

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CW-460-2014 in CWP-15117-2009

Date of Decision: 27.03.2015

Parul

...Applicant/Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HONBLE MR.JUSTICE SURYA KANT

HONBLE MR.JUSTICE SURINDER GUPTA

Present: Mr. Aashish Chopra, Advocate for applicant

SURYA KANT J. (Oral)

(1) The review-applicant/petitioner seeks review/recall of the order dated 23.09.2013 passed by this Court.

(2) Having heard learned counsel for the parties, we find from the record that at the time of filing of this writ petition, the review-applicant/petitioner relied upon CWP No.2985 of 2009 as a similar case. Consequently, the instant writ petition was admitted and ordered to be heard along with CWP No.2985 of 2009. Petitioner's dispossession from the constructed area was stayed.

(3) The writ petition was finally disposed of on 23.09.2013 observing that since the subject-land has been acquired for a *bona fide* public purpose, namely, to provide health services, there was *per se* no illegality. The petitioner, however, was held entitled to allotment of alternative plot of admissible size as per the Government policies.

(4) The review of the above-stated order is sought on the ground that learned senior counsel, who had argued the case at the time of admission of the writ petition, unfortunately passed away before the writ petition was taken for final hearing. This, in our considered view, would

not be a valid ground for non-appearance of the Sarvshri MS Rana, Aashish Kapoor, Shailendra Jain, Lokesh Sinhal, Advocates who had appeared on behalf of the petitioner on different occasions.

(5) Be that as it may, CWP No.2985 of 2009 was also decided by us on 16.09.2013 wherein residential houses were ordered to be released from acquisition while the open land was permitted to be acquired.

(6) In the instant case, we have seen the photographs of the construction raised by the review-applicant. For the purpose of filing the writ petition unregulated and unauthorized construction as labour hutments with tin-shed roof was hurriedly raised which is not a residential house. It is for this reason that we directed the authorities to allot an alternative site to the petitioner in terms of the Government policy. That being so, no case to review/recall the order dated 23.09.2013 is made out.

(7) Dismissed.

CM-10879-CWP-2014

Since the review application has been decided on merits, no separate order is required to be passed in this application seeking condonation of delay of 339 days in filing the review application.

Dismissed.

(Surya Kant)
Judge

27.03.2015
vishal shonkar

(Surinder Gupta)
Judge