

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

CWP-16051-2015

Date of decision:- 11.08.2015

Sukh Ram

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vinod Khunger, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has challenged the order of the Additional Chief Secretary to the Government of Haryana, Town and Country Planning Department dated 23.01.2015 refusing to entertain his appeal on the ground that the Supreme Court is already seized of the matter regarding competing claims of various claimants in the licensed colony in question. The Appellate Authority has also observed that there is no merit in the appeal.

2. The appeal was filed against the order of the respondent No. 2 – Director General of Town and Country Planning, Haryana. The respondent No. 2 had dismissed the claim on a different basis. The petitioner claims to have been allotted a plot in the year 1995. There was admittedly a short-fall of about 25% in the payment of development charges. The respondent No. 2, however, has taken a very reasonable view. He observed that even this short-fall could have been condoned in an appropriate case and on appropriate terms and conditions. However, as observed by him, the number of plots is much less than the number of applicants. These plots have already been allotted to the persons who had made the full payment as per the

directions of the Supreme Court in Writ Petition (Civil) No. 113 of 1996 and other connected petitions titled as *Okhla Enclave Joint Action Committee Vs Union of India and others*, decided on 07.04.1997.

3. In view of the above facts, it is not possible for us to grant the petitioner any reliefs by way of a mandatory order directing the respondents to allot the plot and to put the petitioner in possession thereof. This is for the reason that there are no plots which can be allotted to the petitioner. If in future the plots are available, the petitioner is at liberty to adopt proceedings including for the reliefs claimed in this petition. Moreover, as observed by the Appellate Authority, the matter is sub-judice before the Supreme Court. Depending upon the outcome of those proceedings, it is always open to the petitioner to adopt appropriate proceedings for the enforcement of his rights, if any.

4. The petition is accordingly disposed of subject to the above clarification.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

11.08.2015

Amodh