

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

Execution Application No. 29/2023
IN
Original Application No. 07/2020
(I.A. No. 759/2023 & I.A. No. 760/2023)

Vinay Kumar Gupta & Anr.

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 11.10.2023

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

Applicant: Ms. Mansi Chahal & Mr. S.A. Zaidi, Advs. for Applicant in E.A 29/2023

Respondent: Mr. Rahul Khurana, Adv. for Deputy Commissioner, Faridabad with Mr. Shidharth Dahiya, HCS, HSVP, Faridabad
Mr. Surrender Vats, in Person (R - 6)

ORDER

1. OA No. 07/2020 was filed raising the grievance that the park in Sector 8, Faridabad was illegally encroached and no action was taken in spite of the complaint.

2. The Tribunal in the order dated 02.09.2020 had considered the report and had disposed of the OA by observing as under:

"3. Accordingly, the Deputy Commissioner, Faridabad has filed a report on 27.02.2020 to the effect that orders for removing encroachment has been passed. Further remedial action will also be taken.

In view of above, no further order is required except that necessary remedial action be taken as per law."

3. The present application has been filed seeking execution of the aforesaid order.

4. The Tribunal by order dated 21.08.2023 had called for the factual and action taken report from the Deputy Commissioner, Faridabad.

5. The report has been filed yesterday night at 1.00 am. As per the said report, the land in question, wherein the house of Respondent No. 6 is standing, was acquired and nearly 80 sq. yards of encroachment in Khasra No. 85/16/2 and 85/15 have been removed.

6. Respondent No. 6 present in person submits that the land where the house is standing has not been acquired and he has already filed a civil suit which is pending. Therefore, the demolition activity cannot be continued.

7. At this stage, Counsel for the applicant has sought time to obtain a copy of the report and file response to it.

8. The jurisdiction of the Tribunal extends to the issue of environment including protection of greenery and park but before any adverse action effected party need to be heard.

9. Having regard to the circumstances noted above and considering the nature of order earlier passed by the Tribunal, we deem it proper to direct the respondent authority not to proceed with further demolition without ascertaining the title on the land in question.

10. List on 10.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 11, 2023
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