

ITEM NO.301

Court 3 (Video Conferencing)

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.)
THR ITS PRESIDENT & ORS.

Respondent(s)

(IA No. 94719/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 57354/2017 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 91157/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 89574/2020 - CLARIFICATION/DIRECTION, IA No. 101169/2021 - CLARIFICATION/DIRECTION, IA No. 94720/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 103155/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 48851/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 48850/2021 - EXEMPTION FROM FILING O.T., IA No. 94717/2021 - INTERVENTION APPLICATION, IA No. 90923/2021 - INTERVENTION APPLICATION, IA No. 101159/2021 - INTERVENTION APPLICATION, IA No. 91893/2020 - INTERVENTION/IMPLEADMENT, IA No. 89573/2020 - INTERVENTION/IMPLEADMENT, IA No. 103153/2021 - 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

C.A. No. 8454/2014 (XVII)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 192694/2019, IA No. 192694/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 10294/2013 (XVII)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 148663/2018, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 125428/2019, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 136483/2019, FOR impleading party ON IA 155772/2019, FOR INTERVENTION/IMPLEADMENT ON IA 155772/2019, FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 155775/2019, FOR impleading party ON IA 155781/2019, FOR INTERVENTION/IMPLEADMENT ON IA 155781/2019, FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 155784/2019,

FOR impleading party ON IA 2082/2021,
 FOR INTERVENTION/IMPLEADMENT ON IA 2082/2021,
 FOR CLARIFICATION/DIRECTION ON IA 2091/2021
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 105838/2021
 IA No. 155784/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 155775/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 2091/2021 - CLARIFICATION/DIRECTION
 IA No. 155772/2019 - INTERVENTION/IMPLEADMENT
 IA No. 2082/2021 - INTERVENTION/IMPLEADMENT
 IA No. 155781/2019 - INTERVENTION/IMPLEADMENT
 IA No. 136483/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 125428/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 105838/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 148663/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)
 C.A. No. 8173/2016 (XVII)
 (FOR STAY APPLICATION ON IA 1/2016
 FOR [APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS] ON IA 2/2016

 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 138590/2019
 FOR EXEMPTION FROM FILING O.T. ON IA 138593/2019
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 97595/2020
 FOR EXEMPTION FROM FILING O.T. ON IA 97596/2020
 IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS
 IA No. 93369/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 138593/2019 - EXEMPTION FROM FILING O.T.
 IA No. 97596/2020 - EXEMPTION FROM FILING O.T.
 IA No. 138590/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 97595/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 1/2016 - STAY APPLICATION)
 C.A. No. 11000/2013 (XVII)
 (FOR STAY APPLICATION ON IA 3/2014, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 196807/2019 AND IA No. 196807/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 3/2014 - STAY APPLICATION)
 W.P. (C) No. 592/2021 (PIL-W)
 (FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64532/2021
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 65543/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 65544/2021
 FOR MODIFICATION ON IA 71098/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 71100/2021
 FOR INTERVENTION APPLICATION ON IA 82565/2021
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82566/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 84526/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 91182/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 91186/2021
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 92160/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 92163/2021
 FOR AMENDMENT OF THE PETITION ON IA 92847/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 92851/2021
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 103148/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 103150/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 106530/2021
 FOR APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS ON IA 106531/2021
 IA No. 92847/2021 - AMENDMENT OF THE PETITION
 IA No. 106531/2021 - APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS
 IA No. 82566/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 92163/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 65544/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 91186/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 64532/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 106530/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 84526/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 103150/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 92851/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 71100/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 82565/2021 - INTERVENTION APPLICATION
 IA No. 71098/2021 - MODIFICATION
 IA No. 92160/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 65543/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 91182/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 103148/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)
 W.P. (C) No. 657/2021 (PIL-W)
 (FOR
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 68638/2021
 IA No. 68638/2021 - EXEMPTION FROM FILING AFFIDAVIT)
 W.P. (C) No. 759/2021 (PIL-W)
 (FOR
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 79663/2021
 FOR APPLICATION FOR PERMISSION ON IA 82248/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 82250/2021
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 82271/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 82274/2021
 IA No. 82248/2021 - APPLICATION FOR PERMISSION
 IA No. 82250/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 79663/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 82274/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 82271/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 84840/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 84845/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 92554/2021

FOR EXEMPTION FROM FILING O.T. ON IA 92555/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 105404/2021

FOR EXEMPTION FROM FILING O.T. ON IA 105406/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 105412/2021

IA No. 84840/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 105404/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 92555/2021 - EXEMPTION FROM FILING O.T.

IA No. 105406/2021 - EXEMPTION FROM FILING O.T.

IA No. 92554/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 84845/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 105412/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Parties:

Mr. Tushar Mehta, SG
Ms. Ruchi Kohli, AAG
Mr. B.K. Satija, AAG
Mr. Arun Bhardwaj, Sr. Adv.
Ms. Srishti Mishra, Adv.
Dr. Monika Gusain, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Dhruv Sharma, Adv.
Mr. Bhavya Sethi, Adv.
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Tejaswi Kumar Pradhan, Adv.
Ms. Ranjeeta Rohatgi, AOR

Mr. Jayant Bhushan, Sr. Adv.
Mr. Ankit Swarup, AOR
Mr. Arunesh Grover, Adv.
Mr. Syed M. Ahmed, Adv.
Mr. Vijay Raj Singh Chouhan, Adv.

Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Tripti Poddar, Adv.
Mr. Satwik Parikh, Adv.
Ms. Sanjana Grace Thomas, Adv.

Mr. Mohit Paul, AOR

Ms. Amiy Shukla, AOR

Mr. Satya Mitra, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Vedant Singh, AOR
Mr. Vinay Kumar Dubey, Adv.
Mr. Vivek Dubey, Adv.
Ms. Prajakta, Adv.
Mr. Vishisht Singh, Adv.
Mr. Prateek Tiwari, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. B. K. Satija, AOR

Mr. Tushar Mehta, SG
Mr. Anil Grover, Sr. AAG
Mr. B.K. Satija, AAG
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Amit Sahni Adv.

Mr. Sibbo Sankar Mishra, AOR

Mr. Aishwarya Bhati, ASG
Mr. Vanshdeep Dalmia, Adv.
Mr. Sumit Teterwal, Adv.
Mr. Sarad Kumar Singhania, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Suchakshu Jain, Adv.
Mr. Chinmayee Chandra, Adv.

Ms. Manjeet Kirpal, AOR

Mr. Mathews J. Nedumpara, Adv.
Ms. Manju Jetley, AOR

Mr. Arijit Prasad, Sr. Adv.
Mr. Vikas Verma, Adv.
Ms. Sapna Verma, Adv.
Mr. Shafik Ahmed, Adv.

Mr. V. Elanchezhiyan, AOR

Mr. Rajat Joseph, AOR

Mr. Smarhar Singh, AOR

Ms. Shweta Kumari, Adv.

Mr. Digvijay Chaprana, Adv.

Mr. Binay Kumar Das, AOR

Mr. Colin Gonslaves, Sr. Adv.

Ms. Anupradha Singh, Adv.

Mr. Haider Ali, Adv.

Mr. Satya Mitra, AOR

Mr. Jayant Kr. Sud, Sr. ASG

Ms. Vimla Sinha, Adv.

Mr. Kamlendra Mishra, Adv.

Mr. Vikas Bansal, Adv.

Mr. Amrish Kumar, Adv.

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

Heard learned counsel for the parties.

Mr. Tushar Mehta, learned Solicitor General, appearing for the State of Haryana submits that the process of identification of forest and non-forest areas is already in progress and may take some more time considering the expanse of the area. He has prayed for four weeks' further time.

For the time being, we only grant two weeks' time to the Forest Department to do the needful.

We say so because the forest area is already known area and notified as such long back. It should not take time to identify such area.

Mr. Arun Bhardwaj, learned senior counsel appearing for the Municipal Corporation Faridabad invited our attention to the affidavit filed on behalf of the Municipal Corporation Faridabad disclosing the details about the nature of temporary arrangement made in respect of persons affected due to demolition of unauthorized structures standing on the forest land.

The persons who are eligible for rehabilitation under the scheme, as applicable, are being provided temporary accommodation. They are also provided food, water and other basic amenities.

Mr. Colin Gonsalves and Mr. Sanjay Parikh, learned senior counsel invited our attention to two reports submitted by them on the earlier occasion to contend that there are no basic facilities in place.

This factual position is, however, disputed by the Municipal Corporation Faridabad and it has been so stated on affidavit filed by the authorized officer of the Corporation. Instead of going into these debatable and disputed questions, we first call upon the learned counsel for the Municipal Corporation Faridabad to indicate the time-line required for rehabilitating the eligible persons after due scrutiny, if found to be

eligible for such rehabilitation as per the extant scheme.

Learned counsel sought adjournment to take instructions and present a comprehensive plan regarding the time-line in that regard.

We have made certain suggestions which can be examined by the competent authority and appropriate response can be given to the Court on the next date by the Corporation.

Mr. Mathews J. Nedumpara, learned counsel appearing for the intervenor in I.A. Nos. 71785 and 75071 of 2021 would submit that the directions issued by this Court in the past are flawed and nullity in law. We place this submission on record, only to be rejected.

Mr. Mathews J. Nedumpara, learned counsel has perhaps made this submission unmindful of previous order(s) passed by this Court which refer to the orders already passed from time to time by the High Court and this Court.

The order passed is to call upon the Municipal Corporation Faridabad to initiate action in respect of unauthorized structures standing on forest land in accordance with law.

The grievance of Mr. Mathews J. Nedumpara, learned counsel is that such action is being taken without following due process. Even this submission does not commend to us. For, the record indicates to the contrary.

In the previous orders, this aspect has been taken note of, namely, that the Municipal Corporation Faridabad had issued notice and made public announcement from time to time before initiating the action and giving time to the occupants of the concerned structures.

Accordingly, we find no merits in the grievance made by Mr. Mathews J. Nedumpara, learned counsel. At the same time, we doubt as to whether the applicants represented by Mr. Mathews J. Nedumpara are eligible for rehabilitation under the rehabilitation scheme – as no averment is found in the application, at least, brought to our notice that they were occupying the structure before 2003 and has been demolished by the Municipal Corporation Faridabad.

For the time being, we are not deciding that issue finally. All aspects can be gone into at the appropriate stage.

Mr. Arijit Prasad, learned senior counsel appearing

for the intervenors in I.A. No. 110209 and 110223 of 2021 submits that the land on which structures belonging to the applicants are standing is not a forest land. In the past, similar grievance has been taken note of and the Court had directed the concerned Authority including the Municipal Corporation Faridabad to examine that claim and proceed in the matter in accordance with law. The concerned authorities may do the needful as may be necessary as per law. We further direct the State to also decide the representations made by some of the applicants/petitioners to the State Government expeditiously, preferably within two weeks from today.

We defer the hearing of these matters till 14.09.2021, to be taken at 3:30 p.m.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)