

**OFFICE OF**  
**Dy. Conservator of Forests, Faridabad**  
**Forest Department, Haryana**

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To No. 553 Dated 26/6/2024  
Addl. Principal Chief Conservator of Forests, FCA,  
Haryana, Panchkula.

**Sub:-** Diversion of 5.107 ha forest land for construction of Sr. Sec. School along with Suajkund Badkhal road KM 6-7, L side at village Mewla Maharajpur, Sector 43, Faridabad, under Forest Division and District Faridabad Haryana.

**Ref:** Your letter no. D-III-10161/61-62 dated 15-04-2024

On the subject cited above, relevant para of Hon'ble Supreme Court judgment dated 21-07-2022 in CA 10294/2013 in matter of Narinder Singh & Ors. Vs Divesh Bhutani & Ors. is reproduced as under :-

*Para 39 - The object of the embargo on permitting non-forest use of forest land without prior permission of the Central Government is not to completely prevent the conduct of non-forest activities. This provision enables the Central Government to regulate nonforest use of forest lands. While exercising the power to approve non-forest use, the Central Government is under a mandate to keep in mind the principles of sustainable development as evolved by this Court including in its decision in the case of Rajeev Suri. The embargo imposed by Section 2 ensures that the development and use of a forest land for non-forest use is governed by the principle of sustainable development. In a 42 sense, Section 2 promotes the development work on forest land only to the extent it can be sustained while alleviating environmental concerns. The power given to the Central Government under Section 2 must be exercised by adopting scientific and consistent yardsticks for applying the principles of sustainable development".*

*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 non-forest 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.

66. To avoid any prejudice to the affected persons, we direct that before the action of removal of the illegal structures and/or action of stopping non-forest activities is taken in respect of the lands covered by the special orders dated 18th August 1992 issued under Section 4 of PLPA, the concerned competent authority shall afford an

*opportunity of being heard to the affected persons and conclude such proceedings finally not later than three months from today and submit compliance report in that regard within the same time.*

In light of these facts / para of Hon'ble Supreme Court judgment dated 21-07-2022 in CA 10294/2013 the decision in the matter of the above mentioned FCA proposal may be taken by higher authorities. This is for your information, perusal and necessary action please.

Endst. No: 554

Deputy Conservator of Forests,  
Faridabad

Dy. Supdt.  
O/o DCF Fhd.

Incharge  
FCA Branch

Dated: 26/6/2024

A copy is forwarded to Addl. PCCF, South Circle, Gurugram for information and necessary action.

Deputy Conservator of Forests,  
Faridabad

Dy. Supdt.  
O/o DCF Fhd.

Incharge  
Branch