

BEFORE THE NATIONAL GREEN TRIBUNAL  
SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO.196 of 2021

IN THE MATTER OF:

Sumit Batra & Ors.

...Applicants

Versus

State of Haryana & Ors.

...Respondents

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Through:



Mr. Dilpreet Singh  
Advocate for the Applicants  
1506-B, Beverly Park-2,  
MG Road, DLF Phase-2,  
Gurgaon- 122002  
Mobile: 9810048780  
Email: dilpreetsingh@outlook.in

Date: 20.05.2022  
Place: New Delhi

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IN THE MATTER OF:

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APPLICANTS' RESPONSE TO THE REPORT OF THE  
JOINT COMMITTEE DATED 18<sup>th</sup> APRIL 2022

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:

1. That the Applicants have filed the present Original Application No.196 of 2019 titled *Sumit Batra & Ors. vs. State of Haryana & Ors. inter alia* seeking urgent directions against the Respondents to stop and demolish the illegal construction and non-forest activities amounting to environmental pollution and degradation in the Aravalli Range in Gurgaon and which land belongs to the Municipal Corporation of Gurgaon and has been recorded in the revenue records as “*ghair mumkin pahad*” and “*ghair mumkin nallah*”. These areas are also abutting the Aravalli Biodiversity Park.

2. That when this matter was heard for the 1<sup>st</sup> time on 10.08.2021, this Hon'ble Tribunal, was pleased to direct filing of a report and the relevant direction is extracted below:

“5. Before considering the matter further, we find it necessary to seek a factual report from a joint Committee of Divisional Forest Officer, Gurgaon and Municipal Corporation Gurgaon which may be furnished by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF within one month.

List for further consideration on 22.09.2021.”

3. That, the report of the Joint Committee has been filed after a drastic delay of 7 months as against the time of 1 month given vide the order of this Hon'ble Tribunal dated 10.08.2021.

#### RESPONSE TO THE JOINT COMMITTEE REPORT:

4. The Joint Committee is in consonance with the stand taken by the Applicants in the present Original Application on the following counts:
- a. Khasra Nos.833, 838, 605 and 619 are admittedly gair mumkinpahad and gair mumkinnallah which are covered under the Aravalli Notification dated 7<sup>th</sup> May 1992 and the ownership of these are vested with the Municipal Corporation of Gurgaon. Therefore, not only are these lands owned by Municipal Corporation of Gurgaon but also that any kind of construction or cutting of trees is prohibited on these lands pursuant to the Aravalli Notification dated 7<sup>th</sup> May 1992.



- b. Admittedly, Khasra Nos.600, 601, and 602 are also owned by Municipal Corporation of Gurgaon.
- c. The V-10 street boundary has an opening. Therefore, it is clear that V-10 street was supposed to terminate at the boundary wall.

5. Joint Committee Report is clearly full of contradictions:

- a. The land which is admittedly is a gair mumkinpahad and gair mumkinnallah and is owned by Municipal Corporation of Gurgaon, is to the shocking surprise of the Applicants not being attempted to be protected from illegal construction of roads and a temple. The temple which has been constructed and expanded over the years is a pretext for the mafia which is widening their access to the Aravalli Range and seemingly the governmental functionaries are not concerned about protecting the lands over which they have dominion, control and ownership.
- b. The termination of the V-10 street at the boundary wall is also depicted in the Shijra Map of Nathupur Village as well as the layout plan of DLF Phase-III of Gurgaon. The V-10 boundary wall has been broken down forcefully and illegally create a thoroughfare. However, in Joint Committee Report, it has been conveniently made into a thoroughfare to give access the illegal encroachers in the name of some villagers whose identity of rights are not even determined. Such callous attitude of the Respondents is motivated from political pressure and the nexus of

the mafia with the governmental and bureaucratic machinery.

- c. MCG acknowledges the illegal construction of the temple on its land; but through its own inaction it allows the illegality to perpetuate and continue. What is shocking is that it owns the land since 2008, but in the last 14 years it has been unable to follow due process of law and the temple has expanded and villagers have made that the pretext to create inroads into the Aravalli Hills.
- d. The governmental authorities are content with the installation of a low height barrier but not willing to implement the layout maps which depict the V-10 street as terminated. In fact the governmental authorities are content with allowing illegal activities such as encroachment/ construction/ dumping of C&D waste on governmental land/ protected land by selectively and sporadically imposing penalties to give the mis-impression that they are protectors and conservators of the environment whereas, their failure lies in ensuring that such activities cannot be perpetuated by cutting access to their lands and giving effect to layout maps and plans of the area and sealing the V-10 street.
- e. The low height barrier is by passed by the local goons, encroachers, etc. by taking C&D waste in sacks in autos/ two wheelers, or loaded in tractors which are well below the height of the barrier.

- f. The Joint Committee Report is a complete eye wash, which alleges illegalities but does not assist this Hon'ble Tribunal.
- g. If the boundary wall at the end of the V-10 street is not reconstructed and kept intact after reconstruction, the illegalities will continue to be perpetuated and levying fines and penalties is not a going to preserve the Aravalli Hills and the gair mumkinpahad.
- h. It is unfortunate that the Joint Committee Report gives the flavour of an adversarial litigation in the present case, whereas the governmental authorities should have been leading the cause being espoused by the Applicants herein.
- i. Except the vague statements about the measures taken, the Joint Committee Report does not lay any definitive roadmap despite categorically identifying the illegalities, the Joint Committee Report is unlikely to assist this Hon'ble Tribunal in properly adjudicating this case.

PRESENT STATUS:

- 6. That due to the delayed of the Joint Committee Report, there has been rampant deterioration and degradation of the environment in the Aravalli Range in the form of the following activities:
  - a. Illegal Cattle and pig rearing;
  - b. Cattle slaughtering;

- c. Illegal borewells leading to depletion of the water table in the Aravalli range;
- d. Dhobhi Ghats;
- e. Destruction of natural flora and fauna;
- f. Establishment of slums by encroachers and stealing electricity from electric poles of the DLF Phase-III colony, Gurgaon; and
- g. Construction debris and garbage dumping to level the hilly areas for the purpose of further construction.

True Copy of photographs taken in 2022 which show levelling of land, construction of sheds, construction of slums, parking of commercial vehicles are annexed herewith as **ANNEXURE R-1** (Pages 12- 17).

7. That, in an alarming recent development, the encroachers have constructed an illegal concretised road in the Aravalli Range to make a thoroughfare ahead of the V-10 street which is to be a dead end as recorded in the Shijra Map of Nathupur Village and the layout plan of DLF Phase-III. The Applicants reached out over a call to the MCG Commissioner in Gurgaon but nothing came from it and it appeared that the Municipal Corporation of Gurgaon was least interested in addressing encroachment and illegal construction on its own land. The Applicants even approached the SHO of the DLF Phase-III Police Station, Gurgaon but they were simply turned away by the said SHO who said that just because the instant matter is sub-judice before this Hon'ble Tribunal, that does not imply that the SHO is obliged to take notice of the illegal

activities in the Aravalli Range. The Applicants and the other residents were further told to first procure a stay from this Hon'ble Tribunal before approaching the police in Gurgaon. True copy of the photographs showing illegal concretisation of the V-10 street beyond the boundary and thereafter its use as a thoroughfare along with a satellite image showing pathways and illegal occupation in the Aravalli Hills to facilitate access and destruction are annexed herewith as **ANNEXURE R-2** (Pages 18- 24).

8. The construction of an illegal concretised road in the Aravalli Range to make a thoroughfare ahead of the V-10 street which is to be a dead end was also reported in the Times of India. True copy of newspaper report in Times of India dated 31.01.2022 is annexed herewith as **ANNEXURE R-3** (Pages 25- 26).
9. The Respondents have not only turned a blind eye but also have actively contributed to the environmental degradation of the Aravalli Range in Gurgaon. It appears that there is some kind of nexus between the government authorities and the encroachers and along with the mafia where all hails made by the Applicants have fallen on deaf ears and in return there has only been purposeful inaction.
10. After the Applicants filed the instant matter before this Hon'ble Tribunal, the Applicants, their families and the other residents of the V-10 Street in DLF Phase-III, Gurgaon, have been threatened from time to time by the encroachers of the Aravalli Range who turn up outside the



residences in large groups to intimidate the residents. The residents have been living in fear and anxiety.

11. That the law enjoins a duty upon the Municipal Corporation of Gurgaon to take appropriate action to stop and remove all the illegalities by following due process of law and also on all other authorities to make a coordinated effort including by providing necessary/ adequate support and security to ensure that the encroachments and unauthorised structures/ occupants on the forest land are removed.

12. That the longer this matter prolongs, the more will be damage to and deterioration of the Aravalli Range.

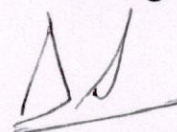
13. The Applicants herein regard and look up to this Hon'ble Tribunal as an umbrella authority having far-reaching powers to ensure that the concerned authorities under the respective environmental legislation and enactments work in tandem for the protection and the cause of the environment and also protect the Applicants for being whistle blowers for the illegal activities underway to systematically harm and damage the Aravalli Range.

### PRAYER

In view of the above said facts and circumstances, it is, therefore, most respectfully prayed by the Applicants that this Hon'ble Tribunal may be pleased to:

- a. Allow the present Applicant to place on record the stand, facts and supporting documents as enumerated and attached in the present response, as part of the pleadings;
- b. Direct the Municipal Corporation Gurgaon to reconstruct the boundary wall between the V-10 Street, Sector 24, DLF Phase-III, Gurgaon and the MCG land in Khasra Nos.833, 838 and 605 which form a part of the Aravalli Range;
- c. Pass any other such order(s)/ direction(s) as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present matter.

Through:



Mr. Dilpreet Singh  
Advocate for the Applicants  
1506-B, Beverly Park-2,  
MG Road, DLF Phase-2,  
Gurgaon- 122002  
Mobile: 9810048780  
Email: dilpreetsingh@outlook.in

Date: 20.05.2022  
Place: New Delhi



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO.196 of 2021

IN THE MATTER OF:

Sumit Batra & Ors.

...Applicants

Versus

State of Haryana & Ors.

...Respondents

**AFFIDAVIT**

I, Sumit Batra, S/o Mr. S.K. Batra, aged about 38 years, R/o V-10/17, DLF Phase-III, Haryana, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am Applicant No.1 in the present matter. I am also authorised to sign on behalf of the other Applicants. I am well conversant with the facts and circumstances of the present case. I am fully competent to swear and affirm this Affidavit.
2. That the contents of the accompanying interlocutory application are true and correct and it has been drafted on my instructions.
3. That the annexures filed with the accompanying interlocutory application are true copies of their respective originals.

286  
20/05/2022



**ATTESTED**

**NOTARY PUBLIC  
DELHI (INDIA)**

2 U MAY 2022

*Sumit Batra*

**DEPONENT**



**VERIFICATION:**

Verified at New Delhi on this 20 MAY 2022 day of May 2022, that the contents of the above Affidavit are true and correct to the best of my knowledge and nothing false has been stated therein and nor any material fact has been concealed therefrom.

*[Signature]*  
**DEPONENT**



**ATTESTED**  
*[Signature]*  
**NOTARY PUBLIC  
DELHI (INDIA)**  
**20 MAY 2022**



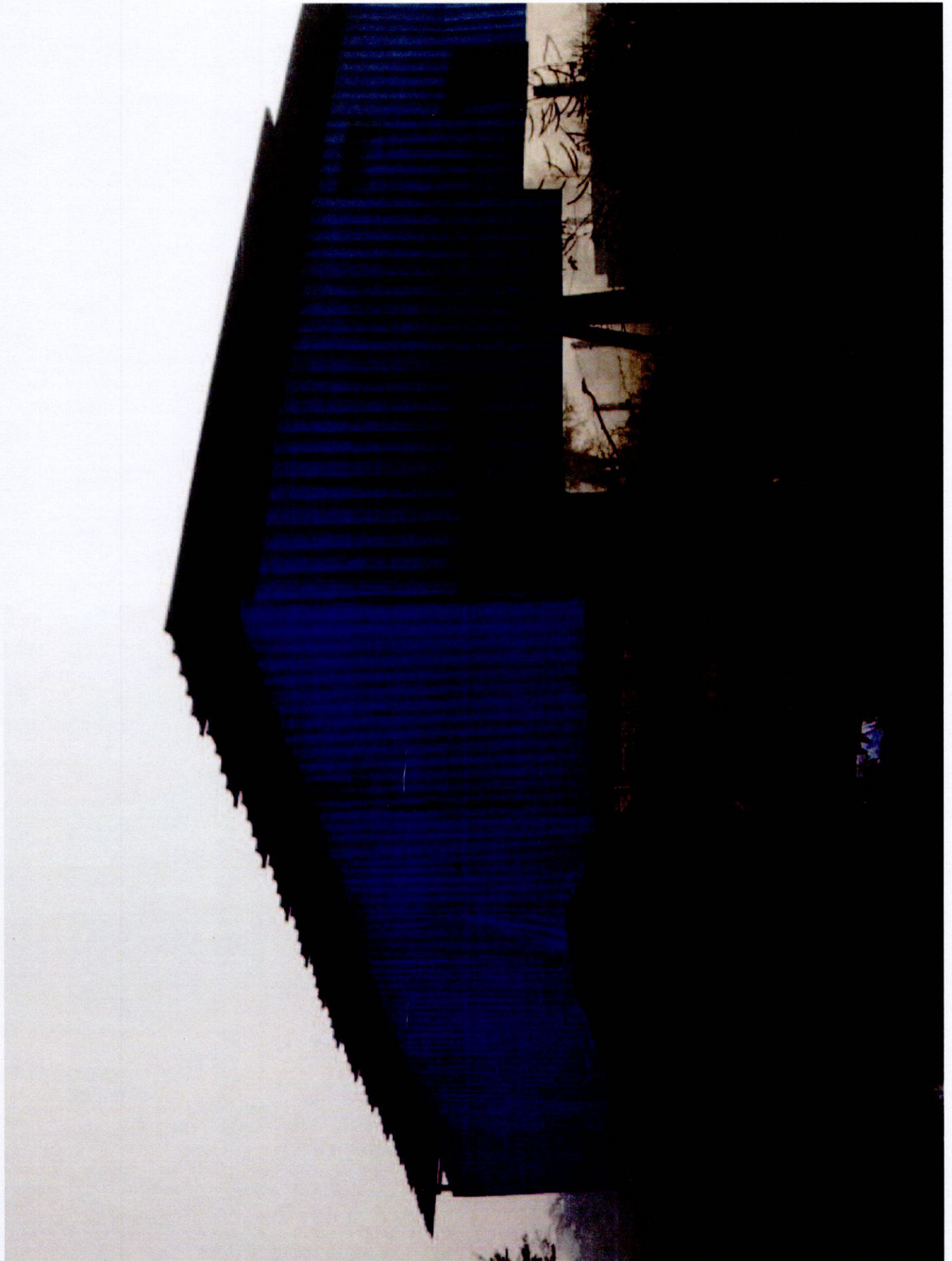
## ANNEXURE R-1

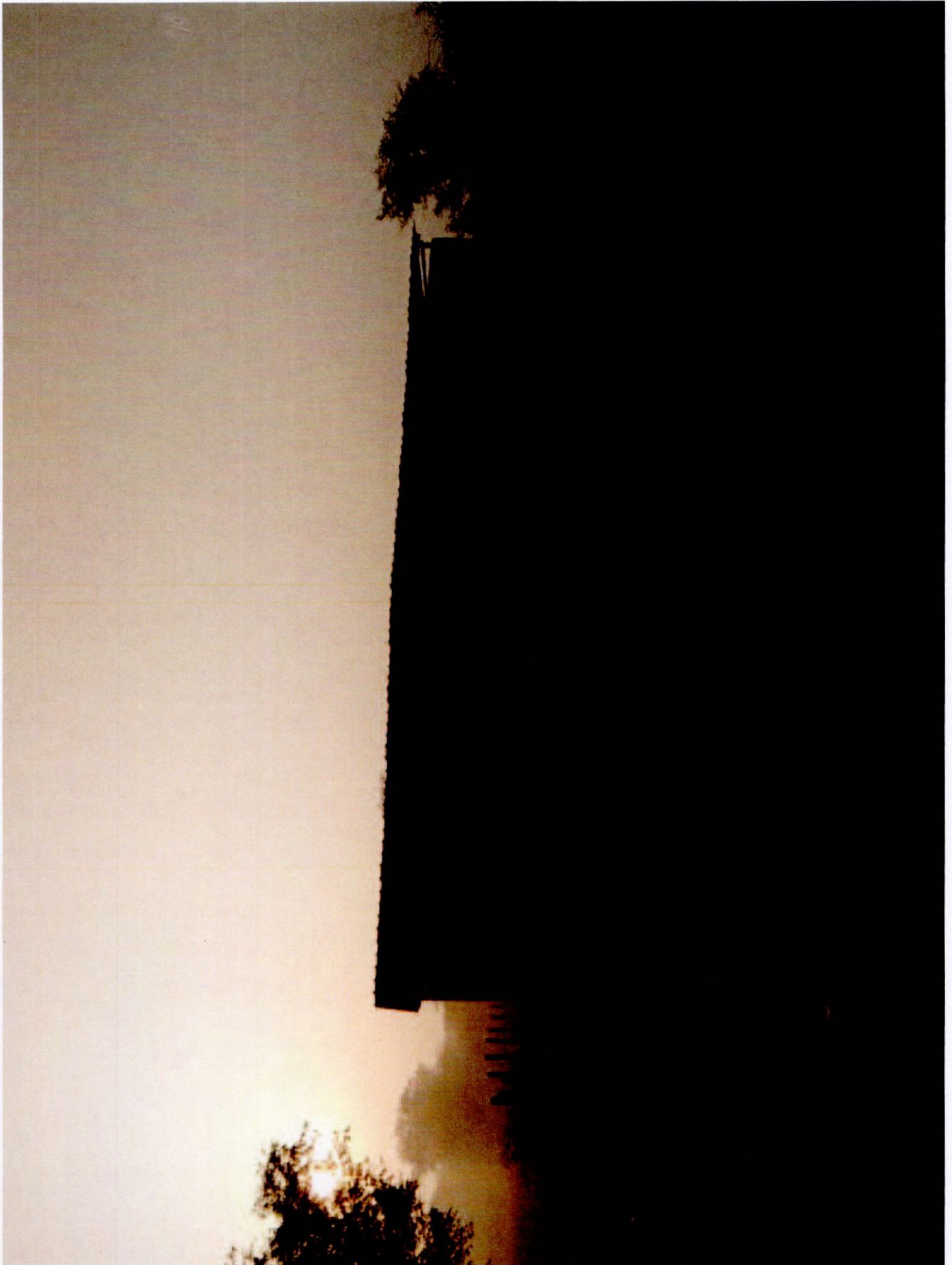




















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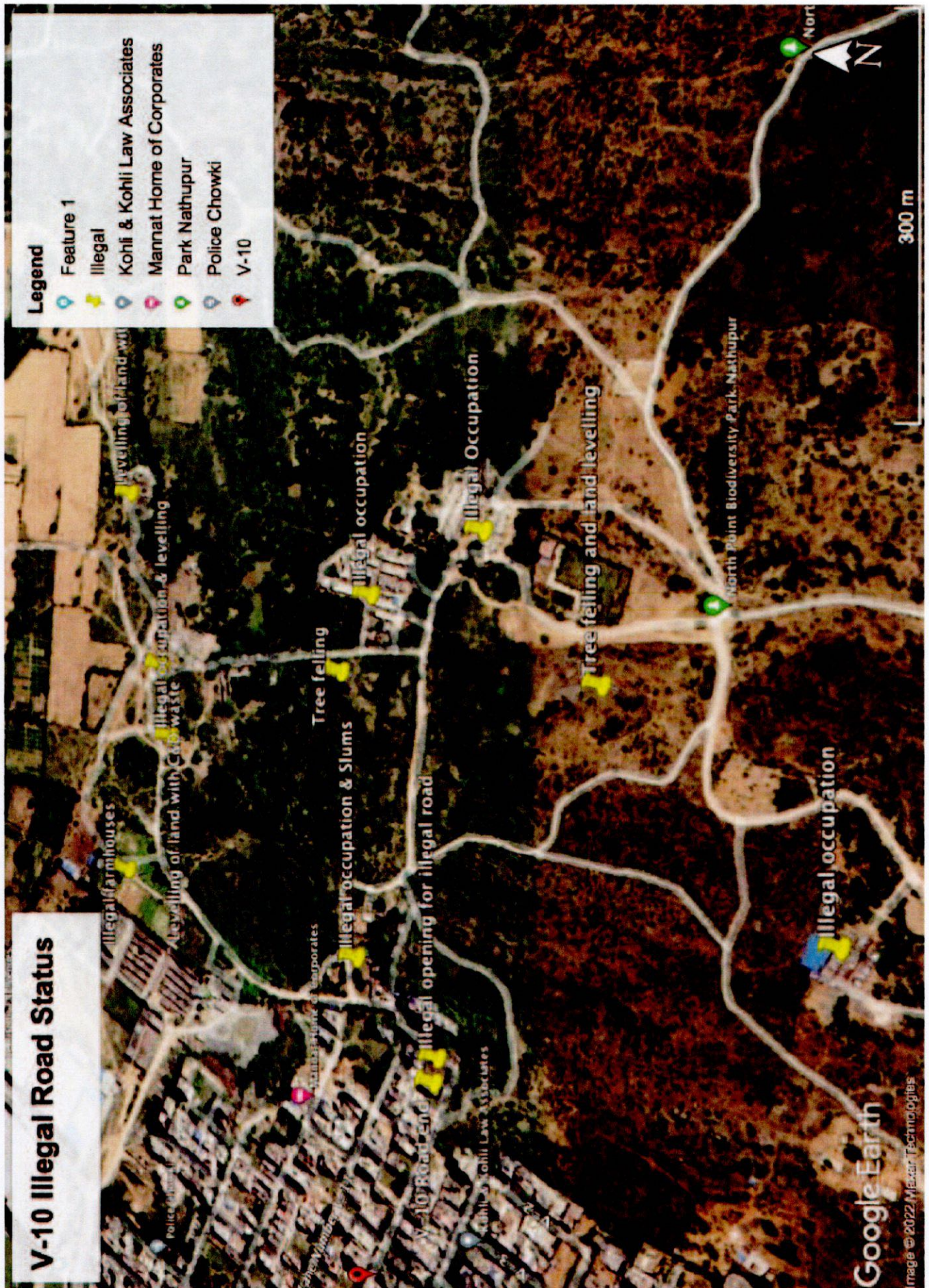












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Printed from **THE TIMES OF INDIA**

## Gurgaon: NGT hearing on road near biodiversity park in February, but it's being concretised

TNN | Jan 31, 2022, 03.41 AM IST



GURGAON: There has been no stop to encroachments in the Aravalis near the biodiversity park in DLF 3, with one of the illegal roads now being paved with concrete. But the land on which the road lies is termed 'gair mumkin pahar' (uncultivable hill) in the revenue records, which makes non-forest activities such as cutting trees and constructions illegal there. The matter of the road is already in the National Green Tribunal (NGT), and a hearing is coming up next month. The villagers in the area started the work using a Municipal Corporation of Gurgaon (MCG)-issued tender for road construction in a different area. But there is no area with the block number mentioned in the tender, DLF 3 residents alleged, adding that it was just an eyewash.

The DLF 3 residents informed that the road getting concretised lies behind the Aravali Biodiversity Park and extends from a colony road in V-10 in the



V-block. The MCG tender is for road construction in V-40 but, there is no V-40 in the area.

"A contractor is laying concrete on the illegal road after getting a tender of Rs 40 lakh from the MCG. The contract relates to a road in V-40, but the work is ongoing in V10. It seems to be some fraud. The tender got floated in the name of V-40 because the road on V-10 is subjudice," said Rohan Singh, a resident.


The encroachers, he added, have already chopped off trees and damaged other trees by dumping waste on them.

Residents said that the work is a blatant violation of the NGT norms. "How are trees being cut regularly in the area? The land is getting levelled, too, and C&D waste gets regularly dumped here. However, no action has been taken on the ground yet. We are waiting for our turn to get heard by the NGT. The case is also in the Punjab and Haryana High Court," Sunny, a resident, said.

The DLF 3 resident, who had filed a petition related to the road with the NGT in August last year, said that the MCG owns the land and must ensure that no non-forest activities get carried out there.

TOI in September and January last year reported that the over 1.5km road had been built from DLF 3 into the forest area, with farmhouses, dairies and slums dotting the area and destroying the natural green cover. Villagers have been trying to capture the biodiversity park, too, the residents alleged. In a hearing on August 10, 2020, NGT chairperson Adarsh Kumar Goel had observed, "Before considering the matter further, we find it necessary to seek a factual report from a joint committee of the divisional forest officer, Gurgaon, and the MCG, within a month."

The civic body is informed about the illegal constructions in the 'gair mumkin pahar'. On the condition of anonymity, an MCG official said, "We have asked our team to prepare a report on the issue."



TRUE COPY

**Subject:** Service of APPLICANTS' RESPONSE TO THE REPORT OF THE JOINT COMMITTEE in OA No.196/2021

**Date:** Friday, 20 May 2022 at 11:12:32 PM India Standard Time

**From:** dilpreet singh <dilpreetsingh@outlook.in>

**To:** cs@hry.nic.in <cs@hry.nic.in>, pccf-gry@nic.in <pccf-gry@nic.in>, hspcbho@gmail.com <hspcbho@gmail.com>, hspcbrogrs@gmail.com <hspcbrogrs@gmail.com>, ccb.ccp@nic.in <ccb.ccp@nic.in>, secy-moef@nic.in <secy-moef@nic.in>, commgrg@hry.nic.in <commgrg@hry.nic.in>, dcgrg@nic.in <dcgrg@nic.in>, cmc@mcg.gov.in <cmc@mcg.gov.in>

**CC:** sumitembeddeda@gmail.com <sumitembeddeda@gmail.com>, reemasamay@hotmail.com <reemasamay@hotmail.com>, jaspal.moni7@gmail.com <jaspal.moni7@gmail.com>

**BCC:** Aneesh Khanna <aneeshkhanna@gmail.com>

**Attachments:** Applicants' Response Affidavit 20.05.2022.pdf

To,

1. State of Haryana
2. Principal Chief Conservator of Forests (Haryana)
3. Haryana State Pollution Control Board
4. Central Pollution Control Board
5. MOEF
6. Commissioner, Gurgaon
7. Gurgaon Metropolitan Development Authority
8. Municipal Corporation Gurgaon

Attached with this email is a copy of the APPLICANTS' RESPONSE TO THE REPORT OF THE JOINT COMMITTEE DATED 18th APRIL 2022, in OA No.196/2021.

Kind regards,  
dilpreet

—

Dilpreet Singh  
Advocate-on-Record, Supreme Court of India  
**M:** +91 98100 48780 | **E:** [dilpreetsingh@outlook.in](mailto:dilpreetsingh@outlook.in)

This e-mail is confidential and legally privileged.

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