

Item No. 06

Court No. 2

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

Misc Application in Disposed of Cases No. 16/2025
In
Original Application No. 394/2024

Er Shivcharanjit Singh

Applicant

Versus

State of Punjab & Ors.

Respondents

Date of hearing: 30.04.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the Applicant.

Respondents: Mr. Siddhant Sharma, Advocate for respondents no. 1 & 3.
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Gargi Chaturvedi and Ms. Anjali Sharma, Advocates for respondent no. 2.
Mr. Shubham Bhalla and Ms. Neha Verma, Advocates for respondent no. 4.
Mr. Baljinder Singh, District Town Planner Bathinda for respondent no. 5 (through VC).
Mr. Anchit Singla, Advocate for respondent no. 6.
Mr. Karanjot Singh, Advocate for respondent no. 7.

ORDER

1. The applicant had sent a copy of letter dated 09.09.2023 addressed to the Deputy Manager, Omaxe Build Home Limited, Omaxe City, Goniana Road, Bathinda to this Tribunal which was treated and registered as O.A No. 394 of 2024.

2. The applicant raised the grievances regarding illegal cutting of tree and raising of unauthorized construction on land of greenbelt across the plot no. 1 and 22 in park P-10.

3. Vide order dated 02.07.2024 this Tribunal disposed of the Original Application by constituting a Joint Committee comprising Deputy Commissioner, Bathinda, Divisional Forest Officer, Bathinda, State Pollution Control Board and representative of Bathinda Development Authority, Bathinda and directing the same to visit the site, collect relevant information from the site as also from relevant record which may be obtained from the Builder/ Developer of area and local bodies who has sanctioned the plan and if it found that any green belt is being damaged, take appropriate remedial, preventive and punitive action against the violators within 2 months and submit a compliance report within next 15 days with the Registrar General of this Tribunal who was given liberty to place the matter before the Bench if it found further orders to be necessary.

4. In compliance of order dated 02.07.2024, report dated 24.09.2024 of the Joint Committee was filed by Environmental Engineer, Punjab Pollution Control Board. The relevant part of the report reads as under:-

“Compliance of order 02.07.2024

6) In compliance of order dated 02.07.2024, the Deputy Commissioner, Bathinda vide letter no. 2310-13 dated 11.07.2024 has constituted the committee comprising of Additional Deputy Commissioner (General), Bathinda (to act on behalf of Deputy Commissioner); Divisional Forest Officer, Bathinda; Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda and representative of Bathinda Development Authority, Bathinda. A copy of letter no. 2310-13 dated 11.07.2024 is placed at Annexure-A.

Meeting of the Joint Committee

7) The Additional Deputy Commissioner (General), Bathinda has convened a meeting of the members of the committee on 15.07.2024 by writing a letter no. 2316-18 dated 12.07.2024. A copy of letter dated 12.07.2024 is placed at Annexure- B. On 15.07.2024, the

matter was discussed by the Joint Committee and the site of complaint was visited on the same day on 15.07.2024 and it was observed by the members of the Joint Committee as under:

- a. The project is a residential colony and was in operation during visit.*
- b. The Complaint made to the Hon'ble Tribunal was due to the development of the Gurudwara Sahib in the park no. 10. The establishment i.e. Gurudwara Sahib was developed in the style of the makeshift arrangement which has been developed in the part of the green belt in park no. 10 which falls opposite to the house of the complainant.*
- c. The committee members were directed to submit the reports in the matter.*

8) The member officer of the Punjab Pollution Control Board has stated that the Competent Authority of the Punjab Pollution Control Board has considered the matter and decided that the action related to illegal encroachment/construction in the residential colony is required to be taken by the District Town Planner and the Chief Administrator, Bathinda Development Authority, Bathinda. Hence, the Board has written letter no. 3888 dated 23.08.2024 to District Town Planner, Bathinda and letter no. 3890 dated 23.8.2024 to Chief Administrator, Bathinda Development Authority, Bathinda. The copies of the letters dated 23.08.2024 are placed at Annexure-C.

9) The Divisional Forest Officer, Bathinda has written a letter bearing no. 5257 dated 10.09.2024 to Deputy Commissioner, Bathinda on the subject matter of O.A No. 394 of 2024 informing therein that a Gurudawara Sahib has been constructed on the site of green belt shown in the site map. There are two trees and 8 plants standing on the site the details of which have been given in the letter dated 10.09.2024. A copy of letter no. 5257 dated 10.09.2024 of Divisional Forest Officer, Bathinda is placed at Annexure-D.

10) That it is relevant to mention in the report that Sh. Manvir Gupta and Sh. Shivcharanjit Singh have filed a Civil Suit for permanent injunction in the Civil Court at Bathinda against Omaxe Build Home Private Limited and Bathinda Development Authority. The Court of Sh. Sumit Garg, PCS, Civil Judge Junior Division, Bathinda by pass an order dated 16.09.2023 has granted injunction restraining the defendants from changing the nature of site of green belt of park no.10 as shown in green color in layout plan, as detailed in the head note of the plaint. The defendants were further restrained from raising any kind of construction in the said property of green belt, except in due course of law. A copy of order dated 16.09.2023 passed by Sh. Sumit Garg, PCS, Civil Judge, Junior Division, Bathinda in Civil Suit no. 1664 of 2023 is placed at Annexure-E. As per the orders of the Court of Civil Judge, Junior Division, Bathinda, the interim stay granted by the Court vide order dated 16.09.2023 is still continuing. The copies of the orders dated 02.07.2024 and 09.08.2024 are placed at Annexure-F.

11) *It is pertinent to mention here that in pursuance of the orders dated 02.07.2024 of the Hon'ble National Green Tribunal and in reference to the constitution of Joint Committee, the Chief Administrator, Bathinda Development Authority, Bathinda has informed the office of Deputy Commissioner Bathinda vide letter no. BDA/Bathinda/2024/417-19 dated 18.7.2024 that, as per the report of Divisional Engineer, Horticulture, park no 10 of Omaxe city Bathinda comprises of 46637.34 sqft. area as per approved layout plan of Omaxe City Bathinda vide letter no. 3342 dated 29.9.2022. Out of the said total area of the green belt, un-authorized construction has been raised on 11310 sqft area. According to the spot inspection report of Junior Engineer, Licensing, a Gurudwara Sahib has been constructed which is not correct as per the layout plan. A copy of letter no. BDA/Bathinda/2024/417-19 dated 18.07.2024 is placed at Annexure-G.*

12) *It is further mentioned in the letter dated 18.7.2024 of Bathinda Development Authority that the project proponent has furnished some documents in the Court case before the Civil Judge, Junior Division, Bathinda, according to which some un-social elements have raised un-authorized construction over park no. 10.*

The Chief Administrator, Bathinda Development Authority, Bathinda has further stated in the letter dated 18.07.2024 that in such cases of unauthorized construction action is to be taken in accordance with the provisions of Section 39 the Punjab Apartment and Property Regulation Act, 1995, which is reproduced below:

"39.(1) Without prejudice to the provisions of this Act, the competent authority may, by notice, call upon any person who has committed a breach of the provisions of section 20 to show cause why the structure should not be demolished and if such person fails to show cause to the satisfaction of the competent authority within a period of fifteen days, the competent authority may pass an order requiring him to demolish the structure within sixty days from the date of the order.

(2) If the order made under sub-section (1) is not complied with, within the period specified therein the competent authority may itself take such measures as it may deem fit to give effect to the order and the cost of such measures shall, if not paid on demand. being made to it, be recoverable from such person as arrears of land revenue."

13) *The Additional Chief Administrator, Bathinda Development Authority, issued a letter bearing no. ACA/BDA/BG/2024/4576 dated 11.09.2024 to the Additional Deputy Commissioner (General), Bathinda, regarding O.A. No. 394 of 2024, summarizing the facts of the case as reported in letter no. BDA/Bathinda/2024/417-19 dated 18.07.2024. It was clarified in the letter dated 11.09.2024 that action has been initiated against the violator (Promoter) by issuing a*

show cause notice under Section 39 of the Punjab Apartment and Property Regulation Act, 1995. The said notice, vide Memo No. 4090 dated 23.08.2024, has been issued to Omaxe Build Home Pvt. Ltd. A copy of letter no. ACA/BDA/BG/2024/4576 dated 11.09.2024, along with the show cause notice issued to M/s Omaxe Build Home Pvt. Ltd., Omaxe City, Goniana Road, Bathinda, is placed at Annexure-H.

14) As mentioned above, action has been initiated against the violator (Promoter), and further measures are being pursued in accordance with applicable laws.”

5. Considering the further orders by this Tribunal to be necessary, the matter was listed before the Bench by registering the report as M.A No. 16 of 2025.

6. Vide order dated 10.02.2025 (1) State of Punjab through Secretary, Department of Science, Technology and Environment, Government of Punjab, (2) Commissioner Municipal Corporation, Bathinda, (3) District Magistrate, Bathinda, (4) Chief Administrator, Bathinda Development Authority, (5) District Town Planner, Bathinda, (6) Punjab State Pollution Control Board and (7) M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda, Pin code 151201 were impleaded as respondents no. 1 to 7 and notices were issued to them.

7. Pursuant to notice, reply dated 28.03.2025 has been filed by Respondent No. 2, reply dated 28.03.2025 has been filed by Respondent No. 4, reply dated 27.03.2025 has been filed by Respondent No. 5, reply dated 29.04.2025 has been filed by Respondent No. 6 and reply dated 28.03.2025 has been filed by Respondent No. 7.

8. The relevant part of the reply filed by Respondent No. 6- PPCB reads as under:-

“5) That the deponent has earlier filed an application dated 28.03.2025 before this Hon'ble Tribunal requesting for a time period of 2 months on behalf of the Punjab Pollution Control Board as the Board has extended an opportunity of hearing to the project

proponent namely M/s Omaxe Build home Pvt. Ltd. Omaxe City, Bathinda on 26.03.2025 before the Competent Authority of the Board. However, the project proponent has shown its in-ability to attend the hearing on 26.03.2025 and by deputing a representative has sought adjournment of the matter. In the interest of justice, the request of the representative was allowed by the Competent Authority and fresh date of hearing 25.04.2025 was extended to the project proponent M/s Omaxe Build home Pvt. Ltd. Omaxe City, Bathinda. It is pertinent to mention here that the Project has earlier obtained consents to operate from the Board for operation of the residential colony which have expired on 30.9.2023 and the Project has applied for the consents to operate of the Board which are under consideration.

6) That the hearing before the Competent Authority of the Board on 25.04.2025 was attended by Sh. Mukesh Bhatti, representative of M/s Omaxe Build home Pvt. Ltd. Omaxe City, Bathinda. The representative submitted a written reply which was taken on record. In the written reply it was stated by the promoter company that they have installed STP @ 1300 KLD based on SBR Technology of which one module of 650 KLD is operated. The present wastewater generated by the project is 108-118 KL.D. Regarding encroachment of parks a written complaint to BDA, Police department and District Administration, Bathinda has already been submitted. A request has been submitted to BDA, Bathinda to issue revised lay out plan with demarcation of Gurdwara and Mandir in green belts in the colony, where it has been developed.

7) That after hearing the representative of the project proponent namely M/s Omaxe Build home Pvt. Ltd. Omaxe City, Bathinda and considering the relevant record, the competent authority of the Board has decided that:-

A. Directions u/s 33-A of Water Act, 1974 be issued to the followings;

(a) The project promoter shall not sell any vacant residential /commercial/any other category plot or allow construction on any plot allocated for construction in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) and shall not get released any electric power connection from PSPCL for newly constructed residential / commercial /any other category, where no occupancy has been given.

(b) The PSPCL authorities to not to release any new electric power connection to any house / commercial shop /building already constructed or being constructed within the land area of 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the project, without no objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of PPCB.

(c) The Bathinda Development Authority, Bathinda shall cancel the license to the project promoter for development of residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the colony.

(d) That the Sub Registrar-cum-Tehsildar, Bathinda shall not register any sale deed pertaining to the residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board).

B. The project proponent shall deposit environmental compensation amounting to Rs. 25.0 lacs as interim Environmental Compensation, within 7 working days with the Regional Office, Bathinda of the Board for failure to obtain consents to operate of the Board under Water Act, 1974 and Air Act, 1981 and due to expansion carried out in land area of 13.072 acres for which expansion undertaken by the project proponent without prior permission of the Board.

C. The Bathinda Development Authority (BDA), Bathinda be directed to take action against the project proponent/colonizer regarding illegal encroachment/construction carried out in the residential colony as per their respective law/rules.

D. The project proponent shall submit revised approved layout plan from Bathinda Development Authority (BDA), Bathinda mentioning the revised green belt / new construction activity, if any, within 15 days.

E. The project proponent shall apply for obtaining consent to operate of the Board under Water Act, 1974 for existing land area (for which NOC has been obtained from the Board) i.e. 71.81 acres, on immediate basis.

F. Environmental Engineer, Regional office, Bathinda shall visit the colony, collect the effluent samples, verify the submission of the representative of the colony and process the applications to be applied under Water Act, 1974 & Air Act, 1981, on merits.

8) The proceedings of the hearing held on 25.04.2025 have been conveyed to the project proponent namely M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Bathinda by the Board vide letter no. 1360 dated 25.04.2025 for compliance and a copy of the same is enclosed herewith as Annexure -A."

9. In its reply, Respondent No. 2 mentioned that the area mentioned in the complaint-Omaxe City, Goniana Road, Bathinda is out of jurisdiction of Municipal Corporation, Bathinda and the same falls under

the jurisdiction of Bathinda Development Authority and action regarding violation is to be taken by the Bathinda Development Authority.

10. In its reply, Respondent No. 5-District Town Planner, Bathinda has mentioned that District Town Planner Bathinda is not the competent authority to demolish or to take action against the violators in the approved/licensed colony and action is to be taken by the Bathinda Development Authority.

11. In its reply, Respondent No. 7- M/s Omaxe Buildhome Pvt. Ltd. has mentioned that in terms of letter dated 10.09.2024 issued by the DFO, Bathinda it was found that Gurudwara Sahib has been constructed on the site of green belt shown in the site map. By order dated 16.09.2023 passed in *Civil Suit No. 1664 of 2023* interim stay was granted by learned Civil Judge. The project site comprises of total area of 46637.34 sq ft, out of which unauthorized construction has been raised to 11310 sq ft. by some unsocial elements. Show cause notice was issued to Respondent No.7 under Section 39 of the Punjab Apartment and Property Regulation Act, 1995. Alleged unauthorized construction on the project site has not been carried out by Respondent No. 7 and has been carried out by some unsocial elements. Respondent No. 7 has referred to obligations of purchaser/vendee and maintenance agreement and submitted that from 2013 onwards the maintenance of the project is being handled by the Respondent No. 7 was informed about encroachment of Park no. 10 and 14 by some unsocial elements who had proceeded to construct religious structure and install idols without any lawful authority. Respondent No. 7 made every possible effort to restrain the miscreants and made complaints dated 19.08.2023 to the Deputy Commissioner, Bathinda and the Chief Administrator, Bathinda Development Authority and also lodged criminal complaints dated 08.09.2023 and 21.09.2023 with SHO

Police Station Goniana Road, Bathinda but no action has been taken on the same. Show Cause notice dated 23.08.2024 was issued to Respondent No. 7 by the Additional Chief Administrator, Bathinda Development Authority to which Respondent no. 7 submitted reply dated 20.09.2024. Respondent No. 7 has accordingly prayed for dismissal of Miscellaneous Application and its deletion from array of parties.

12. The Relevant part of reply filed by Respondent No. 4-Chief Administrator, Bathinda Development Authority reads as under:-

“4. Notwithstanding the above, based on the limited information available, the answering respondent makes the following submissions:

a) That by order dated 02.07.2024 in OA No.394/2024 titled Shiv Charanjit Singh v. State of Punjab, the Hon'ble Tribunal, Principal Bench, New Delhi, constituted a Joint Committee comprising the Deputy Commissioner, Bathinda, the Divisional Forest Officer, Bathinda, the State Pollution Control Board, and a representative from the Bathinda Development Authority to investigate the grievance raised by the complainant and submit a compliance report.

b) That in compliance with the aforementioned order, a joint site visit was conducted on 15.07.2024 under the guidance of the Additional Deputy Commissioner (G), Bathinda. Reports were sought from various wings of the Bathinda Development Authority (BDA), which indicated unauthorized construction of Shri Gurudwara Sahib In the green belt of Park No. 10. and a Mandir in Park No. 14, as per the approved colony layout.

c) That the subject colony, Omaxe City, Goniana Road, Bathinda, is a licensed colony under the Mega Policy. As per the licensing provisions and the Punjab Apartment and Property Regulation Act, 1995 (PAPRA), the promoter is responsible for completing the colony and handing over open spaces to the State Government or local authority. However, the promoter has not obtained the completion certificate, due to which the colony, including its green areas, remains under its control.

d) That as per Section 5(13) of PAPRA, the promoter is responsible for maintaining roads, open spaces, public parks, and public health services for five years from the date of the completion certificate or until they are transferred to the State

Government or local authority. The relevant section is reproduced herein for reference:

"Section 5(13): The promoter shall be responsible for the maintenance and upkeep of all roads, open spaces, public parks, and public health services for a period of five years from the date of issue of completion certificate or till the date of transfer of the same, free of cost, to the State Government or the local authority..."

e) That in Civil Suit titled Manvir Gupta & Another v. Omaxe Build Home Pvt. Ltd., the Civil Judge (Junior Division), Bathinda, restrained the defendants from changing the nature of Park No. 10 and from raising any construction therein, except in due course of law. A copy of the order dated 16.09.2023 is annexed herewith as ANNEXURE R/4-1.

f) That upon receiving the court order, the deponent's office directed the District Town Planner (Regulatory), Bathinda, to take necessary action in accordance with the District Court's orders.

g) That the promoter has violated Section 20 of PAPRA, 1995, by undertaking unauthorized construction without amending the approved layout plan. Accordingly, the Additional Chief Administrator, BDA, issued Notice No. 4090 dated 23.08.2024, directing the promoter company to halt construction, submit a clarification, and restore the green belt within 30 days.

h) That in response, the promoter claimed that unauthorized construction was carried out by miscreants posing as religious groups and denied any violations on their part.

i) That the Additional Chief Administrator, BDA, called the promoter for a personal hearing on 28.10.2024, which was later rescheduled to 26.11.2024 on the request of the promoter. During the hearing, the promoter contended that they were negotiating with the encroachers and sought assistance from the authorities to remove unauthorized constructions.

j) That the Additional Chief Administrator, BDA, vide letter No. 1203 dated 25.02.2025, issued a final notice to the promoter to remove unauthorized structures and complete the green belt restoration. A hearing was held on 28.02.2025, and the promoter submitted a written reply on 27.02.2025.

k) That in its reply, the promoter stated that their approved layout plan includes surplus green area (10.80% instead of the mandatory 6%). They proposed a revised site plan incorporating

the Shri Gurudwara Sahib and Mandir while maintaining the required green area under the Mega Policy.

l) That the promoter's request for approval of the revised layout plan is under consideration by the competent authority.

5. That in light of the above, the answering respondent respectfully prays that the petitioner be directed to provide a complete copy of the original application. Further, the answering respondent may be granted adequate time to file a detailed and comprehensive reply.

6. That the present affidavit is filed based on the limited information available with the answering respondent, and it is prayed that this Hon'ble Tribunal may allow sufficient time for the submission of a comprehensive reply upon receipt of the original application."

13. No reply has been filed by the Respondent No. 1- State of Punjab through Secretary, Department of Science, Technology and Environment and Respondent No. 3- District Magistrate, Bathinda.

14. Learned Counsels for Respondents No. 1 and 3 seeks time for filing of Vakalatnama and responses on behalf of Respondents no. 1 and 3.

15. Respondents No. 1 and 3 have already been given sufficient time and opportunity for filing of their reply/response but they have failed to file their reply/response. No sufficient ground for grant of further adjournment for filing of reply/response on behalf of Respondents No. 1 and 3 is made out and further adjournment for filing of reply/response is, therefore, declined.

16. We have heard learned Counsel for the Respondents and gone through the material on record carefully.

17. In the present case, complaint was made to the Deputy Manager, Omaxe Buildhome Limited, Omaxe City, Goniana Road, Bathinda with copies to the Deputy Commissioner, Bathinda, the Senior Superintendent of Police, Bathinda, the District Forest Officer, Bathinda and the Estate

Officer, Bathinda Development Authority, Bathinda. It appears that action as mandated by law was not taken by these authorities on the complaint made by the applicant.

18. The Applicant filed Civil Suit No. CS 1664/2023 with an application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 on which ad-interim order was granted by Civil Judge (Junior Division), Bathinda vide order dated 16.09.2023, restraining defendants from changing the nature of the site-greenbelt/park no.10. Despite grant of ad-interim ex-parte injunction unauthorized construction of religious structure in park no.10 was allowed to be completed by the Project Proponent-Omaxe Buildhome Limited and the Bathinda Development Authority.

19. The parks/open spaces in residential areas or in busy townships, which provide fresh air and refreshment to the persons in the neighborhood, are treated as lungs thereof, whose presence ameliorates the hazards of pollution and have to be preserved and protected for the health and wellbeing of the inhabitants of the area and the same cannot be allowed to be destroyed or bartered away for any other purpose and no person, natural or juristic, of whatever rank or profile, can be allowed to occupy the public parks/open spaces for their personal or commercial use or for religious or any other kind of activity. The Right to Life under Article 21 of the constitution includes within it the Right to Clean and healthy environment. The State is under a constitutional obligation to exercise its unbridled sovereign power and to direct its policy to maintain ecological balance and hygienic environment and protect and improve environment. The State and its instrumentalities have to take appropriate steps for creating wide spread public awareness to protest against and not to support such illegal encroachments and unauthorized constructions. Further, the State and its instrumentalities have to, in

discharge of constitutional obligations embodied by the Doctrine of Public Trust, take all measures for prevention as well as removal of encroachments and demolition of illegal constructions on such public lands/public parks. Reference in this regard may be made to observations made by Hon'ble Supreme Court in **Bangalore Medical Trust Vs. B.S. Muddappa, (1991) 4 SCC 54** and **Virender Gaur Vs. State of Haryana (1995) 2 SCC 577**.

20. The Hon'ble Supreme Court **vide order dated 29.09.2009** passed in **Special Leave to Appeal (C) No. 8519 of 2006 titled as Union of India Vs. State of Gujarat & Ors.** directed that after that date no unauthorized construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc. on public streets, public parks or other public places etc. and after initially seeking reports and monitoring implementation, vide order dated 31.01.2018 remitted the matters to the respective High Courts for ensuring implementation of its orders in effective manner.

21. Construction of a religious structure is the most usual mode adopted by the land mafia for grabbing public lands/public parks by making illegal encroachments and unauthorized constructions with ulterior motives by misusing faith, playing with sentiments and aggravating feelings of the members of public/residents of the locality in the name of religion for serving camouflaged personal objectives. None of the religious faiths provides any shield to such illegal activities. Any construction, which is illegally raised by encroaching upon any public lands/public parks, cannot be accorded the status of religious structure for its protection for the simple reason that the religious scriptures require setting up of any religious structure with vidhi-vidhan necessitating compliance not only with religious but also legal and societal norms and any such construction of any religious structure on

public land/public park will be liable to be demolished by the concerned administrative authorities without any reservation/hesitation at all immediately for restoration of the public lands/public parks to its original state.

22. Order dated 29.09.2009 passed by Hon'ble Supreme Court of India in **Special Leave to Appeal (C) No. 8519 of 2006 titled as Union of India Vs. State of Gujarat & Ors.** is binding on the State of Punjab and its instrumentalities including the respondents the District Magistrate, Bathinda, the Chief Administrator, Bathinda Development Authority and the District Town Planner, Bathinda and the Punjab State Pollution Control Board. Article 144 of the Constitution of India mandates that all authorities, civil and judicial in the territory of India shall act in aid of the Supreme Court. The abovesaid Article imposes obligation on all authorities, civil and judicial in the territory of India to assist in enforcement of the orders of Hon'ble Supreme Court of India decisions and to ensure that the same are effectively implemented and its authority is respected throughout the Country. Despite complaint made by the applicant and order passed by this Tribunal the District Magistrate, Bathinda, the Chief Administrator, Bathinda Development Authority and the District Town Planner, Bathinda and the Punjab State Pollution Control Board did not discharge their constitutional obligation and did not take any action to prevent further unauthorized construction of religious structure in the greenbelt/public park and also to remove the construction unauthorizedly raised.

23. Order dated 02.07.2024 was passed by this Tribunal specifically directing the Joint Committee comprising Deputy Commissioner, Bathinda and the Chief Administrator, Bathinda Development Authority to take appropriate remedial, preventive and punitive action but the

above said authorities did not proceed beyond issuance of show cause notice.

24. Non-compliance of order passed by this Tribunal constitutes an offence under Section 26 of the National Green Tribunal Act, 2010 and order passed by this Tribunal is also liable to be executed as civil court decree by modes of execution permissible under the Code of Civil Procedure, 1908, including the mode of arrest and detention of the judgment debtors in civil prison till due execution of the order.

25. In the facts and circumstances of the case, we consider it appropriate to issue show cause notices to Respondent No. 1-State of Punjab through Secretary Department of Science, Technology and Environment, Government of Punjab, Respondent No. 3- District Magistrate, Bathinda and Respondent no. 4-Chief Administrator, Bathinda Development Authority as to why they be not prosecuted for non-compliance of the order passed by this Tribunal and as to why they be not arrested and detained in civil prison till due execution of the order passed by this Tribunal.

26. Accordingly, the Registry is directed to issue show cause notices to the above said respondents requiring them to file replies to the show cause notices and compliance report at least one week before the next date of hearing fixed.

27. In its reply Respondent No. 4 has submitted that the Promoter (Respondent No. 7) stated that their approved layout plan includes surface green area 10.80% instead of mandatory 6% and proposed a revised site plan incorporating Sri Gurudwara Sahib and Mandir while maintaining the required green area under the mega policy.

28. We are of the considered view that in view of the order passed by Hon'ble Supreme Court of India no such reallocation of greenbelt/park area and regularization of the unauthorized construction is permissible.

29. Even otherwise, the matter cannot be deferred for indefinite period of time on the ground of pendency of any such proposal and requisite action needs to be taken in accordance with law in time bound manner.

30. It may be observed here that Hon'ble High Court of Punjab and Haryana has already taken up the matter of construction of religious structures in public land, public parks, etc. in accordance with order dated 29.09.2009 and 31.01.2018 passed by Hon'ble Supreme Court in **SLP (Civil) No. 8519 of 2006 titled "Union of India Vs State of Gujarat and others"** and has issued contempt notices to all the Deputy Commissioners in the States of Punjab and Haryana and Union Territory of Chandigarh.

31. In view of pendency of the above said matter, it is clarified that the matter of regularization of the religious structures in question shall be subject to orders to be passed by Hon'ble High Court of Punjab and Haryana in this regard.

32. List on 22.07.2025 for further orders/proceedings.

33. In view of the facts and circumstances of the case the District Magistrate, Bathinda and the Chief Administrator, Bathinda Development Authority are also directed to appear before this Tribunal physically to explain the reasons for non-compliance of the order passed by this Tribunal.

34. A copy of this order be sent by email to the Chief Secretary, Government of Punjab for information and to the

District Magistrate, Bathinda and the Chief Administrator, Bathinda
Development Authority for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

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AB