PART – III

Diversion of 0.95 ha of Forest Land for Establishment of Recreational Complex at Village Ankhir on Ankhir to Surajkund Road, Faridabad under Forest Division and District Faridabad. Proposal No. : FP/HR/Others/45071/2020

14) Whether site, where the forest land involved is located has been inspected No by concerned Conservator of Forests (Yes/No). If yes, the date of in spection & observations made in form of inspection note to be enclosed. 15) Whether the concerned Conservator of Forests agree with the information Part-B given in and the Yes of recommendations Deputy Conservator of Forests. 16) Specific recommendation of concerned As recommended by the DFO, The proposed use of the Conservator of Forests for acceptance forest land is non-site specific. As per the Consolidated or otherwise of the proposal with Guidelines and Clarifications issued under the Van detailed reasons. (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules, 2023, particularly Para 1.10 concerning Diversion of forest land for non-site-specific projects: "(a)Utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of displaced persons, etc. are non-sitespecific activities and cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considering approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980' The Change of land use certificate from Town and country planning/ Municipal Corporation/ any other competent authority is an essential document for processing of proposals under FCA.No document confirming Final CLU granted has been uploaded on portal. Approved layout plan is a document that ensures space is used efficiently, meets safety standards, and ensures it aligns with all govt. rules and regulations. The layout plan submitted or uploaded by user agency is not approved by competent authority. User agency has violated the provisions of forest conservation act 1980. Without the prior approval of central govt. under forest conservation act, 1980 non forestry activities has been carried out which is offence. This case is also not in compliance of the various guidelines/clarification issued by MoEFCC vide its

ferming

letter no 25-536/2023-ROC dated 29-12-2023 regarding-processing of the proposals involving nonforestry use of lands closed under Punjab Lands Preservation Act, 1900.

Conclusive and operative part of Hon'ble supreme court judgment dated 21.07.2022 in CA No. 10294/2013 in matter of Narender Singh and others versus Divesh Bhutani and ors. is reproduced below-

Para 64. Thus, we hold that the lands covered by the special orders issued under Section 4 of PLPA have all the trappings of forest lands within the meaning of Section 2 of the 1980 Forest Act and, therefore, the State Government or competent authority cannot permit its use for non-forest activities without the prior approval of the Central Government with effect from 25th October 1980. Prior permission of the Central Government is the quintessence to allow any change of user of forest or so to say deemed forest land. We may add here that even during the subsistence of the special orders under Section 4 of PLPA, with the approval of the Central Government, the State or a competent authority can grant permission for nonforest use. If such non-forest use is permitted in accordance with Section 2 of the 1980 Forest Act, to that extent, the restrictions imposed by the special orders under Section 4 of PLPA. will not apply in view of the language used in the opening part of Section 2 of the 1980 Forest Act. We also clarify that only because there is a notification issued under Section 3 of PLPA, the land which is subject matter of such notification, will not ipso facto become a forest land within the meaning of the 1980 Forest Act.

65. Therefore, the lands covered by the special orders dated 18th August 1992 issued under Section 4 of PLPA will be governed by the orders passed by this Court in the Petition for Special Leave to Appeal (Civil) Nos. 7220-7221 of 2017. Hence, all the concerned authorities shall take action to remove the remaining illegal structures standing on land covered by the special orders and used for non-forest activities on the said lands erected after 25th October 1980, without prior approval of the Central Government, and further to restore status quo ante including to undertake reforestation/afforestation programmes in right earnest. As far as the lands covered by special orders under Section 5 are concerned, we are not making any adjudication. Therefore, the

authorities will have to decide the status of the lands covered by the said orders under Section 5 on case to case basis.

In Compliance of Hon'ble supreme court judgment dated 21.07.2022, DCF Faridabad issued order, vide order Endst. No 982-86 dated 04.07.2024. The reply/representation submitted by representative of Sun rock farm was found to be unsatisfactory as -No prior approval of Central Government under section 2 of FCA 1980 has been taken which makes structures in violations of Forest conservation Act. User agency failed to submit documents or prove that structures erected on the said land are prior to 25 October, 1980. Therefore was advised to remove unauthorized structures.

Based on the fact of the project being non-site specific in nature, and in light of facts mentioned above this proposal is not recommended.

Place: Gurugram Dated: 09-07-2025

Conservator of Forests, 1175 South Circle, Gurgaon.