

COCN No. 1389 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN No. 1389 of 2015

Date of Decision: July 15, 2016

Uday Bhan

...Petitioner

Versus

P. Raghavendra Rao & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ankit Goel, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana
for respondent No.1.

Mr. Deepak Manchanda, Advocate
for respondents No.2 to 5.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court asserting violation of the order dated 09.10.2014 (Annexure P-1) passed by the Division Bench of this Court, whereby, petitioner was granted liberty to apply for a plot as a reserved category candidate without prejudice to the rights of any of the parties.

It is the contention of the learned counsel for the petitioner that the petitioner had approached this Court by filing CWP No.20882 of 2014, titled as 'Uday Bhan Vs. State of Haryana & others', wherein, the petitioner had challenged the discriminatory policy of HUDA, whereby, the persons belonging to Scheduled Castes category were held eligible to apply only 4 and 6 marlas plots and benefit of reservation was not given in other

categories of plots. The case came up for hearing on 09.10.2014 when this Court passed an interim order that the petitioner may apply for a plot as a reserved category candidate without prejudice to the rights of any of the parties. In pursuance to the said interim order, petitioner had applied as a reserved category candidate for a 14 marla plot in Sector 56-A, Faridabad, on 10.11.2014. Counsel contends that as a consequence of the said order, the name of the petitioner was required to be considered under the reserved category candidate for allotment of the plot instead the respondents proceeded to include his name as a general category candidate in the draw of lots where the petitioner was unfortunately unsuccessful. He, thus, contends that non-inclusion of the name of the petitioner in the Scheduled Caste category and treating him to be a general category candidate amounts to violation of the order dated 09.10.2014 passed by the Division Bench of this Court.

This contention of the learned counsel for the petitioner cannot be accepted as on 09.10.2014, following order was passed:-

“Learned counsel for the petitioner contends that the members of the Scheduled Castes have been discriminated in the matter of eligibility to apply for bigger plots.

Notice of motion.

Ms. Shubhra Singh, DAG, Haryana, present in Court, accepts notice on behalf of respondent No.1 and seeks some time to get instructions.

List again on 12.11.2014.

Let respondent Nos.2 to 5 be served for the date fixed.

In the meantime, the petitioner may apply for a plot as a reserved category candidate without prejudice to the rights of any of the parties.”

A perusal of the above order would not show that the name of the petitioner had to be included in the draw of lots for allotment of plots. Only liberty was granted to apply for a plot as a reserved category candidate and that too, without prejudice to the rights of any of the parties. There is no direction given by the Division Bench to consider the petitioner as a Scheduled Caste category candidate or to include his name in the draw of lots as a Scheduled Caste candidate. It is apparent that no decision as yet had been taken by the Division Bench with regard to the policy of HUDA whether it is discriminatory qua the Scheduled Caste category or not and the case is still pending consideration for 21.07.2016. The action of the respondents in including the name of the petitioner in the general category candidates in the draw of lots, thus, cannot be said to be violative of the order dated 09.10.2014, as has been sought to be projected by the petitioner.

In view of the above, finding no merit in the present contempt petition, the same stands dismissed.

Rule issued against the respondents stands discharged.

July 15, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE