

Can't divert forest land for banquet halls, say greens

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Gurgaon: Any relaxation sought by the Haryana government to skirt a Supreme Court order on demolishing structures built illegally on land protected under sections 4/5 of Punjab Land Preservation Act (PLPA) will only sanction encroachments and is in violation of the Forest (Conservation) Act, several environmentalists and experts have said.

RP Balwan, former forest conservator of Gurgaon, said on Tuesday that the government's move was an attempt to not implement Supreme Court's orders in the Narender Singh & Others Vs. Divesh Bhutani & Others case.

"These areas are notified under section 4 of PLPA and these are forest land. Under FCA, forest land cannot be used for non-forest activities. Even the forest department cannot build its office in these areas. FCA exemptions are only allowed in some cases. For instance, if a road is to be built to connect two areas and there is no option but to cut through a forest," Balwan said.

In July 2022, the apex court had ruled that all illegal structures built on land notified under sections 4 and 5 of PLPA should be demolished as this land is forest land, where FCA would be applicable.

The Forest (Conservation) Act bars all non-forestry activities in forest land. Other than re-afforestation, land use for any other purpose is considered a non-forest activity. Normally, exemptions to divert forest land are only granted for conservation purposes, wildlife protection and some development works.

After the top court's order, the Haryana government had carried out a survey that counted illegal structures built on PLPA land in Faridabad's four villages to around 6,700. Most of these were residential clusters and banquet halls.

Some said the SC's order makes it clear that forest land cannot be used for residential and commercial purposes.

"Commercial activities like banquet halls are not site-specific at all. There is no inescapable justification to divert forest lands in the Aravali hills of Faridabad for the same," added Chetan Agarwal, a forest analyst.

“Non-site-specific activities are not permitted in forest areas. Residences and commercial activities like banquet halls are not necessarily required to be constructed in forests and no permission should be granted for that purpose,” said environmental lawyer Rahul Choudhary.

Others also pointed out that the government didn’t seek to convert land use in the demolition case related to a slum dwelling in 2021.

Senior Supreme Court advocate Sanjay Parikh, who had represented Khori villagers, said the government’s move was “morally” and “ethically” wrong.

“A welfare state should not discriminate between the poor and the rich. In the Khori case, Haryana did not seek FCA exemption, so why is it changing its position in cases of banquet halls and farmhouses? If the government wants to protect the Aravali, then it needs to take a uniform stand,” he said.

But another lawyer pointed out that demolishing around 6,900 structures in just four villages of Faridabad was unrealistic.

“Ownership in PLPA areas is still not with the government. These are mostly privately owned areas. So, getting FCA relaxation is a win-win for both parties. Demolishing more than 6,000 structures in Faridabad is not an ideal solution. People in residential areas should not be displaced,” the lawyer, who wished to remain anonymous, said.