

CWP-22027-2012

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

CWP-22027-2012

Date of Decision: 13.08.2015

Joginder Singh and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Surender Lamba, Advocate,
for the petitioners.

Mr. Rajnish Chadwal, DAG, Haryana.

Mr. Mohnish Sharma, Advocate,
for respondent Nos.3 and 4.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the impugned orders dated 11.01.2012 (Annexures P-8 and P-9) passed by respondent No.4- Executive Engineer (Building), Municipal Corporation Gurgaon whereby building site plans submitted by the petitioners have been rejected.

I have heard learned counsel for the parties and perused the record.

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Learned counsel for the petitioners vehemently contends that name of petitioner No.1 is Joginder Singh son of Om Parkash whereas reference with regard to title of land is made in the name of Smt. Sumitra wife of Late Sh. Sajjan Singh. Although, she has no relation with the petitioners. No finding has been recorded in Annexure P-8 to the effect that petitioner No.1-Joginder Singh is not having a clear title. The position is similar with regard to the building site plan submitted by petitioner No.2-Rajiv. No reference to sale deed has been made on the basis of which it has been held that incomplete title is vested in the petitioners and title of land is not clear in their favour.

Per contra, learned State counsel and learned counsel for respondent Nos.3 and 4 candidly admit that no reference to sale deed has been made in the impugned orders and they have no objection if the petitioners submit relevant documents showing their title and thereafter in passing fresh order by the authorities concerned.

Admittedly, no reference to the sale deed has been made with regard to the title of the petitioners in the impugned orders. In these circumstances, the impugned orders (Annexures P-8 and P-9) are set aside and the petitioners will be at liberty to approach the competent authority and produce the relevant documents showing their title vesting in them including the sale deed within a period of two weeks from today. If the needful is done by the petitioners within the stipulated period of two weeks, appropriate order in respect of sanctioning or rejection of

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building site plans submitted by the petitioners will be passed within a period of one month from the date of receipt of document of title by the competent authority and decision taken thereon shall be communicated to the petitioners.

13.08.2015
parveen kumar

(Paramjeet Singh)
Judge