

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 7220-7221 OF 2017

IN THE MATTER OF:

Municipal Corporation Faridabad

.... Petitioner

Versus

Khori Gaon Residents Welfare Association (Regd.) through its President
& Ors. etc.

.... Respondents

**STATUS REPORT BY WAY OF AFFIDAVIT OF YASH PAL,
I.A.S., COMMISSIONER, MUNICIPAL CORPORATION,
FARIDABAD.**

ADVOCATE FOR THE PETITIONER : VISHWA PAL SINGH

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**STATUS REPORT BY WAY OF AFFIDAVIT
OF YASH PAL, I.A.S., COMMISSIONER,
MUNICIPAL CORPORATION, FARIDABAD.**

MOST RESPECTFULLY SHOWETH: -

I, Yash Pal, I.A.S., Commissioner, Municipal Corporation, Faridabad, do hereby solemnly affirm and state as under: -



1. That the deponent is posted as Commissioner, Municipal Corporation, Faridabad and is competent to swear and depose the facts of the present case before this Hon'ble Court in official capacity. The present status report is being filed in continuation to the earlier Status Reports and Compliance Report dated 23.08.2021 filed by the Petitioner Corporation before this Hon'ble Court.
2. That the Petitioner Corporation in compliance of directions passed by this Hon'ble Court from time to time has already removed the unauthorized constructions on PLPA notified land

measuring 150 acres (*land in question in present Special Leave Petition*) in Khori jhuggies of village Lakkarpur, Teshil Badkhal, District Faridabad owned by petitioner corporation and the status report to that effect has already been placed on record.

3. That during the removal of unauthorized constructions, the petitioner Corporation provided temporary shelter with basic amenities at Radha Soami Satsang Beas Complex to the jhuggi dwellers who approached for the same. The petitioner corporation in compliance of the directions passed by this Hon'ble Court has appointed a Nodal officer also to consider the grievances of Jhuggi Dwellers in respect to basic amenities being provided by the Petitioner Corporation.
4. That on various dates it was contended by the Jhuggi Dwellers by way of filing applications seeking directions that those should be rehabilitated by the Corporation. Accordingly, the petitioner corporation formulated a '*Housing Plan for rehabilitation of Khori (Lakkarpur revenue estate) Jhuggi Dwellers sitting on land owned by Municipal Corporation, Faridabad*' and approved by the State Government. It is pertinent to mention here that said Housing Plan was finalized by the Corporation after considering the suggestions submitted by the Jhuggi Dwellers from time to time as observed by this Hon'ble Court in its order dated 23.07.2021 and the same has been finalized and approved by the State Government vide letter dated 25.08.2021.
5. That on 06.09.2021, this Hon'ble Court in SLP (C) No. 7220-21 of 2017 "*Municipal Corporation Faridabad Vs. Khori Gaon*



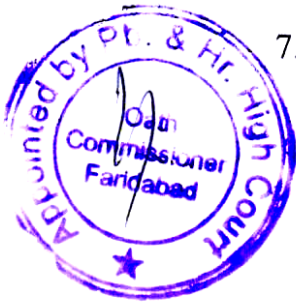
Residents Welfare Association (Regd.) & Ors.” was pleased to pass the following direction: -

“...we first call upon the learned counsel for the Municipal Corporation Faridabad to indicate the time- line required for rehabilitating the eligible persons after due scrutiny, if found to be eligible for such rehabilitation as per the extant scheme.

Learned counsel sought adjournment to take instructions and present a comprehensive plan regarding the time-line in that regard.

We have made certain suggestions which can be examined by the competent authority and appropriate response can be given to the Court on the next date by the Corporation...”

6. That the present affidavit is being filed by the deponent to apprise the Hon’ble Court about the time lines of rehabilitation of the eligible Jhuggi dwellers.



7. That as per the said Housing plan, the eligible residents will submit the application for allotment of EWS Flats to Municipal Corporation Faridabad by 15.10.2021. The eligibility criteria has already been mentioned under Clause B (3) (e) and E of the Housing Plan. The copy of the said Housing plan has already been placed on record, however, another copy of the same is being annexed herewith and marked as **ANNEXURE A-1**.

8. That preliminary scrutiny of the applications received by the Municipal Corporation Faridabad upto 15.10.2021 (last date of submission of application) will be carried out by 25.10.2021 by

the committee constituted by the Petitioner Corporation and after completion of this scrutiny (including verification of documents submitted with the applications) the final list of eligible applicants will be published by the petitioner corporation indicating the date of draw to be taken place. After draw as per schedule, the allotment letter with the terms and conditions of allotment will be issued to the eligible applicants and upon fulfilling the conditions of allotment letter, the possession of EWS Flats will be handed over. The petitioner Corporation will make all efforts to complete the entire process including handing over possession by 30.04.2022 The 'tentative timeline schedule' for rehabilitation of eligible applicants is as under:

Last date of submission of Application	15.10.2021
Scrutiny of application including verification of documents etc.	25.10.2021
Publication of Final list of eligible applicants	27.10.2021
Draw of EWS Flats to the eligible applicants	30.10.2021
Rent/ Solatium of Rs. 2000/- per month to the eligible applicants for six months or actual physical possession of flats, whichever is earlier	01.11.2021
Issuance of Allotment Letter	15.11.2021
Handing over possession of EWS Flat, upon fulfilling the conditions mentioned in allotment letter	30.04.2022



9. That above timelines have been framed in view of present factual position & circumstances and to achieve these timelines, Municipal Corporation Faridabad has floated tender on 08.09.2021 for maintenance of EWS flats at Dabua & Bapu

Nagar. However, the petitioner corporation in case of any unavoidable circumstances keeps the rights reserved to reschedule the timelines for rehabilitation.

10. That the annexure annexed with this affidavit is true and correct copy of its original.

It is therefore, respectfully, prayed that the present status report may be taken on record and it is being undertaken that directions, if any, passed by this Hon'ble Court, shall be complied with sincerity in true spirit.

Place: Faridabad

Dated: 11.09.2021

Deponent



Verification:-

Verified that the contents of para no. 1 to 10 of the above affidavit are true and correct to my knowledge and based on information received from the official records which are believed by me to be correct. Legal submissions are based on advice and record as made available.

Place: Faridabad

Dated: 11.09.2021

Deponent

Annexure A-1

From:

The Director,
Urban Local Bodies Haryana,
Bays No. 11-14, Sector-4, Panchkula.

To

The Commissioner,
Municipal Corporation, Faridabad.

No. ADULB/Admn./2021/

32/76

Dated 25.08.2021

Sub: Housing Plan for rehabilitation of Khori (Lakkarpur revenue estate) Jhuggi Dwellers sitting on land owned by Municipal Corporation, Faridabad.

*_*_*_*_*_*_*_*

Kindly refer to your office letter No. MCF/CTP/2021/75, dated 20.08.2021 on the subject noted above.

2. The State Government has approved the final draft of **"Housing Plan for rehabilitation of Khori (Lakkarpur revenue estate) Jhuggi Dwellers sitting on land owned by Municipal Corporation, Faridabad"** alongwith amendments proposed by Municipal Corporation, Faridabad.

3. **For immediate necessary action please.**

Addl. Mission Director,
for Director,
Urban Local Bodies Haryana,
Panchkula



Municipal Corporation, Faridabad
B.K. Chowk N.I.T Faridabad -121001, Haryana-India
Tel. : 0129-2411649, 2411664, 2415549
Fax : 0129-2416465



From

Commissioner,
Municipal Corporation,
Faridabad.

To

- i) Chief Engineer (Works)
 - ii) Joint Commissioner (T)
 - iii) Corporation Secretary
 - iv) District Attorney
 - v) Financial Controller
- Municipal Corporation, Faridabad.

Memo No. MCF/CTP/2021/ 2019-2023

Dated : 31-08-2021

Sub:

Housing plan for rehabilitation of Khorī (Lakkarpur Revenue Estate Jhuggi Dwellers sitting on land owned by MCF.

Please find enclosed herewith a copy of housing plan mentioned as per subject duly approved by Govt. vide memo No. ADULB/Admn/2021/32176 dated 25.08.2021, the contents of which are self explanatory.

This is for your information and taking necessary action as may be required towards implementation of the same.

Deputy Town Planner
For: Commissioner

Encl:- As above.

MUNICIPAL CORPORATION FARIDABAD**HOUSING PLAN**

- A 1. This may be called the “Housing Plan for Rehabilitation of Khorī (Lakkarpur revenue estate) Jhuggi Dwellers sitting on land owned by Municipal Corporation Faridabad”. This housing plan will be applicable on to the PLPA, 1900 notified land owned by Municipal Corporation Faridabad situated in the revenue estate of village Lakkarpur, Faridabad.

2. **NEED FOR THE HOUSING PLAN:**

That the Hon’ble Prime Minister envisioned ‘Housing For All’ by 2022 when the nation completes 75 years of its independence. In order to achieve this objective Central Govt. has launched a comprehensive mission “Pradhan Mantri Awas Yojna- Housing For All (Urban)” for urban area with provision of central assistance to implementing agencies through states and UTs for providing houses to all eligible families/beneficiaries by 2022. The mission seeks to address the housing requirement of urban poor including slum dwellers through following programs:-

- (a) In-Situ Redevelopment with land as resource (ISSR)
- (b) Credit linked subsidy scheme (CLSS)
- (c) Affordable housing in private partnership
- (d) Beneficiary led construction New/Enhancement

That as per ‘Housing For All’ plan of action prepared for Faridabad the Lakkarpur Khorī Jhuggies have been found to be a ‘Untenable Slum’ being located on environmentally hazardous/ecologically sensitive site hence not feasible for the purpose of In-Situ redevelopment. Further as per the assurances given by the Corporation mentioned in the order dated 5.4.2021 in SLP (c) No. 7220-7221 of 2017 and in subsequent order dated 17.6.2021 in CWP No. 657/2021 passed by Hon’ble Supreme Court of India the claims of the occupants for rehabilitation are to be examined as per the existing Rehabilitation scheme. Therefore in order to provide EWS houses to these jhuggie dwellers by granting subsidy there is a need for specific Housing Plan for housing of Khorī Jhuggies by replacing the existing Rehabilitation Policy.

In addition to above, the Govt. in the instant matter vide its memo no. SUDA/MCF-Khorī/2021/4138 dated 12.7.2021 has directed that a Housing Plan based on strict test of eligibility (EWS criteria, residency of Haryana as determined through electricity connection or voter list) and modeled on PMAY (U) on cost basis of the unused apartments may be immediately notified so that the Plan is implemented

side by side with the removal of constructions in compliance with the direction of the Hon'ble Supreme Court. The Government has further conveyed its suggestions vide memo no. ADULB/Admn/2021/30976 dated 16.08.2021.

Accordingly exercising the powers conferred under section 345 (b) of the HMC Act 1994 and upon passing of resolution dated 14.7.2021 by Corporation House, the following parameters of Housing Plan are hereby notified :-

B. DEFINITIONS :

3. In this Housing Plan, unless the context otherwise requires:-
All words and expressions used in the Housing Plan but not defined hereunder shall have the meaning attached thereto in the Haryana Municipal Corporation Act, 1994 and the rules made there under.
 - (a) "Allotment" means allotment of a EWS flat in favour of Lakkarpur Khori jhuggies family by Municipal Corporation Faridabad (MCF) on the terms and conditions mentioned herein and such other terms and conditions as Govt./MCF may prescribe in this behalf from time to time.
 - (b) "Competent Authority" means the Joint Commissioner of concerned zone, Municipal Corporation Faridabad or any other officer appointed by the Government as Competent Authority under this Housing Plan.
 - (c) "Beneficiary Family "will comprise husband, wife and unmarried [sons and/or unmarried daughters.
 - (d) "Economically Weaker Section" EWS households are defined as households having an annual income upto Rs. 3,00,000 (Rupees Three Lakh).
 - (e) "Eligibility Criteria" - A resident of Khori jhuggi cluster squatting on PLPA-1900 notified land owned by MCF in the Revenue Estate of Village Lakkarpur will be considered eligible for allotment of EWS flats who has annual income upto Rs. 3,00,000/- (Rupees three lacs) and if the adult earning member /head of the family fulfills any of the following conditions :-
 - i) That name of the adult earning member/ head of the family is included in the voter list of the area concerned in assembly constituency of Barkhal in State of Haryana as on 1st Jan. 2021
 - ii) That the adult earning member/head of the family has a Parivar Pehchan Patra (PPP) issued by State of Haryana as on 1st Jan. 2021.
 - iii) That the adult earning member/ head of the family has an electric connection in his/her name provided by Dakshin Haryana Bijli Vitran Nigam Ltd.
 - (f) "EWS house/flat" – An all weather unit in multi-storied super structures constructed at Dabua Colony and Bapu Nagar, Faridabad

having carpet area of upto 30.0 sq. mtr. with adequate basic civic services and infrastructure services like toilet, water, electricity etc.

C. APPLICATION :

4. All eligible residents shall submit their applications for allotment of EWS flat to MCF by 15.10.2021 at its extended office at Radha Swami Satsang Bhawan or in MCF office at B.K Chowk, N.I.T., Faridabad and thereafter no such application will be entertained.

D. PAYMENT OF SOLATIUM

5. A solatium of Rs. 2000/- per month shall be paid to the eligible residents of Lakkarpur Khori jhuggies for making their own rental arrangements till the time the EWS flats at Dabua colony and Bapu nagar are made habitable by MCF but not exceeding six months in any case.

E. ELIGIBILITY AND MODE OF ALLOTMENT

6. (a) Allotment of EWS flat shall be made as under:-

- (i) All persons fulfilling the criteria given in clause no. 3 (e) above shall be eligible for the allotment of only one EWS flat against payment of Rs. 377500/- towards the cost of flat. However the allottee will be given subsidy on the following basic parameters:-

Sr. No.	Particulars	Detail
1	House hold income (Rs. p.a.)	Upto 3,00,000/-
2	Interest subsidy (% p.a.)	6.5%
3	Maximum loan tenure (in years)	15 years
4	Eligible housing loan amount for interest subsidy (Rs.)	6,00,000/-
5	Dwelling Unit Carpet Area	Upto 30.0 sq. mtr.
6	Discount rate for net present value (NPV) calculation of interest subsidy (%)	9%

- (ii) A family unit shall be entitled to one EWS flat, provided it fulfills all the conditions under this Housing Plan.

7. Notwithstanding anything contained in the Housing Plan, no person shall be eligible for allotment of EWS flat unless he fulfills the following conditions:-

- (a) The applicant must himself be residing on the MCF land notified under PLPA-1900 in the Khori jhuggie (Lakkarpur revenue estate) cluster. Mere physical possession of a jhuggie/covered structure unless accompanied by the documents mentioned in clause 3(e) shall not be sufficient to make a person eligible for allotment under this Housing Plan.
- (b) The applicant does not own or has never been allotted whether on free- hold or lease-hold basis, a residential site by the Faridabad

Complex Administration or Municipal Corporation Faridabad in his own name or in the name of any member of his family dependent on him.

F. TERMS & CONDITIONS OF ALLOTMENT

8. The allotment of the EWS flats under this Housing Plan shall be made in the name of the female head of the household or in the joint name of the male head of the household and his wife and only in cases when there is no adult female member in the family the house can be in the name of male member of the household. The said allotment shall be on following terms and conditions:-
 - (a) The EWS flat will be allotted on the cost of Rs. 377500/- (Three lacs seventy seven thousand five hundred only) as decided by the Govt. and deposited in the manner prescribed.
 - (b) The allottee shall make an upfront payment of Rs.17000/- within 15 days of issuance of allotment letter and rest of the cost will be paid in EMI of Rs.2500/- per month payable for 15 years. The allottee may also make payment of the remaining amount in lump sum at any point of time and no interest shall be charged of the remaining principal amount paid in lump sum.
 - (c) Allottee shall submit to the Commissioner, a deed of conveyance as prescribed by him.
 - (d) Allottee would be provided a smart card to be issued by the Government which will have database containing a group photograph of the licensee and all other members of the family unit, indicating their name, age, occupation and relationship with the allottee and details of all payments made by the allottee in respect of the EWS flat.
 - (e) Any change in composition of the family unit shall be intimated to the Competent Authority in such format as prescribed by the Government as soon as possible and in any case within 30 days of the occurrence of such a change. If a allottee fails to intimate any change in the family unit within the prescribed period, it will be presumed that such additional member is not a member of the family of the allottee for the purpose of this Housing Plan.

G. OBLIGATIONS OF THE ALLOTTEE:

9.
 - (a) In addition to the cost price prescribed by the Commissioner, MCF, the allottee shall be responsible to pay water, sewerage, electricity charges to the authority concerned.
 - (b) That in case the allottee fails to clear the dues of water, sewerage and electricity charges etc. even after grant of opportunity to clear the same and the allottee remains in default, then process of revocation of allotment will be initiated. If he/she fails to

deposit the arrears within 15 days of the receipt of notice from MCF, allocation of flat/property shall be revoked.

10. The allottee shall not make any addition or alterations in the EWS flat allotted under this Housing Plan.
11. The EWS flat shall be used exclusively for residential purposes only and not for any other purposes.
12. The allottee shall abide by the provisions of Haryana Municipal Corporation Act, 1994 and rules made there under.
13. The allottee shall not sublet, assign by way of General Power Attorney or otherwise part with possession of the EWS flat till full and final payment to MCF and till completion of 10 years from the date of occupation. Thereafter, the allottee will be required to take prior permission from Commissioner, MCF before alienating the title.
14. Responsibility of maintenance of the allotted EWS flat would lie with the allottee. Further the beneficiary's residents will form Resident Welfare Association (RWA) to take care of common facilities and their maintenance in line with the provisions of Ownership Apartment Act and other applicable State Bye-laws. In case of ill-maintenance which may cause damage to the structure, the allotment may be revoked by the Commissioner.

H. CANCELLATION OF THE DWELLING UNIT:

15. The allotment of the EWS flat shall be revoked in the event of contravention of any of the terms and conditions of the Housing Plan and all money deposited by the allottee shall be forfeited and the flat shall be resumed. However, an opportunity of personal hearing will be given to the allottee before cancelling the allotment.
16. (a) The Commissioner, MCF shall also cancel the allotment of the flat if it is found that :
 - i) The allotment has been obtained by supplying false information or by suppressing the facts:
Provided that no allottee shall be cancelled on the ground unless the allottee is given an opportunity of being heard;
 - ii) The allottee fails to vacate the notified jhuggie cluster by the date and time prescribed under this Housing Plan ;
 - iii) The allottee fails to deposit license fee inspite of the service of notice of demand for a period as determined by the Commissioner, whether consecutively or otherwise;
 - iv) The allottee owns any land / building either in his name or in the names

of any member of this family dependent on him, whether on free-hold or lease-hold basis in the Municipal Corporation Faridabad area prior to allotment under this Housing Plan.

- v) The allottee is offered an EWS flat but he fails to occupy the same within 30 days of such offer;
 - vi) The allottee vacates the flat and stop living there till the date of payment of the last of the monthly license fee;
 - vii) The allottee parts with the possession of the flat and hands over its possession to anyone whether through a GPA, sublease, contract or any deed whatsoever or in any other manner.
- (b) The allottee may surrender the flat within one year of issuance of allotment letter and in that case the amount deposited by the allottee shall be refunded after deducting 10% of total deposited amount.

I APPEAL:

17. (a) Any persons feeling aggrieved by any order passed by the Competent Authority under this Housing Plan relating to eligibility or otherwise shall be entitled to file and appeal to the Commissioner, Municipal Corporation Faridabad.
 - (b) Appeal shall be filed within 30 days from the date of communication of the impugned order.
 - (c) The Commissioner, MCF may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above.
 - (d) The Commissioner, MCF may confirm, vary or reverse the order appealed against and may pass such order as he may deem fit.
 - (e) Order passed in appeal by the Commissioner, MCF shall be final.
18. Any order passed by the Competent Authority under this Housing Plan shall in so far as it is consistent with the provisions of this Housing Plan be deemed to be valid and effective as if such allotment or action was done or taken under this Housing Plan.
19. Notwithstanding anything contained in this Housing Plan, the Government may issue instructions or directions for smooth implementation of this Housing Plan.

DTP

STP

SA

CTP

Commissioner
Municipal Corporation
Faridabad