

ITEM NO.301 Court 4 (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. 20252/2021 - AMENDMENT IN CAUSE TITLE
IA No. 57354/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 89574/2020 - CLARIFICATION/DIRECTION
IA No. 48851/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 48850/2021 - EXEMPTION FROM FILING O.T.
IA No. 89573/2020 - INTERVENTION/IMPLEADMENT
IA No. 48843/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 592/2021 (PIL-W)

IA No. 82566/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 71100/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 65544/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 64532/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 84526/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 82565/2021 - INTERVENTION APPLICATION
IA No. 71098/2021 - MODIFICATION
IA No. 65543/2021 - 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. 82274/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 82250/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 79663/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 82271/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

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

(FOR ADMISSION and I.R. and IA No.84840/2021-APPROPRIATE
ORDERS/DIRECTIONS and IA No.84845/2021-PERMISSION TO FILE

ADDITIONAL DOCUMENTS/FACTS/ANNEXURES.)

Date : 03-08-2021 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. Arun Bhardwaj, Sr. Adv.
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Ms. Prajakta, Adv.
Mr. Vishisht Singh, Adv.
Mr. Prateek Tiwari, Adv.

Mr. Binay Kumar Das, AOR

Ms. Manju Jetley, AOR

Mr. Rajat Joseph, AOR

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

In terms of the previous order(s), the Municipal Corporation, Faridabad (for short 'the Corporation') is expected to complete the removal of unauthorized structures standing on forest land before 23.08.2021. The matters, therefore, be notified on 25.08.2021.

Before that date, the Commissioner may submit further status report. The status report may include the issue raised today by Mr. Colin Gonsalves, learned senior counsel, that the outcome of the representations to be made to the Commissioner may also be indicated briefly in the status report.

The learned counsel for the Corporation has apprised us that the draft policy has been submitted to the State Government for its approval. That consideration be expedited by the State Government and final decision be taken preferably before the next date of hearing.

Further, to assuage the grievances of the locals and to enable them to avail of option made available to them in terms of the previous order(s), the Commissioner may specify an e-mail address for online correspondence and also consider of setting up back-up office in the Radha Swami Complex, where the concerned persons have been provided temporary food, shelter and accommodation.

Advocate on record for the Corporation/State must ensure that the documents filed in the leading case i.e., SLP(C) Nos.7220-7221/2017 be also served on the advocate(s)-on-record for the petitioner(s)/applicant(s) in the companion cases.

List the matters on 25th August, 2021 at 2.00 p.m. before this Bench.

List I.A. No.91157/2021 in SLP(C) Nos.7220-7221/2017 along with Civil Appeal Diary Nos.29962 of 2013, 5240/2014, 36804/2013 and connected

matters, if any, on 06.08.2021 at 2.00 p.m. before this Bench, as it is submitted that the issues are over-lapping.

In the meantime, the applicants are free to present material/representation before the competent authority, who has issued notice for removal of allegedly unauthorized structures, by tomorrow i.e., 4th August, 2021 by 12.00 noon, which can be considered by the authority appropriately.

If the competent authority is of the firm opinion formed on the basis of official record that the concerned structures, referred to in the show cause notice issued to the applicants, are standing on the forest land, the competent authority would be free to proceed in the matter in accordance with the directions already issued earlier by this Court in the leading case from time to time.

However, if it is not a forest land, the competent authority must abide by the protection given to the structures by this Court in the civil appeals referred to above, till Friday i.e., 6th August, 2021.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

