

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CIVIL WRIT PETITION NO.21740 of 2014

DATE OF DECISION: OCTOBER 28, 2015

Rati Ram and others .....Petitioners

Versus

Municipal Corporation and others .....Respondents

**CORAM:-** HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE  
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

**Present:** Mr.JP Kaushik, Advocate for the petitioners.

Mr.Ravinder Hooda, Advocate for respondents 1 & 2.

Mr.Deepak Balyan, Additional Advocate General,  
Haryana.

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***TEJINDER SINGH DHINDSA, J.***

The petitioners who claim themselves to be in possession of their respective dwelling units/jhuggis situated at Bapu Nagar, Sector 59, Ballabgarh, District Faridabad seek a writ of mandamus to the respondents to allot to them alternate sites/plots. Such prayer has been raised on the strength of a policy decision contained in letter dated 12.1.1995, Annexure P2, issued by the Commissioner, Municipal Corporation, Faridabad on the subject of allotment of plots to the re-settled jhuggi dwellers at Bapu Nagar, Ballabgarh. Further directions are sought in the

present petition to restrain the respondent-Authorities from dispossessing them from their existing jhuggis till such time alternate plots are not allotted.

2. Notice of motion was issued in the petition on 27.10.2014 after recording the categorical assertion made by the learned counsel to the effect that the names of the petitioners have not been included in the list of persons to be rehabilitated even though their names appear in a Biometric Survey.

3. In response to the petition, a joint reply had been filed on behalf of respondents No.1 and 2 i.e. Commissioner, Municipal Corporation, Faridabad and Joint Commissioner, Municipal Corporation, Ballabgarh Zone, Faridabad. It has been stated in the reply that in an effort to rehabilitate the jhuggi dwellers on municipal corporation land, an EWS colony has been developed and in pursuance to a Biometric Survey having been conducted of the jhuggi dwellers of Bapu Nagar, a list of eligible persons was drawn up and built up tenements were allotted to such eligible persons. Claim of the present petitioners has been seriously contested by contending that names of the petitioners did not figure amongst the eligible persons on the basis of the Biometric Survey and, as such, they have no right for allotment of plots as per the policy of rehabilitation. As per the respondent-Authorities, the petitioners have encroached upon municipal corporation land much after the original jhuggi dwellers staying at Bapu Nagar had been rehabilitated.

4. The petition raises a number of disputed questions. It would not be possible for this Court, in exercise of its jurisdiction

under Article 226 of the Constitution of India, to determine as to whether the petitioners were the original jhuggi dwellers, as they have claimed, at Bapu Nagar, Ballabgarh. As per stand of the respondents, the petitioners were not eligible for alternate plots as their names did not appear in the Biometric Survey that had been conducted. The mode and manner of such survey having been conducted also cannot be gone into in the present petition. That apart, the present petitioners are 43 in number and the facts pertaining to each of them would be distinct and separate. No interference in exercise of writ jurisdiction, as such, would be possible.

5. Writ petition is, accordingly, disposed of by granting liberty to the petitioners to take out appropriate proceedings towards their claim in accordance with law.

6. Disposed of.

( S. J. VAZIFDAR )  
ACTING CHIEF JUSTICE

( TEJINDER SINGH DHINDSA )  
JUDGE

OCTOBER 28, 2015  
*SRM*

**Note:**      *Whether referred to Reporter? (Yes/No)*