

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17511-2016 (O&M)

Date of Decision: September 09, 2016

Rambir and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Shekhar Verma, Advocate
for the petitioners.

Mr.R.D.Sharma, DAG, Haryana.

Mr.Amar Vivek, Advocate
for HUDA.

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SURYA KANT, J.

[1] The petitioners in this writ petition are residents of village Fajilpur Jharsa, Tehsil and District Gurgaon. Their properties including residential houses have been acquired for the purpose of 'Southern Periphery Road' (SPR) in Gurgaon. The aforesaid road, like Northern Periphery Road (NPR), is one of the lifeline of the city and lot of future developments depend upon the successful completion of Southern Periphery Road Project.

[2] Since there have been multiple litigation at the instance of Oustees of Northern Periphery Road (NPR), the State resolved to settle their dispute by way of a Special Rehabilitation Package dated 18.05.2015. The land owners whose land is situated on 'Northern Periphery Road' are said to

have accepted such Package and the controversy thus stands settled.

[3] As regard to the Oustees of Southern Periphery Road (SPR), they also initiated multiple legal proceedings including 38 writ petitions in this Court alone. A meeting was therefore held under the Chairmanship of Additional Chief Secretary to Government of Haryana, Town and Country Planning Department on 17.09.2015 in which it was decided as under:-

“Southern Periphery Road:- STP Gurgaon informed that survey of houses falling in the alignment of SPR namely Rambir Ki Dhani has been done and there are 16 structures to whom alternative plot is to be given in Sector 48 which is nearby. Planning of this land for adjustment of these oustees will be sent in the next week including the proposal for shifting of statue of Dr.Bhim Rao Ambedkar, ACSTCP directed that SPR applicant/petitioners shall be treated at par as per NPR settlement/ final term of settlement cases and similar treatment should be granted to SPR cases as is being done in NPR settlement cases.”

[4] It may be seen from the above reproduced decision that the authorities decided in principle to grant Special Resettlement Package to the Oustees of Northern Periphery Road' and further resolved to extend it to the Oustees of Southern Periphery Road (SPR).

[5] However the authorities have later on expressed their reluctance to give effect to their decision taken apparently on the ground that the petitioners refused to accept that settlement and continued to fight Court cases. It may be noticed that the petitioners unsuccessfully approached this Court and thereafter went to the Hon'ble Supreme Court but their SLP was dismissed on 21.09.2015 in terms of the following order:-

“Heard.

We do not see any merit in this special leave petition, which is hereby dismissed.

We however make it clear that the dismissal of this special leave petition shall not disentitle the petitioners from claiming any benefit under the policy of rehabilitation and settlement promulgated by the State for the benefit of those who lose their lands and houses, for construction of public roads like the one in the case at hand.”

[6] Relying upon observations made by the Hon'ble Supreme Court clarifying that the dismissal of SLP to claim benefit under the Policy of Rehabilitation and Settlement, the petitioners have filed the instant writ petition seeking Special Package of Resettlement, at par with the oustees of Northern Periphery Road (NPR).

[7] In the light of the respondents' own decision taken in the meeting held on 17.09.2015, reproduced above, we see no reason to differentiate between the Oustees of Northern Periphery Road (NPR) or of Southern Periphery Road (SPR).

[8] We, thus hold the petitioners entitled to the same relief/package/settlement as has been granted to the Oustees of Northern Periphery Road (NPR). The respondents are directed to give effect to their decision and prescribe a time schedule within which the settlement shall be given effect to by both the parties. The time schedule shall be circulated within one month from the date of receipt of a certified copy of this order.

[9] Before the implementation of settlement, referred to above, it is further directed that the petitioners shall not cause any impediment against ongoing construction work at the site of public passage as reflected in the

revenue record.

[10] Disposed of.

(SURYA KANT)
JUDGE

September 09, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No