

**CWP No. 9078 of 2013 &
CWP No. 532 of 2014**

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

1. **CWP No. 9078 of 2013**
Date of Decision:-19.02.2015

Duraiswamy and others

...Petitioners

Versus

State of Haryana and others

...Respondents

2. **CWP No. 532 of 2014**

Sanniyasi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Ravi Sharma, Advocate and
Mr. Punit Bali, Advocate for
Mr. S.M. Sharma, Advocate
for the petitioners.

Mr. Lokesh Sinhal, Additional A.G., Haryana
for respondent No.1-State.

Mr. Rahul Garg, Advocate
for respondents No.2 to 4.

HEMANT GUPTA J.(Oral)

This order shall dispose of both of the aforesaid writ petitions as common questions of law and facts arise. The petitioners in these petitions are the regular employees of Haryana Urban Development Authority (HUDA) and have encroached upon land of their employer - HUDA by raising Jhuggies. The petitioners claim allotment of land being

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Jhuggies dwellers on the lines of “Aashiana Scheme” meant for jhuggies dwellers encroaching upon public land. Learned counsel for the petitioners argues that the petitioners should be given preference while making allotment of plots on the lines of HUDA Urban Estate Town & Country Planning Employees Welfare Organisation (HEWO).

Mr. Garg, learned counsel for respondents No.2 to 4 points out that the petitioners are not covered by the Aashiana Scheme as the petitioners are not urban poor. They are the salaried employees of Haryana Urban Development Authority that thus cannot be treated at par with the encroachers on public land, for whose benefit scheme for re-settlement was prepared. Mr. Garg points out that in fact HEWO is a separate registered society, may be consisting of employees of the Haryana Urban Development Authority, but has its own bye laws, therefore, the petitioners cannot claim allotment of plots on the parity of a plot allotted to a society.

We do not find any merits in the writ petitions. The petitioners are encroachers on the land of their employer. There should not be any direction for allotment of plots to the petitioners-employees of the HUDA, who are encroachers on the land of their employer. It is open to the petitioners to constitute a society and to seek allotment of plots as and when the plots are advertised by the Haryana Urban Development Authority for societies or to seek such other remedy available to the petitioners for allotment of plots.

The writ petitions are accordingly dismissed.

**(HEMANT GUPTA)
JUDGE**

February 19, 2015
Vijay Asija

**(HARI PAL VERMA)
JUDGE**