

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8857 of 2015

Date of Decision: 11.5.2015

Ram Bhawan Gupta

....Petitioner.

Versus

Haryana Urban Development Authority, Faridabad and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. PPS Doabia, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to dispose of the representation dated 24.4.2014 (Annexure P-6) moved by him as per the scheme already framed for housing and approved by the Supreme Court vide order dated 28.1.2010 (Annexure P-1) and to remove the encroachments made by respondent No.4 on the roads stopping the access of the vehicles towards the shop/depot of the petitioner.

2. Earlier the petitioner filed CWP No. 1350 of 2010 which was decided by this Court vide order dated 28.1.2010 (Annexure P-1) in view of the order passed by the Apex Court in SLP No. 1153 of 1997 whereby respondent No.1 was directed to form a scheme for rehabilitation of the residents of the area living there for the last twenty years. The said order was sent to respondents No.1 and 3. However, on 11.1.2011,

respondents No.2 and 3 in connivance with respondent No.4, husband of Sheela Devi illegally constructed plot No.28, Sector 4, Ballabgarh by encroaching the large area of public land, a big house for his residence and a provisional store for which he is also running ration depot being run by her. She also constructed a big chabutra adjacent to her house and blocked the road coming to depot of the petitioner. Respondent No.4 in connivance with the Haryana Urban Development Authority (HUDA) officials, the police and the Estate Officer, Ballabgarh demolished two rooms of the petitioner from which ration depot was running. The petitioner filed a civil suit and upon a statement made by District Attorney that the HUDA would not demolish the house of the petitioner, the said suit was dismissed as withdrawn. However, the respondents demolished the dwelling jhuggis of the petitioner. The petitioner filed a contempt petition against the respondents. The said contempt petition was dismissed by this Court vide order dated 15.10.2010 on the statement of the respondents that they had not demolished the juggi of the petitioner. The petitioner filed CR No. 8153 of 2010 before this Court which was also dismissed vide order dated 15.2.2010. The SLP filed by the petitioner against the order dated 15.10.2010 was also dismissed by the Apex Court. The petitioner has sent various reminders to respondents No.1 to 3 to allot a separate site but to no effect. He sent a legal notice dated 14.2.2014 to respondents No.1 to 3 but no action has been taken till date. Respondent No.2 on receipt of the legal notice, sent a letter dated 7.3.2014 (Annexure P-4) to respondents No.1 and 3 to take immediate action in the matter but all in vain. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that although

the petitioner had made a representation dated 24.4.2014 (Annexure P-6) to respondent No.1, but still he wishes to make a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition. He, however, prays that a direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within a period of three months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

May 11, 2015
gbs

(REKHA MITTAL)
JUDGE