

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.873 of 2014 (O&M)

Date of Decision: October 24, 2016

Diptymal and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sanjeev Kumar Panwar, Advocate,
for the petitioners.

Ms.Palika Monga, Deputy Advocate General, Haryana.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The land of the petitioners/their predecessor-in-interest bearing khasra No.78, killa Nos.18 (8-0), 23/1 (7-8) and 24/1 (0-11) situated within the revenue estate of village Jharsaintly, Tehsil Ballabgarh, District Faridabad, was acquired by the State of Haryana. Out of this, 602 square yards land where residential houses were constructed including some open space was released in compliance to the directions issued by this Court in their previous writ petition No.3576 of 1991 decided on 02.11.2011.

The petitioners in this second round of litigation claim that they are entitled to the release of 1000 square yards area as they are eight brothers having eight independent families, that they are able to have one small residential unit of 125 square yards for each family.

We have heard learned counsel for the parties and seen the photographs alongwith the site plan of the released house of the petitioners. It is not in dispute that all the eight brothers belong to one family whose land as per the details given above, was acquired. Taking into consideration the fact that in due course of time, all the brothers are in the *bonafide* need of separate residential units, the respondents are directed to release not less than 200 square yard more vacant land adjoining to their residential house so as to enable all the brothers to construct their own separate residential units. The needful shall be done within a period of three months from the date of receiving a certified copy of this order.

The claim of the petitioners re: non-payment of external development charges is rejected. They shall be liable to pay such charges subject to providing the urban basic amenities by the respondents.

Ordered accordingly.

[SURYA KANT]
JUDGE

October 24, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No