

ITEM NO.31

COURT NO.16

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)

WITH

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

(The matter pertains to issue of demolition
IA No. 137687/2022 - CLARIFICATION/DIRECTION)

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

(THIS MATTER PERTAIN TO ISSUE OF "DEMOLITION"
IA No. 68638/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 14-02-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Vishwa Pal Singh, AOR

Mr. Colin gonsalves, Sr. Adv.
Ms. Kawalpreet Kaur, Adv.
Ms. Amiy Shukla, Adv.

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

Ms. Amiy Shukla, AOR

For Respondent(s)

Mr. Vedant Singh, AOR

Mr. Arun Bhardwaj, Sr. Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. B. K. Satija, AOR
Mr. Vishwa Pal Singh, AOR

Mr. Amrish Kumar, AOR
Mr. Jayant K Sud, A.S.G.
Mr. Kamendra Mishra, Adv.
Mrs. Vimla Sinha, Adv.
Mr. Manish, Adv.
Mr. Sugosh Subramanyam, Adv.
Mr. Annirudh Sharma Ii, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. S.k.singhania, Adv.
Mr. Sumit Teterwal, Adv.
Ms. Chinmaee Chandra, Adv.
Mr. Ishaan Sharma, Adv.

Mr. Smarhar Singh, AOR
Mrs. Shweta Kumari, Adv.
Mr. Jai Krishna Singh, Adv.
Mr. Kushal Kumar, Adv.
Mr. Chandra Pratap, Adv.
Mr. Manoj Kumar, Adv.

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Aniruddha Purushotham, Adv.
Mr. Shashwat Panda, Adv.
Mr. Mohan Prasad Gupta, Adv.

Mr. Binay Kumar Das, AOR
Mr. Satya Mitra, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. S.k.singhania, Adv.
Mr. Sumit Teterwal, Adv.
Ms. Chinmaee Chandra, Adv.
Mr. Ishaan Sharma, Adv.

Ms. Mayuri Raghuvanshi, AOR

Mr. Vaibhav Niti, AOR
Ms. Madhavi Agrawal, Adv.
Mr. Divyanshu Agrawal, Adv.

Ms. Amiy Shukla, AOR

Mr. Vikas Verma, Adv.
 Mr. Shafik Ahmed, Adv.
 Ms. Sapna Verma, Adv.
 Mr. Danish Saifi, Adv.
 Ms. Anju, Adv.
 Mr. Aditya Kaushik, Adv.
 Mr. Padhmanabha Raja K.R., Adv.
 Mr. Mayank Choudhary, Adv.
 Mr. V. Elanchezhian, AOR
 Ms. Apsana Khatoon, Adv.

Mr. Lokesh Sinhal, Aag
 Dr. Monika Gusain, AOR
 Mr. Nikunj, Adv.
 Mr. Arshad, Adv.

Mr. Bijender S. Chudhry, Adv.
 Mr. Hitesh Kumar Sharma, Adv.
 Mr. S.K. Rajora, Adv.
 Mr. Akhileshwar Jha, Adv.
 Mr. Chaman Sharma, Adv.
 Mr. Pawan Kaushik, Adv.
 Ms. Yamini Sharma, Adv.
 Ms. Niharika Dwivedi, Adv.
 Mr. Ravish Kumar Goyal, Adv.

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

We have perused the joint report dated 12th December, 2022 submitted by the Structural Engineer and Architect after inspection of the buildings which are meant for rehabilitation. The report indicates certain disturbing aspects about the buildings. The recommendations have been incorporated in paragraph 4 of the report. The Commissioner of the Municipal Corporation, Faridabad shall file an affidavit recording an assurance that necessary work will be carried out in terms of the recommendations. If certain part of the work is already carried out, the details thereof shall be mentioned in the affidavit of the Commissioner.

Our attention is invited to order dated 31st March, 2022 which directs in clear terms that the Commissioner of the Municipal

Corporation will have to certify that the premises being offered to the allottees are habitable and are ready for immediate occupation in all respects. Only after the work in terms of the recommendations of the architect is carried out that the Commissioner will have to do the exercise of issuance of certificates as aforesaid after the respective premises are inspected by the appropriate Municipal officers.

Needless to say that till such certificates are issued by the Commissioner, the allottees are not expected to occupy the premises. Therefore it is the duty and obligation of the Municipal Corporation to ensure that solatium of Rs. 2,000/- is paid to each eligible allottee at least till the date on which the allottee is informed of the fitness certificate granted by the Commissioner in respect of the premises.

The affidavit of the Commissioner shall also contain all details such as number of eligible persons identified so far. The Commissioner will also state the details of the exercise undertaken by the Sub-committee appointed for examining the eligibility. Thus, the Commissioner will state how many persons have been found eligible till the date of filing of affidavit.

The details of the solatium paid to the eligible persons shall also be placed on record. If the Commissioner finds that the solatium has not been paid up to date to certain eligible persons, he shall ensure that the same is paid immediately.

The Commissioner shall also ensure that either the copies of the rejection orders are supplied to the concerned persons or that the same are uploaded on the website of the Municipal Corporation.

Needless to add that the Commissioner will indicate the time frame within which various recommendations made by the architects will be actually implemented.

The learned counsel appearing for the Municipal Corporation states that he will file such affidavit within two months from today. Accordingly, two months' time is granted.

List the matters on 02.05.2023.

A copy of the affidavit be supplied to the learned Senior counsel Mr. Parikh by 17.04.2023. While filing affidavit, it will be open for the Commissioner to deal with IA No. 137687 of 2022.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(MATHEW ABRAHAM)
COURT MASTER (NSH)