

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.26706 of 2015 (O&M)
Date of Decision: 21.12.2015

Smt. Malti Yadav & others

--Petitioners

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. S.K. Yadav, Advocate for the petitioners.

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

The petitioners claim to be the bonafide purchasers of plots in a project, which was being developed by the private respondents. Learned counsel appearing on behalf of the petitioners states that the petitioners are in possession of the plots which the developers have agreed to sell to them. They are also in possession of agreements to sell. Their only grievance is that in an affidavit filed by respondent no.2/the Director, Town & Country Planning, Haryana in the Hon'ble Supreme Court the petitioners' names have not been shown against the plots which have been agreed to be sold to them. The petitioners along with several others had filed I.As before the Hon'ble Supreme Court. The proceedings before the Hon'ble Supreme Court including the I.As filed by the petitioners were disposed of in the following terms:-

“2. DGTPC Haryana may be directed to take steps thereafter to finalize a final list of claimants taking in regard the exercise already undertaken by him, pursuant to this Court's direction dated 22.4.2013 the identification/determination of 2196 entitlements by the Ld. Court Commissioner, besides 844 persons by DGTCP under

the order of Hon'ble Punjab & Haryana High Court for inclusion in the entitlement list. While doing so he (DGT&CP) be required to scrutinize the already prepared list of claimants to remove duplication if any in Commissioner's report and his own list and then proceed to prepare a final list of claimants based on the available record for submission to the Court."

2. The petitioners had not filed I.A Nos.8 and 9, referred to in the order. Learned counsel appearing on behalf of the petitioners states that the names of certain third parties have been shown in the affidavit against the plots in respect whereof they are in possession. Their apprehension is that their title may be effected by virtue of the said affidavit.

3. Our attention has not been invited to any provision of law that constitutes the list furnished by respondent no.2 to be a statutory recognition of the title or of possession. Even according to learned counsel for the petitioners there are several disputes on account of the wrong doings of the developers regarding multiple sales in respect of the plots. From what has been argued before us there are several seriously disputed questions of fact and the alleged third parties whose names have been shown in the affidavit against the plots that the petitioners claim are not even before us.

4. In the circumstances, this writ petition is disposed of by granting the petitioners liberty to make a representation before respondent no.2 to bring their names on any record that may be maintained by respondent no.2 and to recognize them as the owners of the plots, if, respondent no.2 is bound to do so in law. Needless to add that the petitioners are always at liberty to file a suit including for declaration of their titles in respect of the plots. Respondent no.2 shall respond to the representation, if any, within a period of 12 weeks of the receipt thereof.

5. The petition is disposed of.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

21.12.2015
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