

Item No. 7

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 543/2023
(I.A. No. 703/2023, I.A. No. 704/2023, I.A. No. 870/2023
& I.A. No. 871/2023)

Rohit Thakran

...Applicant

Versus

State of Haryana & Ors.

...Respondents

Date of hearing: 16.01.2024

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

Applicant: Mr. A.R.Takkar and Ms. Himani Advocates for the
Applicant.

Intervenor
Applicant: Mr. Sajal Dhawan Advocate for Ms. Lalita Jindal-
applicant in I.A. No. 870/2023.

Respondents: Mr. Rahul Khurana Advocate for Respondents No. 1 and
3 to 9.
Ms. Noopur Singhal Advocate for Respondent no. 2.

**Application under Section 18(1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010.**

ORDER

1. The Applicant, Rohit Thakran, has filed the present application under section 18 (1) read with sections 14 and 15 of the National Green Tribunal Act, 2010 for directions to the respondents to restore the water bodies which existed in Khasra No. 24 and 28 in village Adampur Gram Panchayat Jharsa, Gurgram, Haryana and to stop all construction activities in the land of said water bodies and to plant the trees in lieu of trees which have been illegally cut from the same.

2. Vide order dated 12.09.2023 notices were ordered to the respondents.

3. I.A. No. 703/2023 was filed for grant of ad interim injunctive relief which is pending for consideration.

4. I.A. No. 704/2023 was filed for exemption from filing certified/better legible/taped/typed translated copies of the annexures but the same is not pressed as the learned Counsel for the applicant has submitted that the copies as required will be filed and I.A. No. 704/2023 is accordingly disposed of as not pressed.

5. I.A. No. 870/2023 has been filed by applicant Ms. Lalita Jindal with the following prayer: -

“1) That to implead as a Respondent Party in OA NO. 543/2023 and to seek the dismissal of the same OA NO. 543/2023, which pertains to the restoration of alleged water body located at Khasra No. 28 within Village Adampur (now a part of Sector 50. Gurugram), as the applicant, Mr. Rohit Thakran, deceived the tribunal by presenting false information and concealing the major fact that he himself is an Encroacher at Khasra No. 28.

2) That the petition is sought to be dismissed as the principle of res judicata will be applied, as an earlier case (OA. 388/2021, E.A No. 10/2022, M.A No. 38/2022) addressing the same issue and between the same parties was already concluded by the National Green Tribunal, rendering the current petition duplicative and previously settled.

3) That as the land was acquired by the HSVP (Erstwhile HUDA) in 2005. and 18 years have elapsed since then, and to the extent of the Limitation Act, a significant period has lapsed, surpassing any limitation period therefore the application is sought to be dismissed on the ground of limitation.

4) The petition is sought to be dismissed as it does not involve an environmental issue, lacking substantial evidence of any environmental pollution or harm to the environment in the present context.

5) That as the jurisdiction of the current application falls outside the purview of the Honorable National Green Tribunal, Delhi, as it pertains to a civil issue concerning encroachment and the Tribunal cannot deal with civil matters, therefore, the application is sought to be dismissed.

6) That to Direct the Gurugram administration to form a committee and initiate the process of conversion of the land in question (Khasra No. 28) from Gair Mumkin Johar waterbody to the residential in the revenue records.

7) Any other relief which this Hon'ble Tribunal deems appropriate in the facts and circumstances of the case.”

6. I.A. No 871/2023 has been filed by applicant Ms. Lalita Jindal for exemption from filing legible copies of dim pages attached as annexures.

7. We have heard the learned Counsel for Ms. Lalita Jindal and the learned Counsel for the applicant and respondents.

8. No ground for exemption from filing legible copies of dim pages attached as annexures is made out and I.A. No. 871/2023 is dismissed and applicant Ms. Lalita Jindal is directed to file legible copy of the annexures.

9. Learned Counsel for the applicant and respondents have no objection if I.A. No. 870/2023 is allowed qua relief of impleadment as respondent.

10. In view of the fact and circumstances mentioned and no objection, I.A. No. 870/2023 is allowed qua relief of impleadment of Ms. Lalita Jindal as respondent no. 10.

11. I.A. NO. 30/2024 has been filed for taking action against persons/officials responsible for illegally cutting grown up old three Peepul trees and one Sheesham tree. Copy of the same be supplied to the respondents and reply to the said I.A. NO. 30/2024 may be filed by the respondents if so desired on or before 23.01.2024 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List for further consideration on 24.01.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 16th, 2024

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