

ITEM NO.302+301+303+304 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.) & 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. 110223/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 109330/2021 - CLARIFICATION/DIRECTION
IA No. 89574/2020 - CLARIFICATION/DIRECTION
IA No. 112023/2021 - 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. 109331/2021 - EXEMPTION FROM FILING O.T.
IA No. 94717/2021 - INTERVENTION APPLICATION
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. 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. 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)

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

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

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)

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)

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)

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

W.P.(C) No. 759/2021 (PIL-W)
 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)
 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)

Writ Petition(s)(Civil) No(s). 1023/2021
 (FOR ADMISSION and IA No.114426/2021-GRANT OF INTERIM RELIEF and IA No.114427/2021-EXEMPTION FROM FILING O.T.

Writ Petition(s)(Civil) No(s). 1008/2021
 (FOR ADMISSION and IA No.112315/2021-EXEMPTION FROM FILING AFFIDAVIT

Writ Petition(s)(Civil) No(s). 1031/2021
 (FOR ADMISSION and IA No.116302/2021-STAY APPLICATION and IA No.116303/2021-EXEMPTION FROM FILING O.T.

Date : 20-09-2021 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
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 Mr. Gauraan Bhardwaj, Adv.
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 Mr. Piyush Gaur, Adv.
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Mr. Durgesh Gupta, Adv.
Mr. Vinod Kumar Goyal, Adv.
Mr. Mohd. Adi Alvi, Adv.
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Mr. Gurmeet Singh Makker, 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. Ram Ekbal Roy, Adv.
Mr. Birendra Pd. Singh, Adv.
Ms. Priyanka Das, Adv.
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Mr. Ankit Swarup, AOR
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Mr. Smarhar Singh, AOR

Ms. Amiy Shukla, AOR

Ms. Ranjeeta Rohatgi, AOR

Ms. Manjeet Kirpal, AOR

Ms. Manju Jetley, AOR

Mr. Rajat Joseph, AOR

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

I.A.No.91157/2021 and 101169/2021

As the directions sought in I.A.Nos.91157/2021 and 101169 filed in Special Leave Petition © Nos. 7220-7221/2017 are similar to the issues related to the batch of cases being C.A. No.10294/2013 and connected cases, hence, list these applications along with C.A. No.10294/2013 and connected cases on 04.10.2021, as prayed.

SLP(C) Nos.7220-7221/2017, W.P.© Nos.657/2021 and 788/2021

These matters pertain to issue of demolition action and related matters. Hence, need to proceed together.

In terms of order dated 14.09.2021, the

Faridabad Municipal Corporation (for short, 'the Corporation') has initiated the exercise of issuing provisional allotment letters to *prima facie* eligible applicants.

It is stated that in all 2391 applications have been received until 15.9.2021. Out of which, after processing the concerned applications, 892 applicants have been found to be *prima facie* eligible so far. The officials of the Corporation have contacted the concerned persons through telephone/mobiles and other means. Out of that, 302 persons reported to the office of the Corporation for collecting the provisional allotment letters.

Suffice it to observe that the modality suggested in the order dated 14.09.2021 is being rolled out by the Corporation in right earnest. For the time being, we will not make any further observation nor finally determine that issue.

Mr. Arun Bhardwaj, learned senior counsel appearing for the Corporation, has also informed us that the last dates for receiving applications and issuing final allotment letters have been realigned as follows:

The last date of receiving application is now fixed as 15.11.2021 and thereafter the

applications will be processed and draw of lots will be done on 02.12.2021 and in all probability the final allotment letters would be issued to the eligible candidates before 15.12.2021.

Let the aforesaid position be stated on affidavit.

Mr. Bhardwaj, learned counsel has also stated on instructions that after the provisional allotment letter is issued and the concerned person occupies the premises so allotted and points out any defect or some maintenance issues that will be attended to with utmost urgency as observed in order dated 14.9.2021.

We direct the Commissioner of Faridabad Municipal Corporation to submit a chart area-wise, disclosing the unauthorized structures standing on forest land which have not been demolished and with justification for non-demolition of unauthorized structures, before the next date of hearing.

The Corporation must proceed against every unauthorized structure(s) standing on forest land in terms of earlier orders.

In addition, the Corporation may also indicate the steps taken to remove the debris or process the same to make it environment friendly

and compliant.

List matters on 22nd October, 2021.

W.P.(C) No.592/2021, 759/2021 and 1023/2021

These matters will proceed together hereafter as separate cases dealing with the challenge to rehabilitation policy/scheme.

Learned counsel for the petitioner(s) submitted that an immediate order is essential before the verification process is being taken forward.

According to the petitioner(s), in addition to the documents referred to in Clause 3(e) defining the eligibility criteria, the person concerned/applicant may be permitted to establish his/her identity and the fact that he/she was occupant of the premises which has been demolished being unauthorized structure standing on forest land, by way of giving self certificate/affidavit as proof of income and other documents referred to as proof of address in the Pradhan Mantri Awas Yojana Scheme, 2015 including in other central schemes such as at page 14 of the Additional Documents being I.A. No.118212/2021 in W.P.© No.1023/2021 and not limited to Voters' list,

Pehachan Patra and electric connection Bill.

Mr. Arun Bhardwaj, learned senior counsel appearing for the Corporation, prays for time to take instructions in this regard.

List these matters on 27th September, 2021.

C.A. Nos.10294/2013, 11000/2013, 8173/2016, 8454/2014, W.P.(C) Nos. 1008/2021 and 1031/2021

These matters involve issue regarding forest and non-forest land in reference to interplay between provisions of the Punjab Land Preservation Act, 1900; Forest Conservation Act, 1980 and the land which forms part of development plan under the Faridabad Complex (Regulation and Development), Act 1971.

List these matters on 4th October, 2021.

In the meantime, the appellant(s)/petitioner(s) to serve advance copy of the appeal/petition paper-books on the standing counsel for the concerned authorities/State of Haryana/Union of India.

The respondent(s) in the concerned appeal(s)/petition(s) may file separate or common reply affidavit, as may be advised.

If common reply affidavit is filed by the State, the same be served on the counsel appearing for the opposite sides in the connected matters for their record.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER