

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

Execution Application No. 48/2023
In
Original Application No. 427/2023
(IA No. 873/2023 & IA No. 215/2024)

Ashok Chandra Gautam
Ashok Chandra Gautam
Versus
Governing Body Members of Piyush Heights
Residents Welfare Association & Ors.

Applicant
Respondent(s)

Date of hearing: 09.05.2024

**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: Mr. Apratim Animesh Thakur & Mr. Lokshira Sachdeva, Advs. for
Applicant in E.A 48/2023

Respondent: Ms. Panchajanya Batra Singh, Mr. Mahavir Singh, Mr. Dishant Kalra, Mr.
Amitesh Giroti & Mr. Himalaya Singh, Advs. for R - 1 to 16
Mr. Rahul Khurana, Adv. for R - 17 to 19

ORDER

1. By this execution application, Applicant is seeking compliance of order dated 25.08.2023 passed in OA No. 427/2023.
2. The Tribunal by order dated 25.08.2023 had considered the issue of construction on the green area and had taken note of the joint factual and action taken report submitted in the OA, wherein the stand of District Town Planner (Enforcement) was reflected as under:

“xxxxxx.....xxx

5. District Town planner submitted that they were unable to carry out any sealing/ demolition drive during the month of July-August 2023 due to Kawad Yatra, flood in Faridabad and riots in District Nunas the police force was deployed for maintaining law and order. Copy of letter dated 07.08.2023 of the District Town Planner (Enforcement) is **Annexed as R/2**

In view of aforesaid facts, it is submitted that necessary action against the temple building would be taken by the District Town Planner (Enforcement), Town & Country Planning Department within next one month or as soon as the law and order situation improves in the District Faridabad, Nun and Gurugram.

3. Considering the said stand, the Tribunal had disposed of the OA by observing as under:

“xxxxxx.....xxx
8. *As per the above report, a temple is found to be under construction on open space/green area and action has already been initiated against the said construction. Along with report, the order dated 10.05.2023 passed by the District Town Planner (Enforcement), Faridabad (exercising the Powers of DTCP Haryana) under Section 10(2) of the Haryana Development and Regulation of Urban Areas Act, 1975 has been placed on record. The report also reveals that the action is proposed in pursuance to the said order.*

9. *Learned Counsel appearing for the respondents, office bearers of PHRWA has also submitted that said respondents are also taking steps to approach the appropriate authority to protect their interest.*

10. *The above sequence of events reveal that the order has already been passed by the concerned statutory authority and parties are taking consequential steps/remedial action before the appropriate authority, therefore, at this stage, no interference by the Tribunal is required.”*

4. Learned Counsel appearing for the respondent – District Town Planner (Enforcement) has submitted that the office bearers of PHRWA had submitted an application for compounding the structure erected on the green area and the said application has been rejected by the competent authority and the compliance of the order passed by the Tribunal on 25.08.2023 will be done within 8 weeks.

5. The Applicant has filed the rejoinder on 06.05.2024 and since there was a delay in filing the rejoinder, therefore, application for condonation of delay of 47 days has been filed. On due consideration, the IA No. 215/2024 is allowed. The rejoinder is taken record.

6. The respondent – District Town Planner (Enforcement) is directed to file the action taken report at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. List on 23.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 09, 2024
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