

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23157 of 2015 (O&M)

Date of Decision: 27.09.2016

Vinod Kumar Madan & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

(2) CWP No.23158 of 2015 (O&M)

Manoj Mehra

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

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| 1. Whether speaking / reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | No |
| 4. To be referred to the Reporters or not? | No |
| 5. Whether the judgment should be reported in the Digest? | No |

Present: Mr. Aashish Chopra, Advocate for the petitioner(s)

Mr. Ravi Dutt Sharma, DAG Haryana

Ms. Palika Monga, DAG Haryana

Mr. Jagjot Singh, Advocate for

Mr. Kunal Dawar, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) This order shall dispose of the above-captioned writ petitions as the point in issue is common.

(2) The petitioners own residential plots bearing No.A449 & A450 in Block A, Sushant Lok-I, Gurgaon. As per the original layout plan, there was a green-belt in front of their plots. A part of the said green-belt as well as strip of vacant land was acquired for the construction of parking lot for Metro Railway Station. This led to the blockade of access to the petitioners' plots. The aggrieved petitioners approached this Court through CWP

No.8419 of 2010 which was disposed of with a direction to the authorities to decide their claim. Pursuant thereto, respondent no.2, namely, HUDA passed an order acknowledging the fact that due to acquisition, the petitioners had no ingress or egress to their plots. It was resolved to provide a gate for such access to the petitioners from the front portion of the parking lot. As the said arrangement did not materialize, the petitioners again approached this Court in CWP No.21816 of 2010 which was disposed of on 29.02.2012 on the statement made by Delhi Metro Rail Corporation (DMRC) that the land of the petitioners was being considered for acquisition and necessary decision would be taken within four weeks and that the proceedings of acquisition shall be completed expeditiously.

(3) Later the DMRC appears to have expressed its inability to acquire the petitioners' plots. Hence this third round of litigation.

(4) Pursuant to the orders passed by this Court, the respondents in a joint meeting held on 22.08.2016 have resolved to provide a 4.4 meter strip abutting the plots of the petitioners to connect these plots with the main road. The above-stated strip of land has been taken out of the parking lot of the Metro and in lieu thereof, DMRC has been compensated with equal amount of land out of the green area available between the footpath and the parking lot. The site plan proposing the passage has also been appended as Annexure R-II which we have perused. With the provision of the passage as resolved by the respondents, both the plots will now surely have access upto Point A&D abutting the main road.

(5) The creation of passage alone does not resolve the petitioners' miseries. They are still left with two apprehensions, namely, (i) that HUDA authorities may not sanction their building plans though their plots are

residential and were purchased from a private builder in a licensed/authorized colony; and (ii) the respondents have not made any arrangement to provide water, electric and sewerage connections to their plots.

(6) In our considered view, both the above-stated left out grievances of the petitioners are required to be effectively redressed by the authorities especially by HUDA and the District Administration. Once the residential plots of petitioners have got requisite access from the main road, we see no reason for the authorities either for not sanctioning the building plans in accordance with the zoning plan of the area or for not providing the basic amenities to which the petitioners like other plots-holders are entitled to. The writ petition is accordingly disposed of as infructuous with a clarificatory direction that the authorities shall redress both the above-stated grievances of the petitioners adequately.

(7) Disposed of with above-stated directions.

(Surya Kant)
Judge

27.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge