

**Order**

Through the proposal no. FP/HR/Others/15190/2015 case under FCA,1980 was submitted by khalsa garden for diversion of 0.9505 ha of forest land for existing Khalsa Garden Marriage Centre cum recreational spot along Badkhal Surajkund road at village Mewla Maharajpur, Forest Division and District Faridabad.

The proposal submitted for Khalsa Garden has been reviewed and found to be non-compliant with the relevant guidelines and lacking in necessary documentation for consideration.

The proposed use of the forest land is non-site specific. As per the Consolidated Guidelines and Clarifications issued under the Van (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-site-specific 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.”*

As per Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Adhiniyam, Rules, 2023, Para 1.16 Ex-post Facto approval and penal provisions - "Proposals seeking ex-post-facto approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are normally not to be entertained. The Central Government will not accord approval under the Act unless under exceptional circumstances that may justify the case. In such cases Central Government shall ensure penalty from user agencies/State as follows:

***(i) In cases where the proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam has not been submitted and forest land is diverted without FC***

*(a) The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act 1927 and other State Acts dealing with the conservation of Forests by the State Government concerned. The land in question will not be considered as diverted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the status of the land shall continue to be forest.*

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. Incomplete proposals in absence of necessary documents cannot be recommended or processed. As per the report of Municipal Corporation LOI for regularization of marriage palace/Banquet Hall was issued but the same stands withdrawn on 20/03/2018 due to non compliance of its terms and conditions. CWP No. 8319/2018 is pending in Hon'ble High Court.

Approved layout plan is an essential tool that serves as the foundation for construction and design of all structures that ensures space is used efficiently, meets safety standards, balances aesthetic and functional needs, and aligns with all govt. rules and regulations. Layout plan of the project site approved by the competent authority is necessary for consideration of proposal. The layout plan submitted or uploaded by you is not approved by competent authority which is not synchronized as per guidelines of Forest Conservation rules.

The proposed project, being a marriage palace/banquet hall/ recreational complex, is a commercial entity aimed at only generating profit. The core focus of this project is financial gain. All services and facilities provided within the complex are fee-based. All the services in your project are tailored to cater to private events and personal celebrations, such as weddings, banquets, and parties, along with recreational activities aimed at leisure and entertainment. Your project should not be considered as a public utility project.

Khalsa garden has violated the provisions of forest conservation act,1980. Without the prior approval of central govt. under forest conservation act,1980 illegal activities has been carried out which is offence. As per the record Forest offence report (F.O.R) have been issued for violation. The details of offences is mentioned below-  
F.O.R No 475/47440 has been issued on date 08/01/2008

Conclusive and operative part of Hon'ble supreme court judgement 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 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.*

*In Compliance of Hon'ble supreme court judgement dated 21.07.2022, DCF Faridabad issued order, vide order Endst. No 374-78 dated 09.06.2023 The reply/representation submitted by Sh . Narender singh and kawaljeet singh C/o Khalsa garden 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. He 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.

Given these considerations, the proposal does not comply with the established guidelines and lacks the necessary documentation for further processing. Therefore based on the current submission, the proposal cannot be recommended as Compliance with these requirements is essential for any project seeking approval under the Forest Conservation Act.


  
Deputy Conservator of Forest  
Faridabad

Dated: 03/06/24

Endst No. 366 - 68

A copy of the above may be forwarded to following for information:-

1. The Worthy Additional Principal Chief Conservator of Forests (FCA) Cum Nodal Officer FCA, Haryana, Panchkula.
2. The Worthy Additional Principal Chief Conservator of Forests, South Circle, Gurugram.
3. Sh . Narender singh and kawaljeet singh C/o Khalsa Garden, Village- Mewla Maharajpur, Faridabad.

  
Deputy Conservator of Forest  
Faridabad