

To,

Additional Chief Secretary,
Forest Department,
Haryana.

Subject: Regarding non issuance of Forest Clearance/NOC by the State Forest Department for retail Outlet (Petrol Pump).

Respected Sir,

This letter is in reference to the application vide proposal number 146037 pending on "Parivesh" portal for Forest clearance under section 2 of the Forest Conservation act, for establishment of retail outlet (Petrol Pump). In this regard, it is humbly submitted that I, Rosy R/o 871, top floor, 21C, Faridabad was issued a Lol in year 2019-20 for establishment of a retail Outlet (Petrol Pump) by Hindustan Petroleum Corporation Private Limited on Ankhir-Surjakund Road, Faridabad. Before establishment, I have to obtain NoCs from certain departments including Forest Department. I took a land on lease bearing khasra no. 54//18 at village Mewala Maharajpur.

2. Subsequently, I came to know that the land in question is under section 4 of PLPA-1900 which was declared as deemed forest by Hon'ble Supreme court in year 2002-2004 in Writ Petition (Civil) 4677 of 1985 M.C. Mehta V/s Union of India and Writ Petition (Civil) 202 of 1995 T.N. Godavarman Thrimulpad V/s Union of India.

3. I first applied for FC on "Parivesh" portal in December, 2020 under category "Approach access". Thereafter I was told that in a similar matter, Zonal Office has advised to apply applications in such areas under "other" category. Thereafter again an application was applied on "Parivesh" in March 2021 vide pending proposal no. 146037, which is still pending on part of the forest department. To demonstrate the same, I submit my following submissions.

4. Hon'ble Apex Court vide orders dated 16.12.2002 in Writ Petition (Civil) 202 of 1995 T.N. Godavarman Thrimulpad V/s Union of India, held the areas notified under PLPA 1900 be treated as Forest for the purpose of Forest Conservation Act as the same is being recorded as such in forest records. The direction given is reproduced as;

"For the present, no mining will be permitted in the areas for which notification under section 4 and 5 of PLPA Act 1900 have been issued for regulating the breaking up of the land etc and such lands are or were recorded as forest in Government records even if the notification period has expired, unless there is approval under the FC Act."

5. Hon'ble Apex Court further vide orders dated 08.03.2004 and 13.04.2006 in Writ Petition (Civil) 4677 of 1985 M.C. Mehta V/s Union of India. In order dated 08.05.2006, Hon'ble Apex court further referred again at page 6 and page no 19 of the orders that;

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"(3) No mining activity would be permitted in respect of area where there is a dispute of applicability of F.C. Act, till such time the dispute is resolved **or approval under the FC Act** is accorded, in addition to order already passed in Writ Petition No. 4677/1985.

For the present, no mining will be permitted in the areas for which notification under section 4 and 5 of PLPA Act 1900 have been issued for regulating the breaking up of

the land etc and such lands are or were recorded as forest in government records even if the notification period has expired, unless there is approval under the FC Act"

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"(b) no mining can be carried on in areas which are subject matter of notifications under Section 4 and/or 5 of the PLPA Act 1900. However, even in these areas mining can take place after seeking permission under section 2 of the Forest (Conservation) Act. (see para 89);"

6. Even in any of the orders passed in the SLP (C) No. 7220-7221 of 2017 MCF V/s RWA of Khorī, referred in the letter dated 31.12.2021 and 06.03.2023 of APPCF, HQ, it is nowhere said that forest department will not give permission under section 2 of the Forest (Conservation) Act or will keep the application pending for indefinite time.

7. Even otherwise, the application in my case is for retail outlet/Petrol Pump on very small area and the same will also contribute to the economic growth of our Nation as well. Further, it is also submitted that already there are N-number of Petrol Pumps under operation on land under PLPA, 1900 on Surajkund-Ankhir road and Gurugram-Faridabad Road and in Khorī case, Hon'ble Apex court never questioned any petrol pump already operation on land under section 4 and 5 of PLPA Act 1900. This act of the Forest department is only encouraging the monopoly of these already existing Petrol Pumps and it seems that this is the only objective of the Officers of the Forest department.

8. With continuous efforts, the Department of Forest convince to forward the case to State Government and forwarded the case to DFO and CF for recommendation of Part II and III, vide letter dated 14.12.2023. However, inspite of sending recommendation DFO passed an order of cancellation for the reasons best known to him which otherwise he was not entitled for. It is further stated that while passing such adverse order, no opportunity of personal hearing in interest of law of natural justice was afforded. The ground of rejection and response to same are as under:

Sr.no.	Grounds of rejection	Response
1.	The Proposal is for a non-site specific land.	The proposal was applied for specific site at Khasra No. 54//18 at Village Mewala Maharajpur, hence objection is not sustainable.
2.	CLU not provided.	CLU has already been applied, vide no. "CLU0307021531" however same is pending for want of FC/NOC of the Forest Department, hence objection is not sustainable.
3.	Layout plan is not approved.	Layout plan is prepared and approved by the HPCL as per norms who is fully authorized to authenticate the layout plan, hence objection is not sustainable.

In light of above, it is very clear that I have done all my efforts for issuance of NOC/FC clearance under applicable law and this letter is my last hope. Therefore, it is again requested to kindly process my application under proposal no. 146037 of 2021 or a NOC may be given to go ahead to construct the project.

Rosy
(Rosy)

LoI Holder retail outlet HPCL
M-9416957544,8847637149

Dated: 16.7.2024

वन विभाग, हरियाणा सरकार
कार्यालय प्रधान मुख्य वन संरक्षक, हरियाणा, पंचकूला

सी.18, वन भवन, सेक्टर-6 पंचकूला, हरियाणा 0172 2563988, 2563961 E-mail : cffcpachkula@gmail.com

क्रमांक:- डी-तीन-10185/2492-93

दिनांक:- 15/12/2023

सेवा में

1. मुख्य वन संरक्षक, दक्षिणी परिमण्डल, गुरुग्राम।
2. वन मण्डल अधिकारी, फरीदाबाद।

Sub: Diversion of 0.2369 ha. of forest land for installation and access to retail outlet of HPCL on Surajkund Road between Ankhir Chowk to Surajkund Faridabad within Municipal Limit (WML), (Faridabad to New Delhi Road) at KM. 05.777 L/side at Village Mewla Maharajpur, under Forest Division and District Faridabad, Haryana. Proposal No. HR/Approach/146037/2021

उपरोक्त प्रस्ताव इस कार्यालय द्वारा राज्य सरकार को भेजने हेतु अनुमोदित किया जा चुका है। इस सम्बन्ध में आपको लिखा जाता है कि प्रस्ताव में पार्ट-11 व पार्ट -111 (Recommendation of DFO & CF) नवीनतम स्थिति अनुसार पुनः इस कार्यालय को भिजवाएं तथा पोर्टल पर भी अपलोड करें ताकि प्रस्ताव में आगामी कार्यवाही की जा सकें।

अतिरिक्त प्रधान मुख्य वन संरक्षक (एफ0सी0ए0)
हरियाणा, पंचकूला।

15/12/23