

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

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क्रमांक:- D-III-10134/879

दिनांक:- 28/06/2023

सेवा में

उप वन महानिरीक्षक (केन्द्रीय)
क्षेत्रीय अधिकारी,
भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
एकीकृत क्षेत्रीय कार्यालय,
चण्डीगढ़ ।

विषय: Diversion of 2.031 ha. of forest land for construction of Sr Secondary School along with Surajkund Badhkal Road km.6-7 L/side at village Mewla Maharajpur, Sector 43 under Forest division & district Faridabad Haryana. (Online Proposal No. FP/HR/Sch/41656/2019))

संदर्भ: आपका पत्र क्रमांक 9-HRB094/2022-CHA दिनांक 09.06.2022

उपरोक्त संदर्भांकित पत्र द्वारा मांगी गई जानकारी आपको निम्नप्रकार से भेजी जाती है:-

S.No.	Query	Reply
1	It appears that the State Govt has not brought to the notice of IRO, the fact that the same user agency i.e. Modern Vidya Niketan (MVN) Society has applied earlier for diversion of 7.99254 ha of forest land for setting up of MNP Technologies and Solar Energy System Research Institute in 2012 in same village i.e. Mewla Maharajpur and still pending for reply from State Government. It appears that the said same forest land has been in non-forestry use since long and now it has been applied again with lesser extent with different purpose and without showing violation over PLPA area	इस सम्बन्ध में येजर एजेसी ने अवगत करवाया है कि एम0वी0एन0 सोसाइटी द्वारा दो आवेदन पत्र अलग-अलग वन भूमि के गैर वानिकी प्रयोग के अनुमति के लिए परिवेश पोर्टल के माध्यम से अपलाई किए हैं। यूजर एजेसी द्वारा प्रथम आवेदन वर्ष 2011 में एम0वी0एन0 टेक्नोलॉजी एवं सोलर एनर्जी सिस्टम एवं रिसर्च इंस्ट्यूट के निर्माण हेतु 7.99254 हेक्टेयर भूमि के परिवर्तन के लिए जिसका खसरा एवं किला नं0 34//21, 35//22, 23, 24, 25, 38//2/2, 3, 4, 5, 6, 7, 8, 9/2, 11/1, 11/2, 12, 13, 14, 15, 17, 18, 19/1, 19/2, 20, 39//1 है तथा द्वितीय आवेदन वर्ष 2019 में प्रस्ताव संख्या FP/ HR/ SCH/ 41656/2019 द्वारा 2.031 हेक्टेयर वन भूमि के परिवर्तन के लिए आवेदन दिया जिसमें एम0वी0एन0 स्कूल स्थित है जिसका खसरा एवं किला नं0 37//6/1, 6/2, 14/2, 15, 16, 17/1, 38//10, 9/1 है। स्पष्ट है कि दोनों आवेदन अलग-अलग हैं।
2	As per available open source Google earth satellite imageries, the said land is in non-forestry use since at least September,2002. It could be even more as data is not available in open source Google earth before that.	इस सम्बन्ध में वन मण्डल अधिकारी द्वारा अवगत करवाया गया है कि यूजर एजेसी द्वारा 2.031 है0 वन भूमि पर भवन निर्माण कार्य किया हुआ है जिसमें यूजर एजेसी के विरुद्ध एफ0ओ0आर0 नं0 0452/012 दिनांक 12.08.2016 व 0473/049 दिनांक 16.10.2020 चाक की गई है। गुगल अर्थ उपग्रह द्वारा ली गई तस्वीर अनुसार उक्त भूमि कम

		से कम सितम्बर 2002 से गैर वानिकी उपयोग में है तथा उससे पुरानी ईमेज गूगल ईमेजरी पर उपलब्ध नहीं है। नगर निगम, फरीदाबाद द्वारा दिनांक 10.03.2000 को बिल्डिंग प्लान अपरूव किया गया तथा 22.09.2003 व 6.07.2004 को Occupation Certificate जारी किया गया। वन मण्डल अधिकारी, फरीदाबाद के अभिलेख अनुसार 2003 या इससे पहले की कोई भी क्षति रिपोर्ट नहीं होने के कारण नगर निगम, फरीदाबाद द्वारा दिनांक 22.09.2003 को जारी किए गए Occupation Certificate के आधार पर उल्लंघना रिपोर्ट के अनुसार पैनल सी0ए0 प्रतिपूर्ति पौधारोपण की राशि में शामिल कर लिया गया है।
3	The land broken for the School is more than 4.5 ha. as per polygon drawn along the boundary of School over Google Earth Image of KML file.	गूगल अर्थ उपग्रह के (KML File) में दर्शित 4.5 है0 वन भूमि के सम्बन्ध में यूजर ऐजेन्सी द्वारा 2.031 है0 वन भूमि पर भवन निर्माण कार्य किया हुआ है, जिसका आवेदन वर्ष 2019 में प्रस्ताव संख्या FP/HR/SCH/41656/2019 द्वारा दिया गया है जो लम्बित है तथा बाकि 2.469 है0 वन भूमि 7.99254 है0 प्रस्ताव का भाग है जिसका प्रयोग MVN School द्वारा किया जा रहा है और इस कारण ही भूमि निर्माण का क्षेत्र गूगल अर्थ ईमेज में अधिक दिख रहा है।
4	The said area is adjacent (less than 150 m) to Manav Rachna International Institute of Research. A proposal (FP/HR/SCH/41500/2019) for diversion of 13.684 ha has been discussed in 46th REC meeting held on 11.01.2022 and matter is lying with the CEC for advising this office, if the FC clearance can be granted in view of the CEC direction to this office dtd 7.9.2012. Being the PLPA area this fact should also have been brought to the notice of the IRO	इस सम्बन्ध में वन मण्डल अधिकारी द्वारा अवगत करवाया गया है कि मॉडर्न विद्या निकेतन का एक हिस्सा मानव रचना विश्वविद्यालय से लगता है तथा दूसरे हिस्से में दोनो इन्सीड्यूट के बीच में रोड ट्रेफिक इन्सीड्यूट स्थित है तथा दोनों के मध्य की दूरी 150 मीटर से कम है।
5	After analysing the kml file, it has been observed that a multistorey building already exists on that land. Detailed violation report including other documents with regard to status of the building, its purpose, year of construction, permission under FC Act, need to be provided.	मानव रचना इन्टरनेशनल इन्सीड्यूट द्वारा दिए गए 13.684 है0 (FP/HR/SCH/41500/2019) के डाईवर्सन के बदले में 14.13 है0 भूमि का प्रबन्ध किया है तथा यूजर ऐजेन्सी का परचेज एग्रीमेन्ट की प्रति संलग्न है।

संलग्न/उपरोक्त

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

27/6/22

27/6/22

Ref. No. MVN/S/447

Date 21.12.2022

To,
Divisional Forest Officer,
Forest Division
Faridabad, Haryana



Sub: Reply to your letter bearing file no. 9-HRB094/2022-CHA dated 9th June 2022 regarding the diversion of 2.031 hectares of forest land for the construction of a Senior Secondary School along with Surajkund, Badhkal Road km.6-7 Left-hand side at village Mewla Maharajpur, Sector 43 under Forest division & district Faridabad, Haryana bearing Online Proposal No. FP/HR/Sch/41656/2019.

Dear Sir,

In reference to the subject cited above, we wish to make the following submission before your authority.

1. With regard to your observation No.1 we beg to submit that
 - a) That in the year 2011 Modern Vidya Niketan Society applied for a land diversion of 7.99254 hectares for the establishment of MVN Technologies and Solar Energy System and Research Institute for land bearing Khasra and killa no. 34// 21, 35// 22, 23, 24, 25, 38// 2/2, 3, 4, 5, 6, 7, 8, 9/2, 11/1, 11/2, 12, 13, 14, 15, 17, 18, 19/1, 19/2, 20, 39// 1 in the revenue estate of village Mewla Maharajpur falling in sector 43, Faridabad. A copy of the form for seeking the prior approval

Mewla

of central government u/s. 2 of the Forest Conservation Act 1980 for the diversion of fresh forest area i.e. Form-A of 7.99254 hectares is attached and designated as **Annexure No.1** hereto for your kind review and consideration. The aforementioned land is unoccupied and has not been utilized by the applicant for any non-forestry purposes.

The applicant is still awaiting the competent authority's consent to utilize the land for the institutional purposes mentioned above (non-forestry work). This application is pending with Central Empowered Committee made by the Hon'ble Supreme Court for approval.

- b) As far as the second application is concerned, in the year 2019, the same applicant, Modern Vidya Niketan Society, submitted a new application for a different plot of land applied for the establishment of MVN School with a total area of 2.031 hectares bearing Khasra and Killa Nos. 37// 6/1, 6/2, 14/2, 15, 16, 17/1, & 38// 10, 9/1. in the revenue estate of village Mewla Maharajpur located in sector 43, Faridabad, which is currently awaiting your office's approval. It is necessary to mention that both the parcel of land detailed above belongs only to Modern Vidya Niketan Society.
2. With regard to observation 2nd of your authority we beg to submit that open source google earth satellite image is reflecting the non-forestry use regarding 2.031 hectares of land is already on your record that a school building is lying there which was built by the applicant based on approval and sanction given by the MCF and the Occupancy certificate of the same was already granted to the applicant and we have made our application in the year 2019 while for the 7.99254 hectares of land applicant has applied for diversion u/s. 2 of Forest Conservation Act, 1980. The same is lying vacant and no non-forestry use has even been done by the applicant.
3. With regard to observation 3rd of your authority we beg to submit that as per as the polygon drawn image showing 4.5 hectares of land is concerned, the image has added an adjacent part of the land of 7.99254 hectares which is lying vacant and adjacent area of the vacant land is being used for the student's physical education and

M. Anand

sports. The school building is lying over 2.031 hectares only as indicated in the Regional Office's inquiry, the Modern Vidya Niketan Society had requested ex-post facto approval for 2.031 hectares of land that is utilized for the school (public use) and the rest of the land (as alleged in 4.5 hectares) is a part of the land parcel of 7.99254 hectares of that application for diversion has already been made by the Society for establishing MVN technologies and Solar Energy System Research Institute. The land is lying vacant and it seems that a portion of the same is being indicated as constructed which is not the actual state. It is humbly reiterated that both the land parcels are owned by Modern Vidya Niketan Society and two separate application for granting permission for non-forestry use is pending consideration before the authority.

4. As far as the observation 4th of your authority is concerned we beg to submit that the said area is not adjacent to Manav Rachna International Institute of Research and there is another institute as Institute of Road Traffic Education (IRTE) exists between Manav Rachna International University and Modern Vidya Niketan School/Society.
5. With regard to observation no. 5 we wish to submit that
 - a) the applicant constructed a school on a plot of land of 2.031 hectares based on the approvals and sanctions imposed by the MCF. The applicant Modern Vidya Niketan Society, as required by law, approached the Municipal Corporation of Faridabad for granting all necessary approvals and permissions as the land was in the residential sector within the territorial authority of the MCF. Additionally, the applicant obtained all necessary approvals as per building by-laws and rules operating in the area from the authority of MCF, including permissions for change of land use dated 04.01.2000, & 23.12.1999. The approval or sanction of the building plan, the authorization to erect or re-build dated 10.03.2000, the occupancy certificate dated 20.09.2003 & and the completion certificate following the completion of the development

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by the authorized building plan. You receive a copy of it along with your application as **Annexure No.2, 2A, 2B** respectively.

- b) It is necessary to mention that Modern Vidya Niketan Society is having ownership over the referred land in the revenue village Mewla Maharajpur. The building of the MVN School 'Sector-43' is located over land. We beg to state further that the construction of a school building over the land is a part of the revenue estate of village Mewla Maharajpur, District Faridabad falls under the controlled area declared by the department of Town and Country Planning in Faridabad Development Plan approved on 11/12/1991 bearing drawing title no. FCA/STP/91/808 dated 19/11/1991 titled Faridabad Complex Administration Faridabad which is a statutory document with overriding legal sanctity. The Development Plan was proposed by District Level Committee headed by the Deputy Commissioner in association and consultation with all relevant Departments and stakeholders. The Development Plan was thereafter finally approved by the State Level Committee headed by the Hon'ble Minister of Town and Country Planning, Govt. of Haryana, in which all heads of relevant departments of the State Government including the Forest Department are statutory members. It is respectfully submitted that the land of the society over which the school has been developed falls within the residential zone of the said Development Plan. Therefore, after granting their approval to the said Development Plan of Faridabad, the Forest Department cannot now ignore its sanctions/approvals and now object to the action taken under such approval. A copy of the master plan is attached herewith as **Annexure No.3** and a copy of the Gazette Notification, State of Haryana is attached herewith as **Annexure No. 3A**.
- c) As far as KML file analysis is concerned, we wish to mention that the area over which the multistory school building exists is falling under the Development Plan of Faridabad and only when the government had invited applications for Change of Land Use

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permission from interested land owners, we made an application and obtained CLU permission. Needless to mention various sectors of Haryana Urban Development Authority (HUDA) including sectors 21, 24, 26, 27, 37, 38, and 46 in Faridabad including Gymkhana Club, etc, are falling in the zone. As the land of the School fell in the residential sector within the territorial authority of the Municipal Corporation Faridabad, the Society, as required under law, approached Municipal Corporation Faridabad for granting all necessary approvals and permissions and further obtained all necessary permissions and approvals as per building bye-laws and rules operating in the area, from the authority of MCF including permission for change of land use, approval/sanction of building plan and completion certificate after the completion of development as per the approved building plan.

- d) The MVN Society, in compliance with the statutory obligation, first applied a Change of Land Use before the Municipal Corporation of Faridabad. Upon the receipt of the said application, the Department directed us to comply with certain conditions. Only upon full compliance with all the prescribed conditions by us, the department was pleased to grant us the CLU permission on 23.12.1999 for 25254.16 sq. yards and on 04.01.2000 for 10375 sq. yards (17Kanal 3 Marla). It is necessary to mention that there was no condition for seeking any permission from the Department of Forest. A copy of the CLU permission is attached herewith as **Annexure No 2.**
- e) After the grant of the CLU permission, the MVN Society submitted the building plans for the sanction/approval of the Municipal Corporation of Faridabad as per the requirement of the Department of School Education, Government of Haryana. The building plans were sanctioned by the Municipal Corporation of Faridabad on 10.03.2000 and thereafter the School building was constructed over the land as per the building plan approved/sanctioned by the

M. Narain

MCF. A copy of the building plan sanctioned by the MCF is attached as **Annexure No.2A**.

- f) Upon the completion of the construction of the school building the Society applied with the Municipal Corporation of Faridabad for the grant of the Occupancy Certificate of the said school building. Before granting the Occupancy certificate concerning the said school building, the Municipal Corporation of Faridabad prescribed certain conditions and directed us the compliance with the same as a pre-condition of the grant of the Occupation Certificate of the said School Building. Such conditions included obtaining the fire safety certificate issued by the Department of Fire, Faridabad. The MVN Society, in compliance thereof, applied for and obtained the fire safety certificate from the concerned department. Subsequently and only upon compliance with all the conditions prescribed by the MCF, the Municipal Corporation of Faridabad granted the Occupancy Certificate to the said school building on 22.09.2003 and 06.07.2004. Only after obtaining the said permissions/certificates, the society started conducting the classes within the said school premises. Copies of the Occupancy Certificates are attached as **Annexure No. 2B**. The MVN Society has made payments of requisite fees to the Municipal Corporation of Faridabad and other concerned departments for receiving necessary approvals and is paying regular bills for the services obtained from various departments like Property Tax, Electricity bills, etc.
- g) Needless to mention, if the notice under sections 4 and 5 of the PLPA was timely served to the MCF, we may have been directed by the MCF to obtain from the Department of Forest necessary approvals or we may not have been granted the necessary approval at the relevant time. Needless to mention further that MCF has never considered the land a notified land under sections 4 and 5 of the PLPA Act and/or demanded from us approval from the Forest Department. Our rights have prejudicially been affected, as on the

M. N. V. Society

one hand Municipal Corporation had granted us CLU and all necessary approvals/permission and the department of school education has tendered its recognition and consent to run a Sr. Secondary School over it whereas on the other hand Forest Department is now claiming that the land is falling under a notice issued under Section 4 and 5 PLP Act 1900. Even when all approvals were granted to us by the competent department having jurisdiction over the land when we came to know the requirement of obtaining approval from your esteemed department may also be required we bonafide and suo-moto submitted our application for granting diversion of forest land for non-forestry use and access to the School as it is used for a public purpose and the same is under active consideration and likely to be granted in near future.

With regard to our application for the land area 2.031 hectares of land, it is necessary to mention that your authority while considering our application has directed to us the amount that needs to be made to compound the violation and we are duty bound to make strict compliance of the same. We hope that your entire doubt stands clarified however if your authority wants any further explanation or document the same shall be provided at the earliest. We shall further be available to elucidate our submission as and when required by your authority as duty-bound.

Thanking You

With Regards

MVN Society

(Authorized Signatory)

MVN

Copy to:

- Enclosed
1. Deputy Inspector General Forest (Central) IRO, MoEF&CC, Chandigarh
 2. State secretary, Forest Department
 3. Nodal officer and Add. PCCF, Van Bhawan Panchkula
 4. CF (South Circle), Gurgaon
- i) Annexure 1 - Form A (7-99254h)
 - ii) Annexure 2 - CLU
 - iii) Annexure 2A (Building Plan)
 - iv) Annexure 2B (Occupancy certificate)
 - v) Annexure 3 (master plan)

क्रमांक 1198 दिनांक 7/3/2023

सेवा में

मुख्य वन संरक्षक,
द० परि०, गुरुग्राम।

विषय Diversion of 2.031 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.

संदर्भ आपका पत्र क्रमांक 3741 दिनांक 20.1.2023

उपरोक्त विषय के संबंध में संदर्भांकित पत्र द्वारा लगाई गई त्रुटियों का

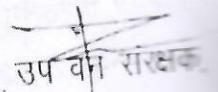
निदान निम्न प्रकार से किया जाता है-

1. यूजर एजेंसी ने अपने पत्र क्रमांक 447 दिनांक 21.12.2022 द्वारा इस कार्यालय में अवगत कराया है कि एम.वी.एन. सोसाईटी द्वारा दो आवेदन पत्र अलग-अलग वन भूमि के गैर वानिकी प्रयोग के अनुमति के लिए परिवेश पोर्टल के माध्यम से अपलाई किये हैं।
यूजर एजेंसी द्वारा प्रथम आवेदन वर्ष 2011 में एम.वी.एन. टेक्नोलॉजी एवं सोलर एनर्जी सिस्टम एवं रिसर्च इंस्ट्यूट के निर्माण हेतु 7.99254 हैक्टेयर भूमि के परिवर्तन के लिए जिसका खसरा एवं किला नं 34//21, 35//22, 23, 24, 25, 38//2/2, 3, 4, 5, 6, 7, 8, 9/2, 11/1, 11/2, 12, 13, 14, 15, 17, 18, 19/1, 19/2, 20, 39//1 है तथा द्वितीय आवेदन वर्ष 2019 में प्रस्ताव संख्या FP/HR/SCH/41656/2019 द्वारा 2.031 हैक्टेयर वन भूमि के परिवर्तन के लिए आवेदन दिया जिसमें एम.वी.एन. स्कूल स्थित है। जिसका खसरा एवं किला नं 37//6/1, 6/2, 14/2, 15, 16, 17/1, 38//10, 9/1 है। स्पष्ट है कि दोनों आवेदन अलग-अलग हैं।
2. यूजर एजेंसी द्वारा 2.031 है० वन भूमि पर भवन निर्माण कार्य किया हुआ है। जिसमें यूजर एजेंसी के विरुद्ध एफ०ओ०आर० नं० 0452/012 दिनांक 12.8.2016 व 0473/049 दिनांक 16.10.2020 चाक की गई है। गुगल अर्थ उपग्रह द्वारा ली गई तस्वीर अनुसार उक्त भूमि कम से कम सितम्बर 2002 से गैर वानिकी उपयोग में है तथा उससे पुरानी ईमेज गुगल इमेजरी पर उपलब्ध नहीं है। नगर निगम, फरीदाबाद द्वारा दिनांक 10.3.2000 को बिल्डिंग प्लान अपरूव किया गया तथा दिनांक 22.9.2003 व 6.7.2004 को Occupation certificate जारी किया गया। इस कार्यालय के अभिलेख अनुसार इस कार्यालय में 2003 या इससे पहले की कोई भी

क्षति रिपोर्ट नहीं होने के कारण नगर निगम, फरीदाबाद द्वारा दिनांक 22.9.2003 को जारी किये गये Occupation certificate के आधार पर उल्लंघना रिपोर्ट आपको भेजी गई है तथा जिसके पैनल सी0ए0 प्रतिपूर्ति पौधाशेपण की राशि में शामिल कर लिया गया है।

3. गूगल अर्थ उपग्रह के (KML FILE) में दर्शित 4.5 हे0 वन भूमि के बारे में बताया गया है जिसमें से यूजर ऐजेंसी द्वारा 2.031 हे0 वन भूमि पर भवन निर्माण कार्य किया हुआ है, जिसका आवेदन वर्ष 2019 में प्रस्ताव संख्या FP/HR/SCM/41656/2019 द्वारा दिया गया है जो लंबित है तथा बाकि 2.469 हे0 वन भूमि 7.99254 हे0 प्रस्ताव का भाग है। जिसका प्रयोग MVN School द्वारा किया जा रहा है, और इसी कारण ही भूमि निर्माण का क्षेत्र गूगल अर्थ ईमेज में अधिक दिखा रहा है।
4. विन्दू 4 अनुसार चाही गई सूचना के बारे में आपको अवगत करवाया जाता है कि मार्टन विधा निकेतन का एक हिस्सा मानव रचना विश्वविद्यालय से लगता है तथा दूसरा हिस्से में दोनों इन्सीट्यूट के बीच में रोड टैफिक इन्सीट्यूट स्थित है तथा दोनों के मध्य की दूरी 150 मीटर से कम है। मानव रचना इन्टरनेशनल इन्सीट्यूट द्वारा दिये गये 13.684 हे0 (प्रपोजल नं0 FP/HR/SCM/41500/2019) के डाईवर्सन के बदलें में 14.13 हे0 भूमि का प्रबन्ध किया है तथा यूजर ऐजेंसी का परचेज एग्रीमेन्ट इस कार्यालय में दिया गया है (प्रति संलग्न)। इस कार्यालय के पत्र क्रमांक 944 दिनांक 28.12.2022 द्वारा परचेज एग्रीमेन्ट अति0 प्रधान मुख्य वन संरक्षक, एफ0सी0ए0, हरियाणा, पंचकूला को भेजा जा चुका है।

यह आपको सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।


उप वन संरक्षक
फरीदाबाद।