

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.20762 of 2015
Date of Decision: September 29, 2015

Ajay KumarPetitioner

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Ms.Sharmila Sharma, Advocate, for the petitioner.
Ms.Kirti Singh, Deputy Advocate General, Haryana.

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1. *Whether Reporters of 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?*

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only at
this stage.

On our asking, Ms.Kirti Singh, learned Deputy
Advocate General, Haryana, accepts notice on their behalf.

Let four copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 to 4 or to serve respondent Nos.5 to 16 at
this stage as no order prejudicial to their interest is being
passed.

Pursuant to the State Government Policies dated 01.02.2008 and 29.05.2008, 100 square yard plots were allotted by the Gram Panchayat, Village Babupur, District Gurgaon to the residents of its village living below poverty line and those belonging to poor strata of society. It appears that such plots were allotted to private-respondents also. The petitioner has been relentlessly making complaints against the eligibility of private-respondents as, according to him, none of them was eligible in terms of the Government Policy, for they had their residential houses in the village. Before us, certain photographs have also been relied in this regard. It further appears that on the petitioner's complaint, Deputy Commissioner, Gurgaon sought comments of concerned authorities and the B.D.P.O., Gurgaon vide memo dated 18.11.2013 (P-5) justified the allotments made in favour of private-respondents. The petitioner's allegations that the private-respondents were in unauthorized possession of the Gram Panchayat land, were duly controverted.

Be that as it may, no formal or final decision appears to have been taken by the Deputy Commissioner, Gurgaon, prompting the petitioner to approach this Court.

As the facts would speak for themselves, it is for the authorities to ascertain whether allotments made in favour of private-respondents were in accordance with the Government Policy or any of them was disqualified for such allotment. It, however, appears from the record that the Deputy Commissioner, Gurgaon has either not taken a final decision or such a decision has not been conveyed to the petitioner.

We, thus, dispose of this writ petition without expressing any views on merits, with a direction to the Deputy Commissioner, Gurgaon to take a final decision on the petitioner's complaint, if already not taken, and communicate the same to him. Needless to say that no order prejudicial to the interest of private-respondents shall be passed without hearing them.

Let the needful be done within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 29, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE