

Item No.07

Court No. 2

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.419/2023

Rampal

Applicant

Versus

State of Haryana & Ors.

Respondents

Date of hearing: 19.03.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 1 to 4
Mr. Surjit Singh, BDPO Block-Tauru, District Nuh.

Application is registered based on a letter petition received by Post

ORDER

1. The Applicant, Rampal has sent present letter petition, which has been treated and registered as Original Application, complaining about illegal cutting of trees and vegetation for conversion of Gauchar land for agricultural use while suggesting user thereof for afforestation.

2. Vide order dated 31.07.2023 this Tribunal ordered issuance of notices to the respondents and constituted a Joint Committee to verify the factual position, take appropriate remedial action and submit factual and action taken report.

3. In compliance thereof report of the Joint Committee has been filed vide email dated 13.10.2023.

4. In its report the Joint Committee has merely mentioned that said common Gochar land has been validly leased out by the Gram Panchayat for agriculture purpose in accordance with Rule 3 of the Punjab Village Common Lands (Regulation) Rules, 1964 empowering it to utilize the same for said purpose. The Joint Committee has not looked in to the allegation regarding cutting of the trees and has not considered the suggestions for utilization of the common Gochar land for afforestation.

5. The land holders in the State of Haryana contributed land out of the land owned by them to common pool for utilization for various common purposes and in course of time such lands came to be regulated by various enactments including the Punjab Village Common Lands (Regulation) Act, 1961 and the Rules made there under. While there can be no challenge to the power of gram panchayat to utilize common lands for purposes permitted under the rules yet proper utilization of common land will depend on number of factors and generation of income for the gram panchayat cannot be the sole consideration for such utilization of common land.

6. Common Gochar land has become surplus and available for utilization for other purposes due to decreasing cattle population in the villages but in the changed scenario it will also be appropriate that common Gochar land is utilized for construction of goshala to resolve the problem of stray cows on the roads in the cities.

7. Further, judicial notice can be taken by this Tribunal of the fact that the urbanized villages falling within municipal limits have facilities of parks, green belts, stadiums, libraries etc. but other villages have no such facilities and question of utilization of common land for parks, green belts, stadiums, libraries etc. The matter of providing such facilities in such villages needs consideration by the State of Haryana and its instrumentalities. Framing of policy in this regard is also an urgent requirement for upgrading the living conditions in such villages.

8. Learned Counsel for the respondents no. 1 to 4 seeks time to file their reply/response by exploring the possibility of utilization of common lands for common purposes of community forestry, herbal garden, parks, green belts, stadiums, libraries etc. in the villages.

9. Reply/response be filed respondents no. 1 to 4 within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. List for further consideration on 18.07.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 19th, 2024
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