

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 67/2014
(M.A. No. 143/2014 & M.A. No. 144/2014)**

**Shri Rajnish Kumar Sharma & Ors. V/s. DLF Qutab Enclave Residents
Welfare Association (Regd.) & Ors.**

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER**

**Present: Applicant / Appellant :Mr. Sumeer Sodhi along with Mr. Aman Nandrajog
and Mr. Mohit Malhotra, Advs.
Respondent No. 2 & 3 :Mr. Vinit Malik, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 1 April 15, 2014 DV	<p><u>Original Application No. 67/2014</u></p> <p>We have heard learned Counsel appearing for the applicant as well as respondents.</p> <p>Learned Counsel appearing for respondent no. 1 against whom allegation has been made that the respondent no. 1 is an association which is converting the earmarked green area into a religious area seeks time to file reply during course of the day by giving copy to the learned Counsel for the applicant. He is permitted to do so.</p> <p>Learned Counsel appearing for respondent no. 2 & 3 seeks time to file reply. Reply shall be filed within two weeks from today with advance copy to the learned Counsel appearing for the applicant. Thereafter, it will be open to the applicant to file rejoinder, if any, to such reply by the next date of hearing.</p> <p>Stand over to 6th May, 2014.</p> <p><u>M.A. No. 143/2014 in Original Application No. 67/2014</u></p> <p>Learned Counsel appearing for the applicant has filed this miscellaneous application for the purpose of issuing direction</p>

against respondent no. 1 to produce records relating to incorporation of association and ownership of green areas by the association and also to direct the respondent no. 2 and 3 to produce certain other documents. As and when circumstances arise, this Tribunal will issue such direction and, therefore, such application is not necessary.

Accordingly, the M.A. No. 143/2014 stands closed.

M.A. No. 144/2014 in Original Application No. 67/2014

Learned Counsel appearing for the applicant has filed this miscellaneous application for the purpose of interim stay against the construction activities and such other activities as Bhumi Poojan has been performed in Phase-II Gurgaon for the purpose of putting up religious place in the park area. Therefore, the applicant seeks stay on the further construction activities.

Learned Counsel appearing for respondent no. 1 would submit that the Bhumi Poojan was performed as early as in the year 2005 and the site has been duly allotted by the Haryana Urban Development Authority in the year 2003 itself and, therefore, ownership cannot be questioned by anyone. He would also submit that even though Bhumi Poojan was performed in the year 2005, they are only now attempting to put up boundary wall.

By referring to the various photographs submitted by the applicant and respondent no. 1, we are of the view that there shall be an order of *status quo* which shall be maintained until further orders passed by this Tribunal.

Accordingly, we are satisfied that respondent no. 1 must be prevented from doing any other activity which will prevent the green area from its original nature. There shall be an order of

status quo which shall be maintained by the respondent no. 1 until further order passed by this Tribunal.

Learned Counsel appearing for the applicant would submit that he is filing an application for the purpose of impleading the Licensees, builders and developers. Such application shall be filed in the Registry which shall be processed and placed before the Tribunal on the next date of hearing.

It is brought to the notice of this Tribunal by the learned Counsel appearing for respondent no. 1 that the applicant has already filed a suit praying for an order of injunction against respondent no. 1 from converting the green area and the said suit has been dismissed against which the applicant has already filed first appeal which is pending before the learned District Judge, Gurgaon.

Learned Counsel appearing for the applicant would fairly submit that in as much as under the National Green Tribunal Act, 2010, no other court shall take cognizance of the issue which relates to the subjects covered under the NGT Act, he would by the next date of the appeal which is 28.04.2014, withdraw the same and report.

We make it clear that accordingly the appeal shall be withdrawn and the applicant to submit proof of the same on the next date of hearing.

Stand over to 6th May, 2014.

....., JM
(Dr. P. Jyothimani)

....., JM
(M.S. Nambiar)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. (Dr.) P.C. Mishra)

