



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24769-2025

Date of Decision : 26.08.2025

Jaibir and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Alok Jain, Advocate, for the petitioners.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed by two petitioners, both brothers, who are residents of Village 335, Village Anangpur, Tehsil Badhkal, District Faridabad, aggrieved by the fact that the State authorities, while executing the directions issued by Apex Court in Civil Appeal No. 10294 of 2013, **Narinder Singh and others Vs. Divesh Bhutani and others**, decided on 21.07.2022, reported in **(2023) 17 Supreme Court Cases 779**, did not follow due process of law, as directed by Apex Court, since without affording any opportunity of being heard, demolition is taking place.

2. For ready reference and convenience, conclusive paragraphs of Apex Court decision (supra) are re-produced below :-

“100. Thus, we hold that the lands covered by the special orders issued under Section 4 of PLPA have all the trappings of forest lands within the meaning of Section 2 of the 1980 Forest Act and, therefore, the State Government or competent authority cannot permit its use for non-forest activities without the prior approval of the Central Government with effect from 25-10-1980. Prior permission



of the Central Government is the quintessence to allow any change of user of forest or so to say deemed forest land. We may add here that even during the subsistence of the special orders under Section 4 of PLPA, with the approval of the Central Government, the State or a competent authority can grant permission for non-forest use. If such non-forest use is permitted in accordance with Section 2 of the 1980 Forest Act, to that extent, the restrictions imposed by the special orders under Section 4 of PLPA will not apply in view of the language used in the opening part of Section 2 of the 1980 Forest Act. We also clarify that only because there is a notification issued under Section 3 of PLPA, the land which is subject-matter of such notification, will not ipso facto become a forest land within the meaning of the 1980 Forest Act.

101. Therefore, the lands covered by the Special Orders dated 18-8-1992 issued under Section 4 of PLPA will be governed by the orders passed by this Court in the Petitions for Special Leave to Appeals (Civil) Nos. 7220-21 of 2017. Hence, all the authorities concerned shall take action to remove the remaining illegal structures standing on land covered by the special orders and used for non-forest activities on the said lands erected after 25-10-1980, without prior approval of the Central Government, and further to restore status quo ante including to undertake reforestation/afforestation programmes in right earnest. As far as the lands covered by special orders under Section 5 are concerned, we are not making any adjudication. Therefore, the authorities will have to decide the status of the lands covered by the said orders under Section 5 on case-to-case basis.

102. To avoid any prejudice to the affected persons, we direct that before the action of removal of the illegal structures and/or action of stopping non-forest activities is



taken in respect of the lands covered by the Special Orders dated 18-8-1992 issued under Section 4 of PLPA, the competent authority concerned shall afford an opportunity of being heard to the affected persons and conclude such proceedings finally not later than three months from today and submit compliance report in that regard within the same time.

103. Writ Petitions (Civil) Nos. 1008 and 1031 of 2021 stand disposed of in the above terms. Civil Appeals Nos. 10294 of 2013, 8454 of 2014, 8173 of 2016 and 11000 of 2013 also stand disposed of in the above terms and the orders impugned passed by NGT stand modified accordingly.

104. As regards Writ Petition (Civil) No. 1320 of 2021, the same will be governed by the directions issued in Petitions for Special Leave to Appeals (Civil) Nos. 7220-21 of 2017 for rehabilitation of the eligible occupants. The petitioners can always move the authority concerned for that purpose. Writ Petition (C) No. 1320 of 2021 be disposed of accordingly.

105. There will be no order as to costs."

2.1 From the aforesaid, it is obvious that Apex Court, while disposing of the matter, directed removal of all illegal structures, standing on land covered by the special orders, which were erected after 25-10-1980, without prior approval of the Central Government, with further direction to restore status quo ante, and to undertake reforestation/afforestation programmes in right earnest. Apex Court, however, directed the competent authority to afford an opportunity of being heard to affected persons and conclude such proceedings (execution) finally not later than three months from the date of judgment/order, i.e. 21.07.2022, and submit compliance report in that regard within the same time.



2.2 It is not disputed at the Bar that the matter regarding extension of time for execution of aforesaid order of Apex Court is pending consideration, where the State of Haryana has filed compliance report, and the matter is now fixed for 08.09.2025, affording opportunity to Central Empowered Committee (CEC) to examine the veracity of the compliance report submitted by State of Haryana.

3. Learned counsel for petitioners has submitted that residential house of the petitioners was erected much prior to 25.10.1980, and yet is being subjected to demolition.

4. Once the Apex Court has considered the matter in its entirety, in the decision of Narinder Singh Vs. Divesh Bhutani (supra), this Court refrains from entering into merits of the matter, since it relates more to the element of possession and title, which ought not to be gone into, while exercising writ jurisdiction.

4.1 However, the petitioners are always free to claim compensation for any damages, if due by any unlawful act of the State authorities. The petitioners are also free to approach the Apex Court, where the matter is pending for compliance.

5. With the aforesaid liberty, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 26, 2025
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No