

ITEM NO.3

COURT NO.3

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7220-7221/2017

(Arising out of impugned final judgment and order dated 29-04-2016 in CWP No. 19148/2010 29-04-2016 in COCP No. 1135/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

MUNICIPAL CORPORATION FARIDABAD

Petitioner(s)

VERSUS

KHORI GAON RESIDENTS WELFARE
ASSOCIATION (REGD.) & ORS.

Respondent(s)

IA No. 137085/2021 - APPLICATION FOR PERMISSION
 IA No. 57354/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 91157/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 110223/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130276/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 94719/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 101169/2021 - CLARIFICATION/DIRECTION
 IA No. 109330/2021 - CLARIFICATION/DIRECTION
 IA No. 89574/2020 - CLARIFICATION/DIRECTION
 IA No. 112023/2021 - CLARIFICATION/DIRECTION
 IA No. 48851/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 94720/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 103155/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 48850/2021 - EXEMPTION FROM FILING O.T.
 IA No. 109331/2021 - EXEMPTION FROM FILING O.T.
 IA No. 112022/2021 - INTERVENTION APPLICATION
 IA No. 90923/2021 - INTERVENTION APPLICATION
 IA No. 101159/2021 - INTERVENTION APPLICATION
 IA No. 110209/2021 - INTERVENTION APPLICATION
 IA No. 130271/2021 - INTERVENTION APPLICATION
 IA No. 94717/2021 - INTERVENTION APPLICATION
 IA No. 137086/2021 - INTERVENTION/IMPLEADMENT
 IA No. 91893/2020 - INTERVENTION/IMPLEADMENT
 IA No. 109328/2021 - INTERVENTION/IMPLEADMENT
 IA No. 89573/2020 - INTERVENTION/IMPLEADMENT
 IA No. 103153/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 110714/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 159231/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 101155/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 48843/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES

IA No. 94724/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 788/2021 (X)

IA No. 161770/2021 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 657/2021 (PIL-W)

IA No. 68638/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 31-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties :

Mr. Arun Bhardwaj, Sr. Adv. AAG

Mr. Samar Vijay Singh, Addl. AG

Mr. Vishwa Pal Singh, AOR

Mr. Rahul Kumar Sharma, Adv.

Mr. Abhishek Sharma, Adv.

Ms. Gauraan, Adv.

Mr. Anil Grover, Sr.AAG

Mr. B.K. Satija, AAG

Mr. Ajay Bansal, AAG

Mr. Samar Vijay Singh, AAG

Mr. Sanjay Kumar Visen, AOR

Mr. Navin Gupta, Adv.

Mr. Rahul Khurana, Adv.

Ms. Babita Mishra, Adv.

Ms. Aishwarya Bhati, ASG

Mr. Sarad Kumar Singhania, Adv.

Ms. Chinmayee Chandra, Adv.

Mr. Vanshdeep Dalmia, Adv.

Mr. Sumit Teterwal, Adv.

Mr. G.S. Makker, AOR

Mr. J.K Sud, ASG.

Mr. Kamendra Mishra, Adv.

Ms. Vimla Sinha, Adv.

Mr. Vikas Bansal. Adv.

Mr. Manish, Adv.

Mr. Sughosh Subramanian, Adv.

Mr. Amrish Kumar, AOR

Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Satwick Parikh, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Kawalpret Kaur, Adv.
Mr. Haider Ali, Adv.
Ms. Amiy Shukla, AOR

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Ms. Kawalpret Kaur, Adv.
Mr. Haider Ali, Adv.
Mr. Satya Mitra, AOR

Mr. Arijit Parsad Sr. Adv.
Mr. Vikas Verma Adv.
Ms. Sapna Verma Adv.
Mr. Shafik Ahmed Adv.
Mr. Vinod Goyal Adv.
Mr. Vivekanand Rana Adv.
Mr. Padhmanabha Raja K.R., Adv.
Ms. Apsana Khatoon Adv.
Mr. V. Elanchezhiyan, AOR

Mr. Bijender Singh Chudhary, AOR
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. E. Vinay Kumar, Adv.

Mr. Vedant Singh, AOR

Mr. Vaibhav Niti, AOR

Mr. Smarhar Singh, AOR

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Binay Kumar Das, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Sanjay Parikh, learned senior counsel and Mr. Arun Bhardwaj, learned senior counsel appearing for the Municipal Corporation, Faridabad.

In the course of argument, Mr. Sanjay Parikh

has posed three issues for consideration:

- a. When will the flats be ready, having the drinking water, drainage and electricity facility?
- b. When will the final draw of lots and consequential allotment shall take place?
- c. The petitioners submit that in case this Hon'ble Court comes to the conclusion that the PLPA Lands are not ipso facto forests, then the eviction of the Petitioners on the false and misleading statement of the State of Haryana would have to be recalled, and the determination would have to be done afresh, considering the legal claims and contentions of the Persons including restitution, in Situ rehabilitation and compensation for the violation of their constitutional rights.

As regards the first issue, Mr. Arun Bhardwaj, learned senior counsel, on instructions, submits that about 1027 persons have been identified as eligible applicants, who in turn can be allotted alternative premises on permanent basis. He further submits that the allotment would be made only in respect of premises which are habitable and can be occupied forthwith. The Commissioner of Municipal Corporation, Faridabad would certify that factual position. The possession of such premises would be offered to the eligible persons by the end of April, 2022.

We accept this submission made on behalf of

the Municipal Corporation, Faridabad.

It was brought to our notice by Mr. Parikh that the eligible persons who have been allotted temporary accommodation in terms of the directions given by this Court on the earlier occasion, were unable to avail that offer, as the condition of the premises offered was pitiable and they were not habitable. In other words, despite the willingness of the allottees, they were unable to physically occupy the premises for no fault on their part. He has placed reliance on the photographs in support of this plea. We are also informed by Mr. Parikh, learned senior counsel that he himself visited the site alongwith Mr. Arun Bhardwaj, learned senior counsel for the Corporation.

In view of the above, we direct the Corporation to pay *ex-gratia* solatium amount of Rs.2,000/- (Rupees two thousand only) per month to the eligible persons (about 1027 in number) until the date of issue of possession letter by the Corporation.

As aforesaid, possession letter may be issued to the concerned eligible persons only after the Commissioner, Municipal Corporation certifies

that the premises being offered to the allottees are habitable and are ready for immediate occupation in all respects. The Corporation shall complete the process of allotment before 21.04.2022, even if the possession letter would be issued by end of April, 2022 upon certification by the Commissioner, Municipal Corporation, as aforesaid.

It was also brought to our notice that the land from where unauthorized structures have been removed, is being misused by the locals. We direct the Commissioner, Municipal Corporation, Faridabad to ensure that any type of misuse of the subject land is stopped with immediate effect and encroachments thereon are removed forthwith. To facilitate the Corporation to comply with this direction, the Superintendent of Police, Faridabad shall provide necessary police assistance to the Corporation. We direct the Municipal Commissioner, as well as, the Superintendent of Police, Faridabad to ensure that the land in question is not misutilised or encroached upon in future after removal of existing encroachments thereon, if any.

In addition, the Corporation shall speed up

the process of redevelopment/afforestation of the entire area and to facilitate that, the Secretary of the Forest Department, Government of Haryana shall issue appropriate directions for providing suitable species of plants and herbs through Forest Department, as indicated in the Status Report already filed in this Court.

List these matters on 26.04.2022 for consideration of other aspects and reporting compliance of the above directions.

Needless to observe, issue No. (c) may have to wait till pronouncement of judgment in companion cases (C.A. No.10294/2013 and connected cases), hearing whereof is completed today.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER