

Restore forest in Raisina hills in five months, NGT tells Haryana

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GURUGRAM: The National Green Tribunal (NGT) on Wednesday asked the state government to restore the forest in the Raisina hill area of the Aravalis in Gurugram — the picturesque village that attracted developers in droves over decades — within five months. The court also dismissed a plea by the Ansal Aravali Retreat farmhouse owners against the derecognition of their properties, in the wake of an earlier order.

Talking to TOI, a senior state forest department official said that the restoration of the forest in Raisina hills means that all “unauthorised” farmhouses built in the area in violation of a government notification issued in 1992 would have to be razed. “We have submitted details on the violations in the area and have also rectified the revenue records. The

farmhouses built after 1992, without permission, will be demolished,” he said.

PROTECTING THE ARAVALIS: A TIMELINE

1990: Shekhar Singh vs Union of India: Case in SC to protect Aravali hills of Raisina, other parts of Gurgaon and Rajasthan's Alwar

May 7, 1992: SC prohibits setting up industry, mining,

Jan 7, 2013: NGT takes note of TOI article on Aravalis, starts suo moto case, which later becomes Sonya Ghosh Vs State of Haryana

May 3, 2014: HC says patwari entry of 'gair mumkin' farm-

covered by notification.

May-June 2019: State pollution control board issues demolition notices; show cause gives 3 days to respond. Notice expires on June 12; demolition still pending

cutting of trees and any construction activity in areas under Aravali notification without MoEF nod	houses 'stray entries, illegal and without authority', land to remain 'gair mumkin' pahar	July 2019: Panel set up more than 8 months after NGT order
2002: In MC Mehta case, SC says Aravalis must be protected at any cost	2014: On 2 occasions, DTCP fails to get police force to demolish 150 buildings	March 17, 2020: NGT seeks action taken report from panel; revenue department corrects areas from 'gair mumkin' farmhouses to 'gair mumkin' pahar in records
Feb 23, 2006: Gurgaon DC orders correction of land revenue records from 'gair mumkin' farmhouse to 'gair mumkin' pahar	Oct 23, 2018: In Sonya Ghosh Vs State of Haryana case: NGT rules construction on forest land or areas covered by Aravali notification is illegal, and orders it to be restored. Tribunal gives 2 months to set up panel and 3 months to identify all forest land /area	June 2020: Revenue department submits ATR to forest department, which submits it to NGT
2012: In Ansal case, HC terms any change in revenue records to sell land 'invalid'		Aug 26, 2020: NGT asks Haryana to restore forest in Raisina hills of Aravalis in 5 months

Farmhouses being built in protected Raisina land

Construction Banned After Land Was Tagged As Forest Last Month

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Gurgaon: Construction of farmhouses has restarted in the Raisina hills, which fell under the Aravali, about a month after the district administration restored the term 'gair mumkin pahar' (unsuitable land) in revenue records and issued demolition notices to the farmhouses already built in the area.

A visit by TOI investigation has on Thursday revealed ongoing construction at two sites in Ansal Aravali Retreat in Raisina involving clearing of land and removal



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Visit to the area on Thursday found construction in progress at two farmhouse sites. The area is on the ground to remove any entry in revenue records, as set up under an October 2018

Aravalis' slow death: Hillock flattened, farmhouse comes up

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Gurgaon: Depending on the season, Raisina could look stark brown (summer) or lush green (monsoon). Its landscape is undulating, made up largely of hillocks, interspersed with each peering at the other. In one place, an entire hillock has disappeared to give place to a farmhouse. Just 50 years for a landscape that has stood for centuries in Rajasthan, under the weight of large-scale development, it is being flattened. When the finding was placed before the Supreme Court this October, the judges were shocked.

Mining is banned in the southern Haryana Aravalis



any check on the acquisition of land use approvals for agriculture purpose, but carry out construction of houses and farmhouses with the help of local property dealers," said another.

Environmentalists said hillocks are flattened to show that an area should not be classified as forest. "It is high time the entire Aravalis is given the forest tag. The problem is that there is no accountability of the forest department and police," said Vasek Kumbhar, a city-based environmentalist.

The Haryana State Pollution Control Board (HSPCB) and the department of town and country planning (DTCP) passed the buck to each other. "About 300 farmhouses were identified in May this year, and DTCP was to issue the illegal construction in the area. HSPCB was to check and stop

The NGT's direction to the state government came during a hearing of a petition on illegal construction in the Aravalis, a case that has been going on since 2013 when the court took suo moto cognizance of a TOI report. It later became the Sonya Ghosh vs State of Haryana case.

"Construction on forest land or area covered by the Aravali Notification is illegal, and such forest land has to be restored. In view of the above, any construction raised on the forest area or the area otherwise covered by notification, dated 07.05.1992,

without permission of the competent authority (after the date of the said notification) has to be treated as illegal and such forest land has to be restored,” the court ordered.

In June this year, the Sohna municipal council served show-cause notices on the farmhouse owners of Ansals Aravali Retreat for alleged illegal construction, as per NGT’s 2018 order. This was after the authorities replaced the term ‘gair mumkin farmhouse’ in revenue records, which had helped farmhouse owners skirt provisions of the Aravali Notification 1992, with the term ‘gair mumkin pahad’ (uncultivable hill).

Anil Grover, the counsel for the Haryana government in NGT, said that the state government had sought at least six months for the restoration of the Raisina hills in the Aravalis, “but we got only five months (January 31, 2021)”. “Wednesday’s order is regarding the demolition of illegal structures and restoration of the said forest. We will first raze the illegal constructions and then begin the process of restoration of the forest. The state chief secretary will be monitoring the progress in this case in order to ensure the restoration is carried out in a proper manner,” he said.

Grover said that Haryana has already submitted its report to the court in this matter, which mentions that the term ‘gair mumkin farmhouse’ has been replaced with the original term ‘gair mumkin pahad’ in revenue records — a move that not only renders the existing properties in the Raisina hills illegal, but is also a deterrent against new construction activity in the area.

Under the Union environment ministry’s Aravali Notification, ‘gair mumkin pahad’ is a protected land where construction of buildings, roads, electrification and cutting of trees is prohibited.

The petitioner Sonya Ghosh’s lawyer Aagney Sail has hailed the order. “It is a big step that NGT had dismissed the farmhouse owners’ plea.” He also pointed out that no action has been taken yet against the illegal constructions though the original order came in 2018 in this case.

In their defence, the farmhouse owners have claimed that the land was neither recorded as a forest area nor notified as a controlled area at the time of purchase in the 1990s by Ansals (M/s Delhi Towers Pvt. Ltd) from several private owners. One such farmhouse owner, Sharad Mohan, said they will be approaching the NGT again for a review of the order. “The findings of

the pollution department are incorrect. We got legal permission in 1989-1991. A huge investment was made by M/s Ansals for construction purpose,” he said.

In 2018, NGT had given two months’ time to the Haryana government to set up a committee, and another three months to identify all forest land covered under the Aravali Notification. The committee was, however, set up only in 2019, after which the notices were issued to several farmhouse owners. However, not a single structure has been razed till date.