

ITEM NO.13

COURT NO.7

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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.) &amp; ORS. ETC.

Respondent(s)

IA No. 57354/2017 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 19-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Arun Bhardwaj, AAG  
Mr. Ashish Pandey, Adv.  
Mr. Vishwa Pal Singh, AOR

For Respondent(s) Ms. Pinky Anand, ASG  
Mr. Sarad Kumar Singhanian, Adv.  
Mr. Sumit Teterwal, Adv.  
Mr. Vanshdeep Dalmia, Adv.  
Mr. Suchakshu Jain, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. Vedant Singh, Adv.  
Ms. Michelle Gomes, Adv.  
Mr. Nikilesh Ramachandran, AOR

Mr. Samar Vijay Singh, AOR

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

We have heard counsel for the Municipal Corporation and the learned Additional Solicitor General for the Union of India.

We are not impressed by the argument of the Corporation that a clear direction is required to be issued to the Corporation to proceed against the unauthorized structure(s)/occupant(s) in the prohibited area, in particular, forest land.

The law enjoins a duty upon the Corporation to take appropriate action in the first place to stop such encroachment and if encroached, to remove such encroachment by following due process of law.

The Corporation is free to proceed against the concerned unauthorized structure(s)/occupant(s) in accordance with law irrespective of pendency of proceeding before this Court.

In the event, the Corporation initiates such action, we have no manner of doubt that all the State authorities will make a coordinated effort including by providing necessary/adequate security to ensure that the encroachments and unauthorized structure(s)/occupant(s) on the forest land are removed.

As rightly submitted by the learned Additional Solicitor General, we deem it appropriate to implead Ministry of Labour and Employment as party respondent and issue notice to

it. Ordered accordingly.

As regards the other issue(s) highlighted by the High Court, learned Additional Solicitor General prays for time to present some suggestions in that regard, which can be considered by the Court appropriately.

List the matters after eight weeks.

The Corporation shall file compliance affidavit before the next date of hearing.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER