

**Sr. No.102+209**

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

**CM No.25081-CII of 2016 in/and  
COCN No. 2509 of 2015**

**Date of decision:8.12.2016**

**Anshu Mehta**

**.....Petitioner**

**versus**

**Brijindera Singh and another**

**.....Respondents**

**Coram: Hon'ble Mr.Justice Rakesh Kumar Jain**

**Present:** Mr. Sunil Chadha, Sr. Advocate with  
Mr. Amarbir Singh Pahwa, Advocate and  
Mr. Gaurav Bakshi, Advocate  
for the petitioner.

Mr. Vipul Sharma, Advocate  
for the respondents.

**Rakesh Kumar Jain, J.(Oral)**

This petition is filed by one Anshu Mehta for the alleged disobedience of the order dated 27.05.2014(Annexure P-1) passed in CWP No. 10576 of 2014. The petitioner had alleged that she has been allotted plot No. 121 Sector 21-C-III, Faridabad measuring 300 sq.mtrs but possession was not delivered because the said area is found to have been carved out in the notified 'forest area'. The claim of the petitioner for allotment of alternative plot was considered and was allotted plot No. 642 in Sector 45, Faridabad in lieu of the aforesaid plot. Her grievance before the Court was that firstly, she is entitled to the allotment of the plot in the adjoining sector, namely, sector 37 where plots are available and if the alternative plot is to be offered at a far-away Sector then in that event, the value of both the plots need to be assessed and the excess payment be reimbursed. Writ petition was disposed of with a direction to respondents 2

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& 3 arrayed therein to treat the same as a representation to decide the same within a period of three months.

Since the decision was not taken in time, therefore, the contempt petition was filed. Similar to the petitioner, one Sangeeta Babbar also had filed CWP No. 8234 of 2015 alleging that initially one Sunita Kumar W/o Krishan Kumar was allotted Plot No. 120, Sector 21-C, P-III, Faridabad through draw of lots on 21.08.1992 which was purchased by her. Since the plot was not being allotted as the said area was declared forest area, her writ petition was disposed of on 30.04.2015 by directing the respondent to take a decision on her representation by passing a speaking order.

Today, one misc. application has been filed bearing CM No. 25081-CII of 2016 under Order 1 Rule 10 CPC by Sangeeta Babbar to implead her as intervener.

Notice in the application.

At this stage, Shri Gaurav Bakshi, counsel for the petitioner has accepted notice and argued the application.

After hearing counsel for the parties, I have found that the applicant deserves to be arrayed as an intervener in this case and hence, the application bearing **CM NO. 25081-CII of 2016** is hereby **allowed**.

Learned counsel appearing on behalf of the intervener has submitted that actually there was another plot No. 2, Sector 21-C, P-III, Faridabad allotted to one Neera Aggarwal who also could not have been given possession because of the reason that the said area has fallen in forest area. The Chief Administrator, HUDA passed an order on 3.02.2016 which

was challenged by Neera Aggarwal. The said revision petition was disposed of by the Additional Chief Secretary, Town and Country Planning, Haryana vide his order dated 15.09.2016 which reads as follows:-

***“Present:-***

- 1. Sh. S.K.Sharma, Advocate on behalf of the petitioner.*
- 2. Sh. Navneet Sharma ADA on behalf of the respondent/HUDA.*
- 3. Sh. N.K.Vashisht, Advocate for smt. Anshu Mehta, Respondent.*

*After hearing the arguments of the parties, it was decided to direct the Chief Administrator, HUDA, Panchkula would seek a specific report from the Estate Officer, HUDA, Faridabad as to whether plot No. 852, Sector 21-C, Faridabad was available for allotment of an alternative plot against the disputed plots in Sector 21-C, Faridabad at the time when draw for alternative plots was conducted. This authority is of the prima facie view that alternative plot must be allotted strictly as per the policy of HUDA dated 18.02.2013, as presently there are 3 claimants in Sector 21-C, Faridabad and only one vacant plot is available, which is to be allotted through draw of lots and after that, rest of the claimants may be considered for allotment in nearby Sector. All the petitioners have committed themselves that the COCPs pending before the Hon'ble High Court would be withdrawn. The case with complete proposal must come up for consideration on 25.10.2016 at 03.00 PM. This was noted by the parties.”*

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It was found by the revisional authority that in fact there is only one plot bearing No.852, Sector 21-C, Faridabad available whereas there are three claimants who have to be adjusted. Thus, he had decided that the said plot can be allotted, by way of draw of lots amongst three claimants and the rest of the claimants shall be adjusted as per the policy of HUDA dated 18.02.2013(Annexure A-1).

Learned counsel appearing for the intervener has thus, submitted that there are eight plots available in Sector 31 as per Annexure A-6 out of which only two are to be consumed by the persons who would be unsuccessful in the draw of lots to be held for the solitary plot of Sector 21-C, Faridabad.

I have heard learned counsel for the parties and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that the decision taken by the Revisional authority is just and proper. Thus, the present petition is hereby disposed of as no contempt is made out against the respondents.

Rule discharged.

**8<sup>th</sup> December, 2016**

**Shivani Kaushik**

**[Rakesh Kumar Jain]  
Judge**

*Whether Speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*