

ITEM NO.1

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
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.) THR ITS PRESIDENT & ORS.

Respondent(s)

(These matters relates to the issue of demolition and I. A. no. 91157/2021 and 101169/2021 in SLP(C) No. 7220-21/2017 are similar to the issues related to batch of cases i.e. C. A. Nos. 10294/2013 etc. forest and non forest land... [PART- HEARD BY HON. A.M.

KHANWILKAR, ABHAY S. OKA AND C.T. RAVIKUMAR, JJ]

- IA No. 137085/2021 - APPLICATION FOR PERMISSION
- 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. 130276/2021 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 89574/2020 - CLARIFICATION/DIRECTION
- IA No. 112023/2021 - CLARIFICATION/DIRECTION
- IA No. 101169/2021 - CLARIFICATION/DIRECTION
- IA No. 109330/2021 - CLARIFICATION/DIRECTION
- IA No. 103155/2021 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 48851/2021 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 94720/2021 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 48850/2021 - EXEMPTION FROM FILING O.T.
- IA No. 109331/2021 - EXEMPTION FROM FILING O.T.
- IA No. 130271/2021 - INTERVENTION APPLICATION
- 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. 109328/2021 - INTERVENTION/IMPLEADMENT
- IA No. 89573/2020 - INTERVENTION/IMPLEADMENT
- IA No. 137086/2021 - INTERVENTION/IMPLEADMENT
- IA No. 91893/2020 - 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)

(The matter pertains to issue of demolition

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

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

(THIS MATTER PERTAIN TO ISSUE OF "DEMOLITION"

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

Date : 26-04-2022 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. Vishwa Pal Singh, AOR

Mr. Sanjay Parikh, Sr. Adv.

Ms. Srishti Agnihotri, AOR

Ms. Tripti Poddar, Adv.

Mr. Satwik Parikh, Adv.

Ms. Sanjana Grace Thomas, Adv.

Mr. Colin Gonsalves, Sr. Adv.

Ms. Kawalpret Kaur, Adv.

Mr. Haider Ali, Adv.

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 Mr. Vikas Bansal. Adv.
 Mr. Manish, Adv.
 Mr. Sughosh Subramanian, Adv.
 Mr. Amrish Kumar, AOR

Mr. Binay Kumar Das, AOR

Ms. Kawalpreet Kaur, Adv.
 Mr. Haider Ali, Adv.
 Mr. Satya Mitra, AOR
 Ms. Amiy Shukla, AOR

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 Mr. Sumit Teterwal, Adv.
 Mr. Vanshdeep Dalmia, Adv.
 Mr. Suchakshu Jain, Adv.
 Mr. Chinmayee Chandra, Adv.
 Mr. Gurmeet Singh Makker, AOR

Mr. Vaibhav Niti, AOR

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

Mr. Smarhar Singh, AOR

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Bijender S. Chadhry, Adv.
 Mr. Hitesh Kumar Sharma, Adv.
 Mr. S.K. Rajora, Adv.
 Mr. Akhileshwar Jha, Adv.
 Mr. E. Vinay Kumar, Adv.

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

Learned counsel for the Municipal Corporation Faridabad (for short, "Corporation") submits that the Corporation has taken steps to ensure that possession letters will be issued to the concerned persons commencing from 30.04.2022 and the process of handing over such letters to all the eligible persons will be completed at the earliest.

He further submits that the concerned expert team has inspected the structures and the stability certificate is likely to be issued in another one week's time.

Considering the above, for the time being, we do not wish to make any comments about the issues that have been raised by Mr. Sanjay Parikh, learned senior counsel and give time to the Corporation to continue with the process of handing over possession letter clearly mentioning that the same is being offered subject to issuance of stability/habitability certificate by the competent authority/Commissioner of the concerned structures/flats and physical possession of the premises can be taken by them only thereafter.

As regards afforestation programme, to be undertaken as indicated in the report submitted earlier, he submits

that State Forest Department's assistance and logistical support may be required.

We direct the Secretary, Forest Department, State of Haryana to issue appropriate instructions to all concerned authorities as per the request letter sent by the Corporation.

It was also brought to our notice that the Corporation is unable to take some follow up steps owing to security reasons. In that case, the Corporation may send request to the competent authority (Police) for providing police force, as and when required.

We direct the Secretary, Home Department, Haryana to ensure that all logistical support is extended by the Police Department, as requested by the Corporation.

For the time being, we defer the hearing of these matters till 10.05.2022.

The order dated 31.03.2022 is modified to the limited extent that the solatium amount shall be paid until the concerned flat becomes available for taking physical possession by the concerned allottee, in terms of this order.

(DEEPAK SINGH)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
COURT MASTER (NSH)