

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

Original Application No. 147/2018  
(M.A. No. 420/2018)

Ram Avtar Yadav

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 29.01.2019

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr.Rahul Choudhary and Mr.  
Sharan Balakrishna, Advocates

For Respondent(s)

Mr.Shlok Chandra, Advocate for  
R-1, MoEF  
Mr. D.N. Goburdhan, Mr.  
Sriansh Prakash and Mr. Raj  
Kumar Maurya, Advocates for R-  
7, NCRPB  
Mr. Anil Grover, AAG and Mr.  
Rahul Khurana, Advocate for R-  
2 to 5 & 8  
Ms. Aditi Sharma, Advocate for  
R-6

**ORDER**

Heard the learned counsel for the parties. The applicant in this case has sought to challenge letter dated 26.12.2017 issued by Deputy Commissioner, Gurgaon to Project Direction, NHAI proposing for transfer of possession. It is to be noted that the land in question, partly/wholly is a forest land.

In view of the above, the Deputy Commissioner, Gurgaon ought to have issued any letter only after gathering full information about the land and its nature after consultation with the department concern i.e. forest. The proposal for giving possession should comes only after following the procedure under law, as for instance Forest Conservation Act, 1980.

Therefore, we dispose of this application with a direction to the respondents to proceed in accordance with law before issuing any final order for transfer of possession of land in favour of the respondents.

Accordingly, the Original Application No. 147 of 2018 stands disposed of, with no order to cost.

**M.A. No. 420 of 2018**

This Application does not survive for consideration as the main application itself stands dismissed.

M.A. No. 420 of 2018 stands disposed of accordingly.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

January 29, 2019  
mn