

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6757 of 2016

Date of Decision: April 11, 2016

Raj Kumar

....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Maharaj Kumar, Advocate, for the petitioner.
Ms.Kirti Singh, Deputy Advocate General, Haryana.

:-

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)

Notice of motion to respondent Nos.1 & 2 at this stage.

On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

Let two copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 & 2 or to serve respondent Nos.3 to 5 at this

stage as no order on merits prejudicial to their interest is being passed.

The petitioner is a resident of village Kharkali, Tehsil Gharaunda, District Karnal. He alleges that the Gram Panchayat of his village has allotted 100 square yard plots to respondent Nos.4 & 5 under the 'Mahatma Gandhi Awas Yojna' as applicable in the State of Haryana, though both of them are ineligible in terms of the said Policy. The petitioner thus seeks a direction for a fact-finding enquiry into the illegality of such allotment and consequential action as may be required under the law.

Having heard counsel for the petitioner and the State counsel, and since the question raised in this writ petition is essentially a disputed question of facts which can be effectively determined by the authorities, we dispose of this writ petition, without expressing any views on merits, with a direction to the Deputy Commissioner, Karnal and the Block Development and Panchayat Officer, Karnal, to take notice of the petitioner's allegations and if need be, hold a fact-finding enquiry in accordance with the principles of natural justice. Needless to say that if any illegality or irregularity is found in the allotment of subject plots, the consequential action be taken within a period of 6 months.

This order, however, shall not be construed as an expression of opinion on the allotment made in favour of respondent Nos.4 & 5 as those respondents have not been heard at this stage.

Ordered accordingly.

Let a copy of this order be given dasti to Ms.Kirti Singh, learned Deputy Advocate General, Haryana, for information and necessary compliance.

[SURYA KANT]
JUDGE

April 11 , 2016
mohinder

[A.B.CHAUDHARI]
JUDGE