

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 178/2025**

IN THE MATTER OF:

SHIV NADAR TRUST

...APPLICANT

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

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Date-24.02.2026

Place- New Delhi

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

O.A. No. 178 of 2025

IN THE MATTER OF:

Shiv Nadar Trust

...Applicant

Versus

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...Respondents

**SUR-REJOINDER ON BEHALF OF RESPONDENT NOS. 2 & 5 TO THE
REJOINDER FILED BY THE APPLICANT**

MOST RESPECTFULLY SHOWETH:

1. That the present Sur-Rejoinder is being filed to controvert the false, misleading and self-serving averments made by the Applicant in its Rejoinder. All allegations, contentions and submissions made therein are denied in toto, save and except those specifically admitted herein.
2. That the Applicant has attempted to re-argue the original application under the garb of a rejoinder by introducing new facts, documents and arguments, which is impermissible in law and liable to be rejected on this ground alone.
3. That the Applicant has deliberately suppressed material facts relating to ownership, vesting, acquisition, and planning status of

the subject marginal land, and has approached this Hon'ble Tribunal without clean hands.

4. That the contents of the Rejoinder filed by the Applicant are denied in toto unless specifically admitted herein. The Applicant has attempted to improve its case by making repetitive, misleading and exaggerated averments, which deserve outright rejection.

I. PRELIMINARY SUBMISSIONS

5. At the outset, it is respectfully submitted that the dispute raised by the Applicant is essentially an attempt to challenge statutory vesting of acquired land, assert possessory control over The Answering Respondent's land, and interfere with planning and road alignment decisions taken by competent authorities.
6. It is submitted that the subject land forms part of land duly acquired vide Notification under Section 4 dated 14.08.2008 and Declaration under Section 6 dated 30.08.2008, culminating in Award No. 18 dated 27.08.2010 and the possession was duly taken vide RapatRojnamcha No. 813 dated 27.08.2010 and compensation was fully paid to the erstwhile Landowners. Upon passing of the Award and taking of possession, the land stood vested absolutely with the Answering Respondent free from all encumbrances under Section 16 of the Land Acquisition Act, 1894. The Hon'ble Supreme

Court in *Banda Development Authority v. Moti Lal Agarwal*, (2011) 5 SCC 394, has categorically held that once possession is taken pursuant to an award, the land vests absolutely in the State and cannot thereafter be divested. The Applicant, therefore, has no right, title, interest or lawful possession over the subject land.

7. The Applicant's reliance upon the Memorandum of Understanding ("MoU") dated 20.07.2023 executed between the Respondent No. 3 and the Applicant is wholly misconceived. The said MoU was merely a limited maintenance arrangement and did not create any ownership or possessory rights in favour of the Applicant. The MoU expressly provided that no claim over land, plants, structures shall be raised and that upon termination, no rights would survive. The said MoU has already been lawfully terminated vide Memo dated 09.05.2025. The Applicant is contractually estopped from asserting any proprietary or equitable claim over Government land.
8. It is relevant to clarify that in the alleged CWP No. 16494 of 2022 titled *Shree Energy Developers Private Limited v. State of Haryana*, the challenge to the auction proceedings was premised on an assertion that the State Government had, by way of an affidavit filed by the Additional Director, Urban Estates, Haryana in CWP No. 16085 of 2012 and connected matters, undertaken before the

Hon'ble Punjab and Haryana High Court that the marginal land along the master plan road would be maintained as a green buffer zone, and that the present utilization was in violation of such undertaking. The said contention is contrary to both law and the actual contents of the affidavit relied upon. A plain reading of the affidavit makes it clear that the green buffer zone was specifically stated to be maintained between Residential Sectors 75 to 77 and Industrial Sectors 72 to 74, and along the 75-meter-wide peripheral road. Insofar as Sectors 81 to 89 are concerned, the affidavit categorically stated that the marginal land along these sectors would be utilized for the designated use of those sectors. The relevant portion of the affidavit expressly records that in Sectors 81 to 89, where licenses had been granted under the Haryana Development and Regulation of Urban Areas Act, 1975, the marginal land along the master plan roads would be utilized for the designated use of the respective sectors. This position has also been reiterated in the reply filed by the State in CWP No. 16494 of 2022 as well as in sub-para (iv) of para 7 of the short reply filed in CWP No. 9670 of 2023 titled *Shiv Nadar v. State of Haryana*. The relevant paragraphs from the affidavit filed by the State Government is reproduced herein below:-

“(iv) That in sectors 81 to 89, the licenses under the Haryana Development and Regulation of Urban Areas Act, 1975, have been granted to the private colonizers for setting up colonies. Yet HUDA can also acquire licensed/unacquired pockets for composite development of these sectors. Hence, the marginal land along the master plan roads of these sectors will be utilized by HUDA for the designated use of these sectors...”

This fact is also mentioned in the reply filed in the aforesaid CWP No. 16494 of 2022 titled as Shree Energy vs State of Haryana as well as in sub para no. (iv) of para no. 7 of the short reply filed in CWP No. 9670 of 2023 titled as Shiv Nadar vs State of Haryana filed by the present petitioner as mentioned above.* Copy of the reply filed in the CWP No. 9670 of 2023 is annexed as **Annexure R-1.**

9. It is therefore submitted that since no statement was ever made before the Hon'ble High Court that the marginal land in Sector 82 would be maintained as a green buffer zone, the entire case set up by the Applicant is founded on a misreading of the affidavit and amounts to an attempt to mislead the Court. On the basis of such incorrect interpretation, the Applicant succeeded in obtaining an

interim order dated 29.07.2022 whereby the Hon'ble Court stayed the auction proceedings only in respect of three commercial sites. The present subject land, however, pertains to Institutional Site No. 8 (2645.70 sq. mtrs.) and Institutional Site No. 9 (2633.04 sq. mtrs.) in Sector-82, Faridabad, which are distinct from the sites covered by the interim order. These institutional sites are being adversely affected due to the unauthorised encroachment and obstruction caused by the Applicant, which would otherwise have been lawfully developed and contributed to State revenue in accordance with the approved Development Plan.

10. That it respectfully submitted that the Supreme Court has held that the NGT cannot interfere with statutory town planning exercises (such as road construction by local bodies) if they do not raise a specific environmental issue. Further on the similar cause of action, the matter is already under consideration before the Hon'ble High Court in CWP No. 9670 of 2023 titled as Shiv Nadar vs State of Haryana and the same is fixed for 09.04.2026.

II. PARA-WISE REPLY TO THE REJOINDER

11. That the contents of **Paragraph No.1** of the rejoinder are denied. The Answering Respondent have not made any incorrect or misleading statement. The Applicant has falsely alleged

suppression of facts while itself concealing material particulars relating to ownership and lawful vesting of land.

12. That the contents of **Paragraph No. 2** of the Rejoinder are wrong, misleading and denied. The allegation regarding the existence of approximately 8,000 trees is exaggerated and unsupported by any statutory record or authenticated survey, and even assuming plantation exists, the same was undertaken on the Answering Respondent's land strictly subject to the express terms of the MoU, with full knowledge that no ownership or proprietary rights would accrue. The inspection report dated 09.06.2025 undertaken by the Respondent No. 3 indicates that a substantial number of the plants are of young age and capable of relocation, and therefore no irreversible environmental damage is occasioned. The principle of sustainable development requires a balance between environmental considerations and planned infrastructure, and unilateral plantation on public land cannot defeat approved development. The Applicant's reliance on satellite or Google imagery is legally untenable, as such imagery is merely indicative and cannot determine legal character, ownership, land use classification or statutory status, nor can visual depiction of vegetation override statutory acquisition, vesting or approved development plans. Furthermore the Answering Respondent has

under taken a survey on 23.02.2026 as per the report it is found that the plot in question has been surrounded by a barb wire and the entry gate is locked furthermore the so called ponds is totally polluted and is highly unlikely that same cannot be termed as a pond. The Copy of the survey report dated 23.02.2026 along with photographs are enclosed herewith as **Annexure R-2**.

13. That the contents of **Paragraph No. 3 and 4** of the Rejoinder regarding the alleged pond and wastewater reuse are wrong, misleading and denied. The so-called pond is neither a notified nor a protected water body under any statutory provision and was created unauthorisedly on the Answering Respondent's land, without any sanction or approval. No environmental clearance, technical approval, or statutory permission for the creation of such structure has been produced on record. The said structure lies within the approved road alignment and forms part of the planned development area. The unilateral creation of a water body, without authority of law, cannot confer any legal, equitable or possessory rights upon the Applicant nor can it override statutory vesting or approved development plans. Furthermore, the Answering Respondent has under taken a survey on 23.02.2026 as per the report it is found that the plot in question has been surrounded by a barb wire and the entry gate is locked furthermore the so-called

ponds is totally polluted and is highly unlikely that same cannot be termed as a pond.

14. That the contents of **Paragraph No. 5** of the Rejoinder are wrong, misconceived and denied. The alleged presence of birds, aquatic life or biodiversity on the subject land does not alter its ownership, statutory vesting or approved land use. No notification under the Wildlife (Protection) Act, 1972 declaring the area as a protected habitat or identifying the presence of any protected species has been placed on record. Further, no statutory environmental assessment or biodiversity impact study, has been produced to substantiate the claims made. Mere incidental or seasonal presence of fauna cannot confer legal protection, proprietary rights, or override approved development plans and statutory vesting of the land of the Answering Respondent.
15. That the contents of **Paragraph No. 6** of the Rejoinder are misconceived, legally untenable and denied. The mere use of the Answering Respondent's land by certain residents for walking or recreational purposes does not create any legal right, easement, licence or entitlement in favour of the Applicant or third parties, particularly when the land stands vested in the Answering Respondent pursuant to lawful acquisition. Public land cannot be converted into a community space at the discretion of a private

entity, nor can informal usage override statutory vesting or approved development plans. While the Respondents are committed to environmental protection and public welfare, planned infrastructure development undertaken in accordance with law cannot be restrained on the basis of unregulated or unauthorised use of the land.

16. That the contents of **Paragraph No. 7** of the Rejoinder are misconceived and denied. The reliance placed upon various Government plantation initiatives, including policy measures encouraging tree plantation by students, is wholly misplaced and irrelevant to the present issue. Such schemes are general environmental awareness and afforestation initiatives and do not confer any legal right, license or authority upon a private entity to occupy, control or alter Government land contrary to approved development plans. The existence of State-sponsored plantation drives cannot be construed to mean that any land where trees are planted becomes immune from lawful infrastructure development. Public policy encouraging tree plantation must operate within the framework of statutory planning and land use regulations, and cannot override acquisition proceedings, vesting of land, or approved road alignment. The Applicant's attempt to portray lawful development as inconsistent with environmental policy is therefore baseless and unsustainable in law.

17. That the contents of **Paragraph No. 8** of the Rejoinder are wrong, misleading and denied. The averments made therein have already been specifically dealt with in the preceding paragraph 8 of the present Sur-Rejoinder and are not reiterated herein for the sake of brevity. Without prejudice thereto, it is emphatically denied that the proposed 12-meter service road is being constructed solely to facilitate auction of industrial sites. The said allegation is speculative, unfounded and contrary to the approved Development Plan. The service road forms part of the sanctioned layout and sector road planning and constitutes an integral component of planned urban infrastructure for the area. Statutory infrastructure development cannot be stalled merely because certain auction proceedings are pending adjudication elsewhere. The implementation of a service road is a matter of statutory planning, public utility and larger public interest, and is not dependent upon or contingent upon the outcome of any independent proceedings relating to auction of plots.
18. That the contents of **Paragraph No. 9** of the Rejoinder are misconceived and denied. The interim order dated 29.07.2022 passed in CWP No. 16494/2022 pertains only to auction proceedings and does not set aside the acquisition, annul the

Development Plan, or restrain implementation of approved road alignment. The construction of the service road is independent of and not rendered infructuous by the said interim order. The Applicant's attempt to suggest that no useful purpose will be served by road construction is an impermissible challenge to planning wisdom and falls outside the scope of environmental adjudication. Further the averments made in the preliminary submissions may also be read as a part and parcel in reply to this para also for the sake of brevity.

19. That the contents of **Paragraph No. 10** of the Rejoinder, narrating background of acquisition proceedings, are either matters of record or are selectively stated and are denied to the extent they are inconsistent with the stand of the Answering Respondent. It is reiterated that the acquisition proceedings culminated in lawful awards and vesting of land in the State, and the Development Plan for sectors 75-89, including master plan roads and green buffers, has been duly approved. Any earlier litigation or modification in alignment does not dilute statutory vesting nor does it confer any right upon the Applicant to obstruct implementation of approved infrastructure. The historical narration provided by the Applicant does not alter the legal position that the land stands vested in the Answering Respondent and is subject to lawful development in accordance with the approved plan.

20. That the contents of **Paragraph No. 11** of the Rejoinder has been comprehensively dealt with in the foregoing paragraphs and is not being reiterated for the sake of brevity.
21. That the contents of **Paragraph No. 12** of the Rejoinder are misconceived and denied. The proposed development forms part of the sanctioned layout plan and does not attract the thresholds prescribed under the EIA Notification, 2006. Removal of unauthorised plantation or structures from vested Government land, in furtherance of an approved development plan, does not require prior environmental clearance. The Applicant has failed to identify any specific statutory provision mandating such clearance in the present case, and the plea is therefore liable to be rejected.

PRAYER

It is therefore most respectfully prayed that in light of facts and circumstances as well as submissions hereinabove, this Hon'ble Tribunal may;

- a. Be pleased to dismiss the present original application, in the interest of justice.
- b. The Hon'ble Tribunal may be pleased to issue any other appropriate order or direction as this Hon'ble Tribunal may

deem fit and proper in the facts and circumstances of the instant case.

Date-
Place- New Delhi

Filed by:
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IN THE MATTER OF:

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...APPLICANT

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

AFFIDAVIT

I, Vikas Dhanda S/o Sh. Om Prakash Dhanda, aged about 37 years, posted as Estate Officer-II, HSVP, Faridabad, do hereby solemnly affirm and declare as under:

1. That I am the Authorized Representative of the Respondents No. 2 and 5 and am well conversant with the facts of the case, and am competent to swear this affidavit.

That the deponent has gone through the contents mentioned in the accompanying sur-rejoinder, which are true and correct to the best of my knowledge and belief. No part of it is wrong, and nothing material has been concealed or misstated.

3. That the Annexures to the accompanying Sur-Rejoinder are true/certified copies of their respective originals.

Vikas
DEPONENT

VERIFICATION

Verified that the contents of the above affidavit are true and correct to my knowledge and belief. Nothing material has been concealed or misled therein.

Verified at Faridabad on this ___ day of _____ of 2026.

Vikas
DEPONENT

1806
Certified that the above was deposed on oath of affirmation before me on _____ day of _____ 2026 by _____ who has been identified to me. The contents of the above were explained to the deponent.
SEEF E.O. II
RAMESH CHAND SHARMA, Advocate
Oath Commissioner, Faridabad

24-2-2026

1806
Appointed by Pb. & High Court
Oath Commissioner
Faridabad
1806

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No. 9670 of 2023

Shiv Nadar Trust & Anr.

...Petitioner

Versus

State of Haryana and others

...Respondents

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2.	Annexure R-1 affidavit dated 13.07.2015 Filed in CWP No. 21835 of 2013	13.07.2015	20-27	0600
3.	Annexure R-2 Development Plan, Faridabad 2031	----	28	0100
4.	Annexure R-3 The Part Development Plan, Faridabad	----	29	0100
5.	Annexure R-4 Affidavit filed in CWP No. 16085 of 2012	----	30-40	0800
6.	Annexure R-5 circulation plan of sector 85-86,	----	41	0100

	Faridabad			
7.	Annexure R-6 Order dated 05.11.2015 passed in CWP No. 28248 of 2013		42-44	0300
8.	Power of Attorney & Resolution <i>is</i>	<i>already on</i>	<i>record</i>	<i>-</i>

R20-00

Place:- Chandigarh
Dated:- 31-7-24.

[Handwritten Signature]
(ANKUR MITTAL) (KUSHALDEEP KAUR)

P/1296/01 PH/3202/19
NOR-PH-220610 NOR-PH-222744

[Handwritten Signature] (SHIVAM GARG) (JUGAM ARORA)
PH/3110/2021 PH/2633/2019
NOR-PH-226946 NOR-PH-222440
ADVOCATES

COUNSEL FOR THE RESPONDENT No. 3.
M: 9878699000/8437999999
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Rand Letty
Power of Attorney to
Search and Counsel
Adv
20/8/24

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. 9670 of 2023

Shiv Nadar Trust & Anr.

...Petitioner

Versus

State of Haryana and others

...Respondents

Short reply by way of affidavit of Anand Kumar Sharma,
Administrator, Haryana Shehri Vikas Pradhikaran, Faridabad on
behalf of Respondent No. 2.

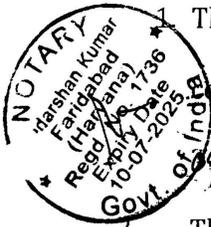
I above named deponent do hereby most solemnly declare and affirm as

under:-

Register Entry No.1931.....

Dated3.0 JUL 2024.....

MOST RESPECTFULLY SHOWETH:-



1. That at the very outset, the aforesaid writ petition is pending

consideration before this Hon'ble Court and is now listed for hearing on

30.07.2024.

2. That at the very outset, it is respectfully submitted that the petitioner

has approached this Hon'ble Court by invoking the extra ordinary

jurisdiction under Article 226 of the Constitution of India seeking

quashing of the notification dated 31.07.2022(P-2) issued by

respondent No. 2 inter alia on the ground that said action is being

conducted in contravention to the judgment dated 05.11.2015 passed in

CWP No. 16085 of 2012 titled as *M/s Kataria Constructions Pvt. Ltd. Vs.*

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State of Haryana and others and the additional affidavit dated 13.07.2015 (Annexure P-10) of Additional Director, Urban Department, Haryana in the writ petition connected to the above said petition and further on the ground that the Institutional complex are being developed on marginal land, which is to be maintained as green belt and buffer area around the roads.

3. That it is respectfully submitted that the first and foremost requirement to maintain a writ petition is to prove '*local standi*' of the petitioner, which onus lies on the petitioner itself. Also, it has to be shown that there is legal right which has been violated. As pleaded by the petitioner in para 6 of the petition, it is a private developer, developing a commercial colony in Sector 82, Faridabad and as per the petitioner, severe prejudice of the writ to the petitioner would be caused and, if the State Developing Agency i.e. HSVP will auction proposed Institutional sites in Sector 82, Faridabad as per sanctioned and approved site plan. Suffice to mention that the petitioners itself are running institutional site i.e. Shiv Nadar School. The said averment is sufficient to show that the sole interest of the petitioners in invoking Article 226 of the Constitution of India is to safeguard its '*private and commercial interest*' at the cost of '*public interest and loss to State exchequer*', by pleading absolutely misleading facts on affidavit.



4. That it is respectfully submitted that the petitioner does not fall within the definition of "person aggrieved". A bare perusal of the writ shows that the Petitioner didn't have locus standi to file the instant petition as the same is not maintainable; as no right of the Petitioner has been

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violated as such the petitioner is not an aggrieved party. It is well established law that the writ petition under Article 226 of the Constitution, can only be filed for the enforcement of a fundamental right or any legal right, as such the petitioner need to demonstrate that there is legal wrong done to him by violation of his right, accordingly, is an aggrieved person/party, therefore, constrained to move the Hon'ble Court. The principles of standing or locus standi in public interest litigation cannot be applied in case of individual standing/writ. It is pertinent to mention here in that the Hon'ble Supreme Court in the case of *Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed, 1976(3) SCR 58.*

5. That it is respectfully submitted that the entire foundation laid down by the petitioner to challenge the auction of the commercial site carved out on marginal land is that such action is being taken in contravention of the judgment dated 05.11.2015 passed in CWP No. 16085 of 2012 titled as *M/s Kataria Constructions Pvt. Ltd. (supra)* wherein based upon the affidavit filed by the Additional Director Urban Estates Haryana and undertaking was recorded that the marginal land along with master plan road will be utilized by the State Government for Green Buffer Zone and not for any commercial purpose. It is submitted that the said averment is nothing short of being erroneous and misconceived and infact, is an attempt by the petitioner to mislead this Court to secure its own private interest.



6. That it is respectfully submitted that in order to demonstrate as to how the order dated 15.11.2015 and the affidavit of Additional Director,

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Urban Estate is being read in an erroneous manner, it is imperative to refer to certain elemental facts. The State of Haryana through Urban Estates Department acquired land measuring 1169.98 acres in 19 villages of District Faridabad vide notifications dated 14.08.2008 and 30.08.2008/01.03.2012 issued under Section 4 and Section 6 of Land Acquisition Act, 1894 followed by award dated 09.08.2012 for the public purpose namely Development and Utilization of land for Master Plan Roads from Sector 75 to 89, Faridabad. The said acquisition proceedings came to be challenged before this Hon'ble Court by filing various writ petitions bearing CWP No. 16085 of 2012, 21835, 21858, 21862, 21875, 28248, 28252 of 2013, 11094, 11103, 19825, 21011, 23761 and 24189 of 2014; on the ground that the marginal land falling beyond the alignment of master plan roads of the Sectors be released from the acquisition proceedings.



7. That it is respectfully submitted that in order to examine viability of release of the marginal land, a meeting was held under the chairmanship of Principal Secretary, Town & Country Planning and Urban Estate Department, Haryana on 22.11.2013, wherein Sector wise availability of marginal land was considered. In accordance with the consideration made in the meeting, following decisions were taken:-

- (i) That the residential sectors 75, 76, 77, 78 (Part) and 80 have already been acquired by HUDA. Hence, the marginal land shall merged in the acquired land of these sectors. Accordingly, no marginal land/unused land is available in these sectors.

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(ii) That industrial sectors 72 to 74 have been provided opposite to residential sectors 75 to 77. Towards these industrial sectors, there is a 45m wide strip of land shown in pink colour is the marginal land along the master plan roads. As per planning practice, a green buffer is required to be provided between the residential sectors and the industrial sectors. However, in the published development plan of Faridabad 2011 AD, the provision of green buffer between these sectors has not been made. Therefore, a decision was taken that the 45m wide strip of marginal land will be used as a green buffer between the said residential sectors and industrial sectors. Accordingly, provision of 50m wide green buffer has been made in the Draft Development Plan 2031 AD, Faridabad.

(iii) That the sector dividing road of Sectors 79/76, 79/78 & 79/80 have been provided with 60m wide ROW (right of way) alongwith 12m wide service road on either sides. The land in residential sectors 75 to 78 and 80 have already been acquired by the Government for HUDA. Hence, the marginal land falling beyond 12m wide service road shall be merged with the already acquired land in these sectors. As regards marginal land in commercial sector 79, it was decided that the land in this sector will be acquired on priority. Accordingly, the marginal land falling beyond 12m wide service road in commercial sector 79 will be used for commercial purpose alongwith the land in the sector purposed to be acquired by HUDA.



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(iv) That in sector 81 to 89, the licenses under the Haryana Development and Regulations of Urban Areas Act, 1975 have been granted to the private colonizers for setting up colonies. Yet HUDA can also acquired unlicensed/unacquired pockets for composite development of these sectors. Hence, the marginal land along the master plan roads of these sectors will be utilized by HUDA for the designated use of these sectors.

(v) That along the 75m wide peripheral road, there is a provision of 30m wide green belt on either side. Therefore, after adjusting the marginal land in the proposed 30m wide green belts, the extent of marginal land will be negligible. Hence, it was decided that the said marginal land will be used for the designated use of green belt as provided in the development plan.



8. That it is respectfully submitted that the aforesaid proposal to not to release the marginal land was approved by the State Government on 13.12.2013 and in order to place the aforesaid decision before this Hon'ble Court an affidavit of the Additional Director, Urban Estates Department, Haryana was filed before this Hon'ble Court in CWP No. 21835 of 2013. The petitioner has omitted to place on record the said affidavit which is crucial for the adjudication of the case at hand and the reason for such omission is evident from the facts which are discussed herein below and goes on the show that the land in Sector 82, Faridabad was never proposed to be utilized for commercial purpose. Briefly stating, the aforesaid decision taken on the utilization of the marginal

land and as placed before this Hon'ble Court can be summarized as

follows:-

Sector	Nature of Sector	Proposal for utilization of marginal land
Residential Sectors 75, 76, 77, 78 (Part) and 80	Acquired by HUDA/HSVP	The marginal land merged in the acquired land of these sectors and thus, no marginal land is available. (No proposal for green buffer zone)
Industrial Sector 72 to 74 and Residential Sectors 75 to 77	Private Sector	Provision of 50 mtr. wide green buffer made in the draft development plan between the Residential Sectors and Industrial Sectors (Proposal for green buffer zone given between Sector 72 to 74 and Sector 75 to 77)
Sector dividing road of Sector 79/76, 79/78 and 79/80	Sector 75 to 78 and 80 are HUDA sectors	12 mtr. wide service road is provided on either side of 60 mtr. wide ROW. Marginal land falling beyond 12 mtr. wide service road is merged with acquired land in these sectors. Marginal land in commercial sector 79 will be used for commercial purpose.
Sector 81 to 89	Private Sector (Licenses granted to private colonizers)	Marginal land will be utilized for DESIGNATED USE OF THESE SECTORS.
75 mtr. peripheral road		Marginal land to be used for 30 mtr. green belt on both sides.



True copy of the affidavit dated 13.07.2015 is annexed herewith as **Annexure R-1** for the kind perusal of this Hon'ble Court.

9. That it is respectfully submitted that the provisions for green belt was only between Industrial Sector 72 to 74 and Residential Sector 75 to 77 and along with 75 mtr. peripheral road. There was no provision for

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petitioner as well as sites in question are situated and thus, the marginal land falling in these sectors was to be utilized for the designated use of these sectors which can be residential or commercial or institutional as per the development plan.

10. That it is respectfully submitted that in accordance with the Final Development Plan 2031 AD, the land alongwith road V-2 and V3 passing through sectors 82 is planned for commercial as well as public and semi public uses which is evident from the perusal of the final development plan, Faridabad 2031 AD itself annexed as **Annexure R-2** for the kind perusal of this Hon'ble Court. It is further relevant to mention here that even as per the development plan no provision for green belt is provided along with the road V2 and V-3 and 12 mtr wide service road is provided on both sides. The Part Development Plan, Faridabad showing the aforesaid sectors in particular is annexed herewith as **Annexure R-3** for the kind perusal of this Hon'ble Court.

11. That it is further respectfully submitted that in view of the aforesaid affidavit filed on behalf of the Additional Director, Urban Estates Department; this Hon'ble Court was pleased to dismiss the writ petitions seeking release of marginal land from the acquisition proceedings. It is respectfully submitted that while dismissing the writ petitions, the Hon'ble Court had approved the entire affidavit along with different uses for which the acquired land was to be utilized for the public purpose. A very perusal of the judgment dated 05.11.2015 in its entirety would reveal that no where does the Hon'ble Court had recorded undertaking that the land falling in sector 81 to 89 Faridabad



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is to be utilized for green buffer. Instead, in terms of the affidavit it was specifically recorded that ***“green buffer would be maintained between residential sector and industrial sectors as per the additional affidavit dated 13.07.2015”*** These sectors are Industrial Sector 72 to 74 and Residential Sector 75 to 77. Further the Hon’ble Court went on to record that the ***“marginal land along with Master Plan Roads will be utilized by the State Government for designated use of these sectors and also for green buffer zone”***. This would clearly imply that the State Government was allowed to use the marginal land for the designated use of the sector and also for green belt in terms of the decision taken by the State Government for utilization of the land. Therefore, there is no breach of any undertaking by utilizing the land in question for the commercial purpose, because such use is permitted by the Final Development Plan of Faridabad itself. There is no deviation from the plan and as a consequence, the entire case set up by the petitioner falls flat.



12. That it is further relevant to mention that in the affidavit, it was also specifically mentioned that the marginal land in the writ petition will be utilized for which purposes, which also included “commercial, public or semi-public use” as one of the purposes. Therefore, the contention of the petitioner that the land could not have been used for commercial purpose is fallacious. As far as reliance being placed by the petitioner on last paragraph of the judgment is concerned, it is also inconsequential. In order to demonstrate same, it is relevant to reproduce the last paragraph of the judgment herein below:-

“.. In the present case, the land is not being acquired for any commercial purpose but the purpose subservient to the purpose of acquisition of road or for any other public purpose including green buffer zone, therefore, the purpose of acquisition remains public purpose....”

The petitioner is stressing much upon the words “**not being acquired for any commercial purpose**” to aver that the auction being conducted for commercial purpose is bad. However, it is pertinent to mention that the aforesaid observation was only limited to the facts of the petition bearing CWP no. 16085 of 2012 and not for other petitions, whose reference was given in the affidavit. It was in CWP no. 16085 of 2012 wherein the marginal land was sought to be utilised for the multi level parking and housing for economically weaker sections. This is further evident from the fact that the Hon’ble Court specifically added “**in the present case**” which means CWP no. 16085 of 2012 specifically. It is pertinent to mention that a separate affidavit in this case was filed showing the manner in which marginal land is to be utilized and it was specifically mention in affidavit that the land beyond green belt will be utilized for multi level parking. The green belt on the land involved in Kataria Constructions has been duly maintained along with the peripheral road and there is no breach in the undertaking as is being alleged by the petitioner. True copy of the affidavit of Additional Director, Urban Estates is being annexed herewith as **Annexure R-4** for the kind consideration of this Hon’ble Court.



13. That it is respectfully submitted that in this regard it is pertinent to mention that as far as land claimed in CWP no. 16085 of 2022 is

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concerned, it is situated in Sector 77 whereas the sites now being auctioned are in Sector 82. Along the V-3 road, there was one writ petition filed bearing CWP No. 28248 of 2013 titled as M/s Countrywide Promoters Pvt. Ltd. and others Vs. State of Haryana and others which was also decided on 05.11.2015 in terms of the judgment passed in CWP No. 16085 of 2012. It is suffice to mention that in the affidavit dated 13.07.2015 filed by Additional Director, Urban Estates, Department, Haryana it was specifically mentioned that the marginal land involved in the aforesaid writ petition will be utilized for residential, commercial, public, semi-public Sector 81, Residential, public & semi-public Sectors 85 & 86. Also as regards Sector 82 there was no writ petition and therefore, there was no adjudication on the validity of acquisition for the land falling in the said sector. The relevant extract from the affidavit is reproduced herein below:-

5.	28248/13	32//23/2 (2-13), 24min (4-0), 17/1min (2-11), 17/2min (1-9), 32//23/1 min (5-17), 18(8-0), 35//3(8-0), 4min(4-0), 22//7/2 (2-3), 22//14/1 min (4-0), 8(8-0), 13(8-0), 22//18min (7-0), 3/2(3-19), 23(8-0), 25//3(8-0), 4min (4-0), (12.20 acre)	12.13	6.48	Unpaid	Residential, commercial, public, semi-public Sector 81, Residential, public & semi-public Sectors 85 & 86
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Therefore, it was specifically placed before this Hon'ble Court that

the marginal land will be utilized for commercial/residential/ public

and semi-public use and nowhere it was mentioned that it will be utilized for green buffer. Thus, the entire case set up by the petitioner is a blatant attempt to mislead this Hon'ble Court not only for securing their private vested interests but also to cause huge loss to public exchequer. True copy of the circulation plan depicting the land in respect of which CWP's were filed before this Hon'ble Court is annexed herewith as **Annexure R-5** and true copy of the order dated 05.11.2015 passed in CWP No. 28248 of 2013 is being annexed herewith as **Annexure R-6** for the kind consideration of this Hon'ble Court.

14. That it is respectfully submitted that while upholding the acquisition proceedings, the Hon'ble Court was conscious of the fact that the land acquired for one public purpose can be utilized for other public purpose and thus, once it was so, reading the judgment 05.11.2015 in its entirety would nowhere suggest that this Hon'ble Court had restrained the State Government from utilizing the land for public purpose, rather the Hon'ble Court has allowed the State Government to utilize the land for the public purpose. The contention being raised by the petitioner is contrary to the settled law that land acquired for one public purpose can be very well used for another public purpose. Reference in this regard is made to the following judgments decided by the Hon'ble Supreme Court of India and well as this Hon'ble Court:-

- (a) The Hon'ble Supreme Court of India in the case of ***Gulam Mustafa and others v. The State of Maharashtra and others (1976) 1 SCC 800***, categorically held that once the land has been validly acquired, title thereof vests in the State and same can be utilized



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by the Government for any other public purpose. The operative part of the judgment is reproduced herein below:-

5. At this stage Shri Deshpande complained that actually the municipal committee had sold away the excess land marking them out into separate plots for a housing colony. **Apart from the fact that a housing colony is a public necessity, once the original acquisition is valid and title has vested in the municipality, how it uses the excess land is no concern of the original owner and cannot be the basis for invalidating the acquisition.** There is no principle of law by which a valid compulsory acquisition stands voided because long later the requiring authority diverts it to a public purpose other than the one stated in the Section 6(3) declaration...'

- (b) The three judges Constitution Bench of the Hon'ble Supreme court of India in the case of Manglam Oram and others v. State of Haryana and others (1977) 2 SCC 46 reiterated the aforesaid position of law and held as follows:-



'...6. Civil Appeal No. 1730 of 1973 arises out of a writ petition to challenge the validity of a notification dated March 19, 1958 under Section 4 of the Land Acquisition Act for the acquisition of 31.06 acres of land for expansion of rail facilities to serve the steel plant at Rourkela. A writ petition to challenge this notification was filed on February 3, 1973. The contention which was advanced before the High Court and has been repeated before us with a view to challenge the validity of the acquisition of this land is that fourteen years after the acquisition of the land, the railway authorities for whom the land was acquired have transferred 3.21 acres of land to the Notified Area Committee, Rourkela. The above submission, in our opinion, is without merit. According to the affidavit filed on behalf of the respondents, the abovementioned area is sought to be transferred to the

Notified Area Committee because the Notified Area Committee is the appropriate body to construct and maintain the link road, bus and taxi stands and shops surrounding the railway station. The averments contained in the affidavit thus go to show that 3.21 acres of land is not being used for a purpose extraneous from that for which the land was initially acquired. Apart from that, we find that this Court has recently held in the case of Gulam Mustafa v. State of Maharashtra [(1976) 1 SCC 800 : (1976) 1 SCR 875] that there is no principle of law by which a valid, compulsory acquisition stands voided because long later the requiring authority diverts it to a public purpose other than the one stated in the declaration..'

(c) That the Hon'ble Supreme Court of India in the case of State of Maharashtra v. Mahadeo Deoman Rao alias Kalal and others

15. That it is respectfully submitted that without prejudice to the submissions made herein above, the petitioner has no locus to assert violation of undertaking because in case of any breach of such undertaking, the affected parties are landowners and not the private party having its own vested interest.



16. That it is respectfully submitted that usage for commercial purpose is also a "public purpose". In this regard it is relevant to refer to the provisions of Haryana Shehri Vikas Pradhikaran Act, 1977 under which the answering respondent undertakes the urban development of an area. Section 13 of the Act envisages the object and functions of HSVP, which is reproduced herein below:-

13. *Objects and functions of [Pradhikaran]. - The objects of the [Pradhikaran] shall be to promote and secure development of all or*

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any of the areas comprised in an urban area and for that purpose, the [Pradhikaran] shall have the power to acquire by way of purchase, transfer, exchange or gift, hold, manage, plan, develop and mortgage or otherwise dispose of land and other property, to carry out by itself or through any agency on its behalf, building, engineering, mining and other operations, to execute works in connection with supply of water, [treatment and disposal of sewage, sullage and storm water], control of pollution and any other services and amenities and generally to do anything, with the prior approval, or on direction, of the State Government, for carrying out the purposes of this Act.

In urban areas the development is carried in accordance with the development plan prepared under the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963. Such plan defines the usage of land for residential, commercial, institutional, industrial, roads etc. The development is carried out either by the grant of CLU/ licenses to the private entities or by the answering respondent. In order to achieve the object of Act i.e. urban development which includes residential, commercial etc by HSVP, land is acquired by the State Government as was done in the case at hand under Land Acquisition Act 1894. Therefore, urban development in the form of "commercial" is also a public purpose. Reference in this regard can also be made to the definition of public purpose as provided in Section 3 of Land Acquisition Act, 1894:-



'....(f) the expression "public purpose" includes—

- (i) the provision of village-sites, or the extension, planned development or improvement of existing village-sites;
- (ii) the provision of land for town or rural planning;
- (iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in**

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part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government, or by any authority established by Government for carrying out any such scheme, or, with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

(vii) the provision of land for any other scheme of development sponsored by Government or, with the prior approval of the appropriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office, but does not include acquisition of land for Companies...'



A perusal of the aforesaid definition would reveal that the acquisition of land for developing same in accordance with the development plan finalised by the Government which may also include the development for commercial purpose and it squarely falls within the scope and definition of "public purpose".

17. That it is respectfully submitted that entire compensation money towards the acquisition of land is paid by the HSVP for undertaking development activities. The huge cost of acquisition is then covered by

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auctioning the plots carved out on the acquired land. The attempt of the petitioner to stay the auction by misrepresenting the facts is not only an abuse of due process of law but has caused huge loss to public exchequer and thus, the instant petition deserves to be dismissed with exemplary costs. The ultimate sufferer is public interest.

18. That it is respectfully submitted that it is trite law that one who seeks equity must do equity. Whenever a person approaches a Court of Equity, in the exercise of its extraordinary jurisdiction, it is expected that he will approach the said court not only with clean hands but also with a clean mind, a clean heart and clean objectives. Therefore, a petition filed by misrepresenting and distorting the factual position is undoubtedly abuse of process of law and is thus liable to be dismissed with exemplary cost. The reference can be made to the case of **V. Chandrasekaran and Anr v. Administrative Officer and Ors 2012(4) R.C.R.(Civil) 588**, wherein the Hon'ble Supreme Court while dealing with a similar matter wherein the land owner relied on the fabricated documents imposed exemplary cost of Rs. Twenty Five lakhs on the



appellants and observed as follows:

35. *The judicial process cannot become an instrument of oppression or abuse, or a means in the process of the court to subvert justice, for the reason that the court exercises its jurisdiction, only in furtherance of justice. The interests of justice and public interest coalesce, and therefore, they are very often one and the same. A petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court.*

36. *In Dalip Singh v. State of U.P. & Ors., (2010) 2 SCC 114, this Court noticed an altogether new creed of litigants, that is, dishonest litigants and went on to strongly deprecate their conduct by observing that, the truth constitutes an integral part of the justice delivery system. The quest for personal gain has become so intense that those involved in litigation do not hesitate to seek shelter of*

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falsehood, misrepresentation and suppression of facts in the course of court proceedings. A litigant who attempts to pollute the stream of justice, or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.

37. *The truth should be the guiding star in the entire judicial process. "Every trial is a voyage of discovery in which truth is the quest". An action at law is not a game of chess, therefore, a litigant cannot prevaricate and take inconsistent positions. It is one of those fundamental principles of jurisprudence that litigants must observe total clarity and candour in their pleadings. (Vide: Ritesh Tewari & Anr. v. State of Uttar Pradesh & Ors., (2010) 10 SCC 677; and Amar Singh v. Union of India, 2011(5) R.C.R. (Civil) 386 : (2011) 7 SCC 69).*

38. *In Maria Margarida Sequeria Fernandes & Ors. v. Erasmo Jack de Sequeria (dead), 2012(2) Recent Apex Judgments (R.A.J.) 6 : 2012(2) R.C.R.(Civil) 441 : (2012) 5 SCC 370, this Court taking note of its earlier judgment in Ramrameshwari Devi v. Nirmala Devi, 2011(3) R.C.R.(Civil) 932 : 2011(4) Recent Apex Judgments (R.A.J.) 390 : (2011) 8 SCC 249 held:*

"False claims and defences are really serious problems with real estate litigation, predominantly because of ever-escalating prices of the real estate. Litigation pertaining to valuable real estate properties is dragged on by unscrupulous litigants in the hope that the other party will tire out and ultimately would settle with them by paying a huge amount. This happens because of the enormous delay in adjudication of cases in our courts. If pragmatic approach is adopted, then this problem can be minimised to a large extent."

The Court further observed that wrongdoers must be denied profit from their frivolous litigation, and that they should be prevented from introducing and relying upon, false pleadings and forged or fabricated documents in the records furnished by them to the court.

The instant petition has clearly been filed with oblique motives to cause loss to public exchequer and to safeguard their private commercial interests and the petitioner is successful in doing so by getting the auction of the commercial sites/complex in Sector 82 and 89, Faridabad stayed despite the fact that it did not have any locus to invoke the extraordinary jurisdiction of this Hon'ble Court and has clearly misrepresented the facts. Therefore, the instant petition deserves to be dismissed.



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19. That the answering respondents are filing a short reply at this stage and seeks kind liberty from this Hon'ble Court to file a detailed reply as and when Hon'ble Court deems fit or necessity arises.

Date: 30-7-24
Place: CND.

Administrator, HSVP Faridabad
on behalf of Respondent No. 2



Through Counsel
(ANKUR MITTAL) (KUSHALDEEP KAUR)
P/1296/01, PH/3202/19
NOR-PH-220610 NOR-PH-222744

Verification:

Verified that the contents of above affidavit are true and correct to my knowledge and information as derived from the official record which I believe to be true and that no part of it is false and nothing has been concealed therein.

Date: 30-7-24
Place: CND.

Administrator, HSVP Faridabad
on behalf of Respondent No.2

ATTESTED AS IDENTIFIED

Notary, Faridabad (Haryana)

30 JUL 2024

IDENTIFIED THE DEPONENT EXECUTORS
HEREIN THAT SIGNATURE THUMB
IMPRESSION IN MY PRESENCE

Sub:- Survey Report in OA No. 178 of 2025 titled as Shiv Nadar vs State of Haryana.

On the subject cited above, it is submitted that in view of the pendency of the aforesaid case, the site was visited as per directions received from legal Cell, HSVP Fbd and during the survey it is found that as per layout plan, two sites are being effected on the subject land i.e institutional site no. 8 (2645.70 sq mtrs) and institutional site no. 9 (2633.04 sq mtrs), sector-82 (pocket-82A), fbd total area admeasuring 5278.74 sq mtrs, the encroachments exists in shape of Barbed Wire Fencing With Gate and the Entry is Locked and there is waste water stands in the subject land totally polluted/dirty and the same is not likely to be a pond. It is further submitted that the encroachments in shape of trees exists on the subject land/site, in this regard, a letter has already been issued to the Shiv Nadar School Sector-82, Faridabad vide memo no. 113467-68 dated 08.04.2025 but the same has not been shifted till date (copy attached). Photographs of the sites are attached.

W/E II

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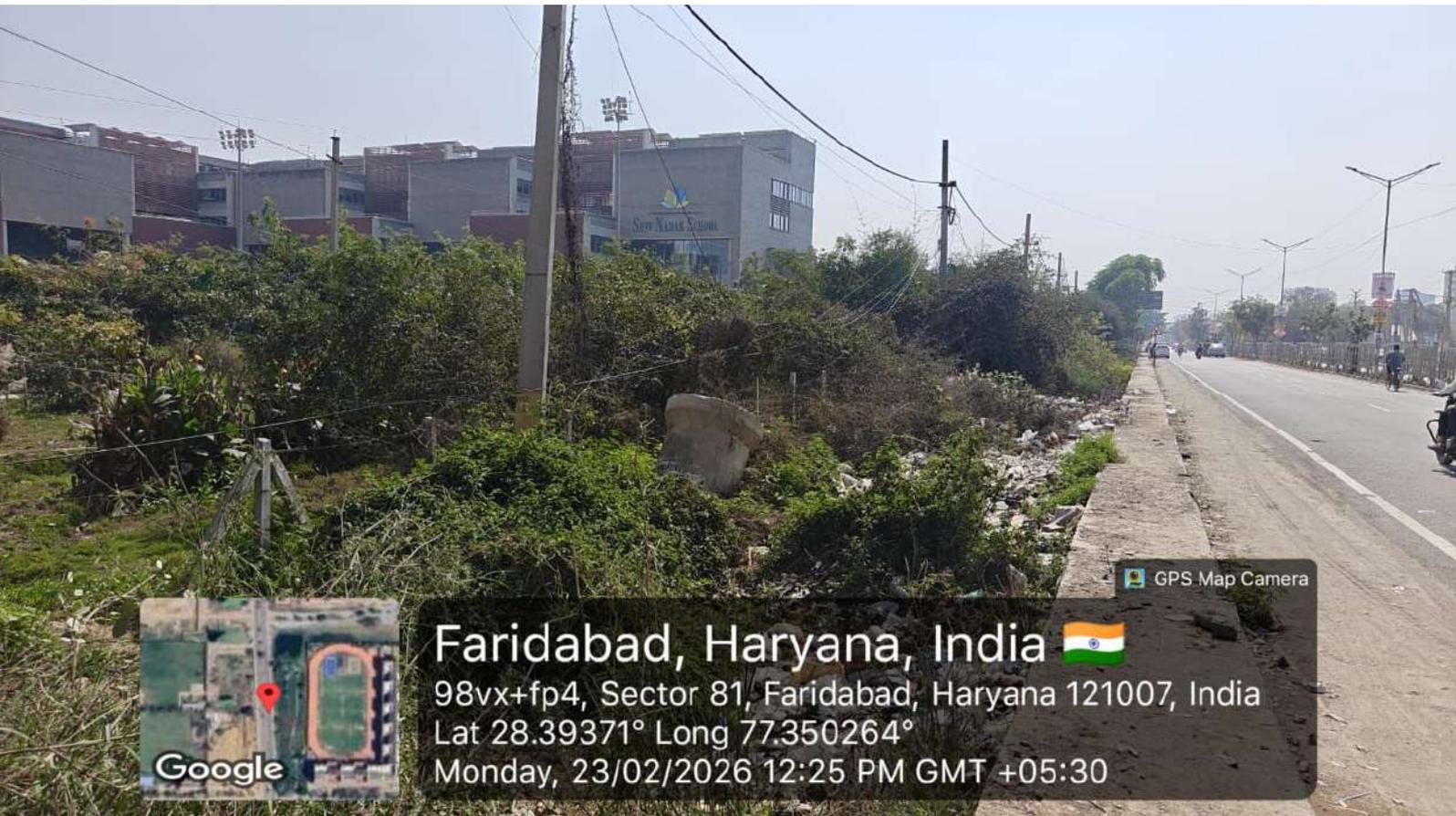
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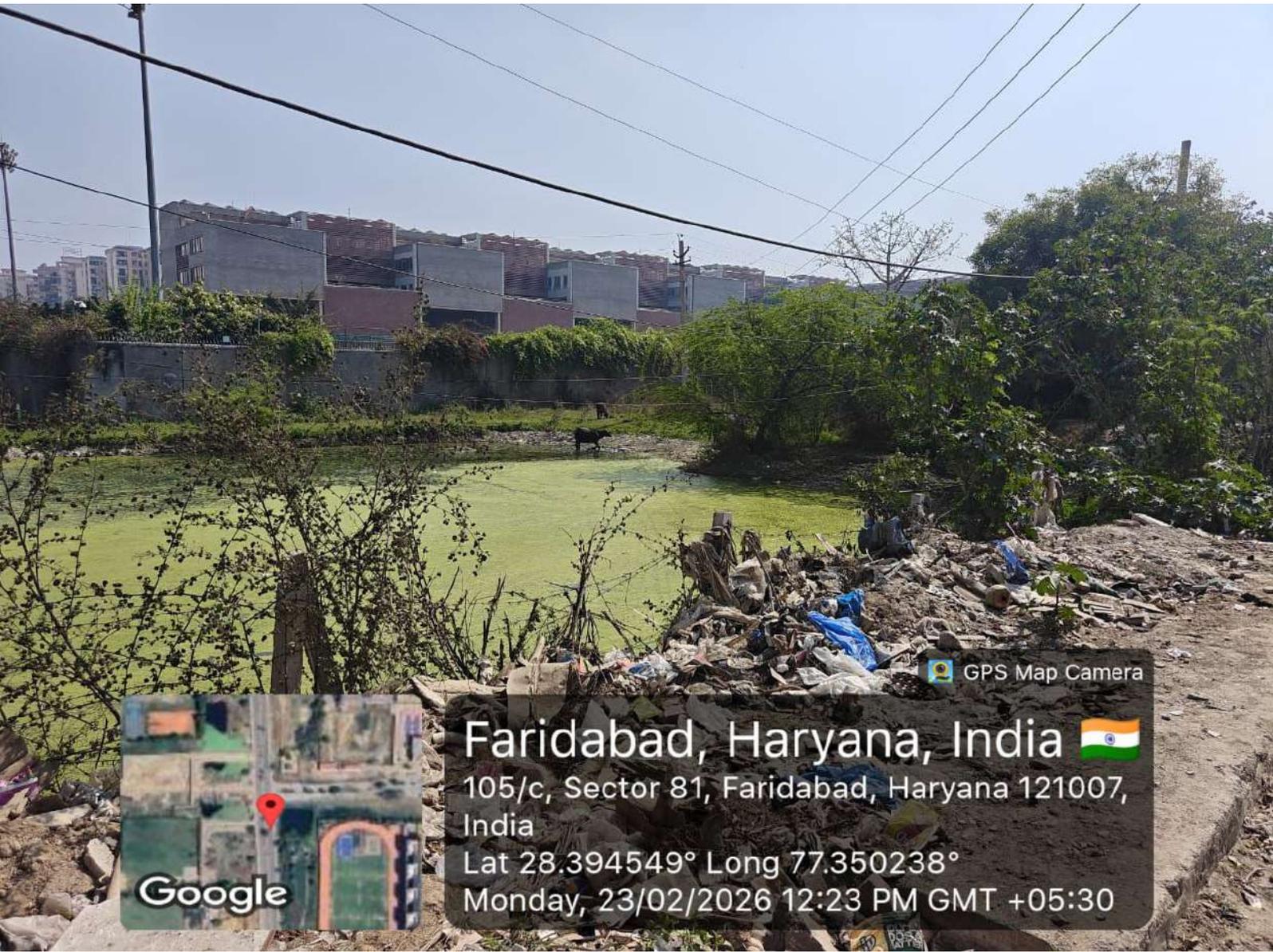
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