

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.**

Original Application No.196 of 2021

IN THE MATTER OF:-

Sumit Batra & Ors.

.....Applicants

Versus

State of Haryana & Others

.....Respondents

**SUBMISSIONS ON BEHALF OF MUNICIPAL CORPORATION,
GURUGRAM.**

MOST RESPECTFULLY SHOWETH:

1. That in compliance of order dated 10.08.2021, a Report of Joint Committee has been filed on 18.04.2022. In response to said Report, applicant has filed his response dated 20.05.2022 primarily praying for direction to re-construct the boundary wall between the V-10 Street, Sector 24, DLF, Phase-III, Gurugram and the MCG land in Khasra Nos.833, 838 and 605. It is most respectfully submitted that factual position with respect to said Khasra numbers and litigation pending on the issues raised by applicant, have already been mentioned in the Report of Joint Committee in compliance of order of this Hon'ble Tribunal.
2. That it is undisputed that CWP No.6057 of 2021 titled as DLF 3 Voice - An Initiative for Better Living V/s. Union of India and Ors., as mentioned in Para Nos.10 & 11 of the Report, is pending for consideration before



Hon'ble High Court of Punjab & Haryana at Chandigarh and the same is fixed for 30.08.2022. All concerned authorities i.e. Union of India through MoEF &CC, Department of Urban Local Bodies, Officers from Town & Country Planning Department and Police Department, Haryana are being represented to assist the Hon'ble Court on the issue raised by applicant herein i.e. reconstruction of boundary wall.

3. That it is humbly submitted that the answering Corporation is committed to protect the environment. For proper disposal of construction & demolition waste generated in municipal limits of Gurugram, a processing facility has already been established in Village Basai, Gurugram. The construction & demolition waste is being lifted and sent to this designated site for scientific disposal. It is further submitted that to stop illegal dumping of construction & demolition waste, a team has been constituted to prevent such dumping and issue Challan(s) against offenders, as mentioned in Para No.12 of the Report.
4. That in furtherance of notice dated 21.12.2021 issued against construction enlarging the old existing 'Sati Mata Temple' in Khasra No.833 as mentioned in Para No.14 of the Report, it is submitted that the demolition order dated 11.01.2022 has been passed. However, same could not be complied with due to public protest and non-availability of Police Force



on the day of scheduled demolition. A copy of demolition order dated 11.01.2022 is attached herewith as ANNEXURE R/1.

5. That construction of Road as mentioned by the applicant in Para No.7 of his response is not a newly constructed Road, rather the same has been re-constructed after written request received from the Councilor, Ward No.35, Gurugram. This road provides passage from V-10 Street to Sheetla Mata Mandir (approx. 80 meter in length). A Report was also obtained from Forest Department before reconstruction of Road in question. As per said Report, the land under the Road in question is not falling under Aravali Plantation and Sections 4 & 5 of the PLP Act, 1900.

In view of the submissions made hereinabove, it is humbly prayed that the present Original Application may kindly be dismissed in the interest of Justice. Further direction(s) passed by this Hon'ble Tribunal shall be complied with sincerely.

Date:- 19.08.2022
Place:- Gurugram



Joint Commissioner-III,
Municipal Corporation,
Gurugram.

MUNICIPAL CORPORATION GURUGRAM

Annexure-R/1

Demolition Order under section 408 A (2) of Haryana Municipal Corporation Act, 1994.

Memo No. MCG/AE-III/2022/2860

Dated: 11/01/2022

To

Sh. Pandit Jai Parkash


Khasra no.833, Village-Nathupur, Gurugram.

Or

To whom so ever it may concern

Where as it has been reported by the concerned Patwari and verified by Tehsildar that you have encroached the Municipal Corporation Gurugram land by **Unauthorized Encroachment as a Temple on Khasra No. 833, Village- Nathupur, Gurugram.** within the limits of Municipal Corporation, your act of encroachment & unauthorized construction, is in contravention of the provisions of section 408 & 408 A (1) of Haryana Municipal Corporation Act, 1994.

2. You have been directed Vide this office Show Cause notice bearing no. **2795** dated **21/12/2021** **Pasted on the premises** to appear before the undersigned for personnel hearing and to immediately vacate the premises/land or building/structure constructed thereon or demolish unauthorized construction; and to show cause, why the order, for the vacation of the above premises/land and demolition of above said unauthorized construction, should not be issued and why you should not be ordered to restore the land in respect of which the aforesaid contravention has been committed, to its original state or to bring it in conformity with the provisions of the Act ibid, and the rules framed there under.
3. Whereas you have failed to do so to the satisfaction of the undersigned for the reasons mentioned below:-
 - (i) You have neither appeared before the undersigned to show cause within stipulated period submitted written reply till date.
 - (ii) You have neither restored the land nor stopped construction/use of building erected at site, which is continuing with the contravention of the provisions of the Act ibid.
4. Now I believe that you have admitted that the reason given in the show cause notice is true, hence choose not to respond.
5. Now you are hereby required to restore the land/building to its original state and demolish the unauthorized construction/illegal encroachment, raised by you within seven days of receipt of this demolition order. On failure or continuing with the contravention or the provisions of the Act ibid, the undersigned shall take necessary measures for the illegal encroachment /unauthorized construction raised by you and the expenses of such demolition shall be recoverable from you as an arrear of land revenue / tax under this Act.


Joint Commissioner-III
Exercising the powers
u/s 408 A of Haryana Municipal
Corporation Act, 1994.

