal R/o House no 430 Sector 21(A) Faridabad Respondent No 11 for the illegal construction activities in the area notified under section 4 of Punjab land preservation Act, 1900.


Deputy Conservator of Forest

Faridabad. O/C

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3/11/2020

Office of the Range Forest Officer,
Faridabad Range, Faridabad
Bye Pass Road, Sector-17, Faridabad

Phone no.:- 0129-2222322, E-Mail ID R.F.O - rfo.fbd25@gmail.com,
E-Mail ID DFO, Faridabad.-dfofbd2@gmail.com

No.: 590

Dated: 24/9/2020

To:

K.K. UJJWALA FARM,

VILLAGE ANKHIR, FARIDABAD.

Sub: Notice.

It has been reported that you have under taken non Forestry activities in land bearing khasra no. 7 AND 8 In village ANKHIR in Faridabad District.

The said land is notified under section 4 and 5 of Punjab land preservation Act, 1900. As per the order of Hon'ble Supreme Court, the land so notified under PLPA is treated as "Forest" for the purpose of Forest Conservation Act, 1980 and execution of non-forestry activities by committing illegal encroachment, leveling of ground, breaking of land, erection of boundary wall, constructing concrete structures on land notified under section 4 and 5 of PLPA, 1900 are violations of orders of Hon'ble Supreme Courts and PLPA, 1900 & Forest conservation Act, 1980. Therefore, your action amounts to violation of the PLPA 1900 and Forest Conservation Act, 1980, Hon'ble NGT orders and Hon'ble Supreme Court orders.

Hence, you are hereby called upon your explanation within 10 days from the date of receipt to this notice why action cannot be initiated against you for violation of the orders of Hon'ble Supreme Court and PLPA, 1900 & Forest (Conservation) Act, 1980. Simultaneously, you are also directed to remove all the

construction etc. and restore the original status of land. If you fail to submit your explanation or remove illegal encroachment by yourself within the specified time, the action will be initiated to remove illegal encroachment without any further reference to you. It is, hereby, clarified that no plea will be entertained after specified time. All sort of cost incurred on removal of illegal encroachment and restoration of area will be recovered from you and in case of default, it shall be a fit charge on the property and shall be recovered by disposing it under Land Revenue Act and other relevant laws. You shall also be booked under following laws for civil and Criminal offences:-

- a) Indian Forest Act, 1927
- b) Indian Penal Code, 1860
- c) Forest Conservation Act 1980.


Range Forest Officer
Faridabad.

Endst. No.: 591

Dated: 24/9/2020.

A copy is forwarded to the Deputy Conservator of Forests, Faridabad for information and necessary action.


Range Forest Officer
Faridabad.

591/18

Received By AShu
Chaukidan
24/9/20