

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.1091/2024

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

Date of hearing: 23.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None appeared

ORDER

1. This original application is registered *suo motu* on the basis 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.

2. The news item relates to reconstruction activities going on at Ansals Aravali Retreat in Raisina, Gurgaon merely two weeks after the district administration ordered demolition of illegal farmhouses in the area. As per the article, Land here is classified as 'gair mumkin pahar' and is protected under the Punjab Land Preservation Act (PLPA) and the Aravali Notification of 1992, which prohibits construction and tree felling without mandatory permission from the authorities.

3. Furthermore, this is a blatant violation of NGT's order in OA No. 04/2013 (Sonya Ghosh V State of Haryana & ors) wherein the Honorable Tribunal directed Haryana and Rajasthan governments to set up a monitoring committee and conduct periodic reviews until all encroachments are cleared from the Aravalis in Gurgaon, Faridabad, Nuh and Alwar, restore forestland and submit action-taken reports. A detailed list of these structures was submitted to NGT. The report also had details of

the total area occupied by encroachers and their locations. Upon which the honorable tribunal vide its order dated 09.12.20222 directed that further remedial action may be taken by the States of Rajasthan and Haryana in accordance with law and the compliance may be monitored at the level of Chief Secretaries of the respective States.

4. The news item highlights that the reconstruction activities do not just involve razed buildings being rebuilt but more protected land has been cleared, new roads have come up, and electricity poles are being erected. It states that several farmhouses which were demolished earlier have already been rebuilt, while the ones that were razed 15 days ago are being reconstructed. Moreover, many people are buying land in the area even though they know that govt has prohibited construction and demolished numerous illegal structures, including farmhouses and boundary walls, in the past. The article also alleges that some farmhouse owners are pasting court orders on the gates with intention to inform the district administration that their properties can't be demolished as they have received court relief. There are, however, no court orders to that effect.

5. The news item states that that as per forest department survey, at least 500 farmhouses have been built illegally on the Aravali land in Gurgaon. The Gurgaon administration in 2020 had replaced the term 'gair mumkin pahar' with 'gair mumkin farmhouse' which found its way into revenue records, and helped farmhouse owners skirt provisions of the Aravali Notification. It is highlighted that despite orders of NGT in Oct 2018 to remove encroachments and restore forests in the Aravalis, construction has only increased in Raisina due to delayed action of the district administration. The article explains that Raisina hills and Aravali Retreat act as a wildlife corridor between Sariska National Park and Asola Bhatti

Wildlife Sanctuary, and are therefore in need of conservation and removal of illegal structures and activities.

6. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Forest Conservation Act, 1980 and the Environment Protection Act, 1986.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in the matter:

- (1). Ministry of Environment and Forest, through its Regional Office, Integrated Regional Office, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh – 160030
- (2). Chief Secretary. Haryana, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh.
- (3). Principal Chief Conservator of Forest, Haryana, Principal Chief Conservator of Forests (HoFF) Department of E&F, Govt. of Haryana, Van Bhawan, Sector-6, Plot no. C-18, Panchkula – 13
- (4). Haryana Space Application Center, through its Principal Secretary, CCA HAU Campus, Hisar 125004
- (5). District Magistrate, Gurgaon, Office: First Floor, Mini Secretariat, Gurugram, Pincode: 122001

9. Issue notice to the above respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any of the respondents directly files the reply without

routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

10. List on 03.12.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

August 23, 2024
Original Application No.1091/2024
SN