

ITEM NO.25

COURT NO.17

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 : 02-05-2023 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. Arun Bhardwaj, Sr. Adv.
 Dr. Monika Gusain, AOR

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

Ms. Amiy Shukla, AOR
 Mr. Shakti Vardhan, Adv.

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

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

Mr. Vaibhav Niti, AOR

Ms. Amiy Shukla, AOR
 Mr. Shakti Vardhan, Adv.

Mr. Vikas Verma, Adv.
 Mr. Sapna Verma, Adv.
 Mr. Shafik Ahmed, Adv.
 Ms. Anju, Adv.
 Mr. Mayank Choudhary, Adv.
 Mr. V. Elanchezhiyan, AOR
 Mr. Tushar Pahwa, Adv.

Mr. Smarhar Singh, AOR
 Ms. Shweta Kumari, Adv.
 Mr. Jai Krishna Singh, Adv.
 Mr. Kushal Kumar, Adv.
 Mr. Mohd. Asim, 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. Ram Ekbal Rai, Adv.
 Mr. Binay Kumar Das, AOR
 Mr. Sanjay Kumar Singh, Adv.
 Ms. Neha Das, Adv.
 Mr. V. P. Pandey, Adv.

Mr. Satya Mitra, AOR
 Ms. Kawalpreet Kaur, Adv.

Ms. Mayuri Raghuvanshi, AOR

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

We have perused the Status Report in the form of an affidavit filed by Mr. Jitender Kumar, IAS Commissioner of Faridabad Municipal Corporation. Prima facie, we find that there is a non-compliance by the Municipal Corporation with the earlier orders of this Court ending with the order dated 14.02.2023.

The first step that the Municipal Commissioner expected to take was to file an affidavit recording assurance that necessary work will be carried out in terms of the recommendations which are part of the joint Report dated 12.12.2022. Only after such assurance was given on oath that question of verifying whether recommendations have been complied arises. Unless that is done, there is not occasion for the Commissioner to certify that certain premises were fit for occupation. These are only few aspects which are highlighting in this order apart from the other non-compliance.

The learned senior counsel appearing for the Corporation seeks time of one week.

List on 16.05.2023 at 2.00 P.M.

The Municipal Commissioner shall join the hearing through video conferencing on that date.

In the meanwhile, a liberty is granted to the Municipal Commissioner to file additional affidavit.

We may also note that the petitioners in Writ Petition (Civil) No. 788 of 2021 have filed a status report in which they have claimed that there is non-compliance by the Municipal Corporation.

(INDU MARWAH)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)