

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

CWP No.724 of 2016 (O&M)

Date of Decision: 14.01.2016

Jaibir & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner

Ms. Kirti Singh, DAG Haryana

SURYA KANT, J. (Oral)

(1) Notice of motion to respondents No.1 to 4 only. On our asking, Ms. Kirti Singh, DAG Haryana accepts notice on their behalf.

We do not deem it necessary to issue notice to the Gram Panchayat or the private respondents against whom the allegations have been made and/or who are the beneficiaries of allotment of 100 sq.yard plots as no order prejudicial to their interest is being passed.

(2) The grievance of the petitioners is that the private respondents have been allotted 100 sq.yard plots under the Mahatma Gandhi Awas Yojna in violation of the Government policies dated 01.02.2008 and 29.05.2008. It is alleged that the persons holding one-acre land or who has got a plot under the Scheme or is employed in Government service or private sector and/or who is in illegal possession of the Gram Panchayat is ineligible for allotment of 100 sq.yards plot under the above-stated Policy but the private

respondents who allegedly suffer from one or the other disqualifications have been allotted the plots.

(3) Heard learned counsel for the parties.

(4) The allottee – the private respondents belong to poor strata of society. It would not be expedient to call upon and burden them with litigation expenses only for justifying the allotments made in their favour. Rather the appropriate recourse would be to direct the District Administration to look into the alleged illegalities/irregularities committed by the Gram Panchayat or the Village Committee in the matter of subject allotments. Consequently, the writ petition is disposed of without expressing any views on the legality of the allotments with direction to the Deputy Commissioner, Bhiwani to depute some senior officer of the District Administration to look into the legality of the allotments and take an appropriate decision in accordance with law within *four months*. No order prejudicial to the interest of the allottee(s) shall be passed without giving adequate opportunity of hearing to them.

(5) Let a ***dasti*** copy of this order be handed over to Ms. Kirti Singh, DAG Haryana for information and necessary action.

(Surya Kant)
Judge

14.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge