

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

CWP No.26523 of 2016

Date of Decision : 21.12.2016

Om Parkash and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Ms.Deepa Jain, Advocate
for the petitioners.

MAHESH GROVER, J.

In this writ petition the petitioners, who are all residents of village Mohna, Tehsil Ballabgarh, District Faridabad pray that they be allotted land near *Abadi Deh* as per the policy. It is their grievance that the land which has been selected is about 3 Kilometers away from the village and being low lying is prone to floods and water logging. Apart from that it is contended that ample *Shamlat* land is available for the purpose. The scheme has been appended to the petition as Annexure P-1 and it is intended to confer allotment of 100-100 sq.yards residential plots to the eligible Scheduled Caste and poor families for which land has to be utilised from available *Shamlat* land and where *Shamlat* land is not available, there attempts would be made to obtain land by

way of exchange or by acquisition. The roads, streets, water and basic facilities are to be provided for this intended residential dwellings.

Learned counsel for the petitioners with reference to the above extracted salient features of the scheme contends that since the land is far away from the *abadi*, it is not conducive for housing settlements besides being in a low lying area prone to floods for which the Deputy Commissioner, too has given his opinion.

After hearing the learned counsel for the petitioners, we are of the opinion that the selection of the land for the intended dwelling units is to be left to the authorities concerned who have to evaluate the availability of the land and the feasibility of constructing houses thereon. It is not necessary that the houses have to be in the vicinity of the existing *abadi*. Given the density of the population in the villages particularly those which are closer to the urban areas there would indeed be shortage of *Shamlat* land and therefore, it would be imperative to interpret the scheme to mean compliance of the terms thereof as far as practical. In fact, we would use this opportunity to slip in a piece of advice to the official respondents that they while selecting the land and providing infrastructure should ensure that they conform to adequate urban or semi-urban standards to give a

futuristic look to the residential settlements. Learned counsel for the petitioners has emphasised that the area is low lying and prone to floods or water logging. We have absolutely no doubt that if the situation is so, the official respondents will take care of the concerns of the residents and make adequate provisions to obviate the chances of flooding by providing sufficient drainage.

With these observations the writ petition stands disposed of.

(MAHESH GROVER)
JUDGE

21.12.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No