

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COC-2748 of 2016 (O&M)

Date of decision: June 06, 2017

Jaswinder Singh & others

...Petitioners

Versus

Sh. Satish Chandra & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Chauhan, Advocate for the petitioners.

Mr. V. Ram Swaroop, Addl. A.G. Punjab.

Mr. Baljinder Singh, Advocate for the respondents.

Rajan Gupta, J.

Petitioners have preferred this contempt petition alleging violation of order dated 27.04.2016, passed by the writ court. It was directed therein that representation dated 9.10.2015 given by the petitioners be considered in accordance with law and a speaking order be passed after affording opportunity of hearing. Petitioners contend that in view of earlier order passed in CWP No.1271 of 2011, the State Government was required to revisit the issue regarding the payment of compensation for acquiring land of owners for widening of road of Municipal Council. In the instant case, Municipal Council Derabasi acquired certain land for widening of Harbatpur road to 60', but adequate compensation was not paid. During the pendency of the petition, State Government made its stand clear by way of filing of reply by way of affidavit. Another affidavit was filed on 31.5.2017. The relevant part thereof reads as under:-

“4. That the State Government in view of above observations of the Hon'ble High Court has evolved another mode of compensation by way of Transferable Development Rights (TDR) for such cases to compensate the landowners for proposed roads or widening of existing roads/rastas within municipal areas as per provisions of Master Plan or otherwise vide notification no.CTP(LG)-2017-1130 dated 25.05.2017 (Annexure R-2/1).

5. That the affected land owners can thus utilize the additional FAR on the same plot or on one more plots, vacant or already developed within the same municipal area consisting with the existing building bye-laws/provisions of the Master Plan.

6. That as far as reasons for delay in implementation of orders of the Hon'ble High Court is concerned, it is submitted that the steps taken by the Local Government for re-visiting the issue have already been explained vide affidavit dated 06.03.2017.”

In view of the fact that the entire issue has been revisited and another mode of compensation by way of Transferable Development Rights (TDR) has been evolved, the contempt is deemed to have been purged. No further direction is, thus, necessary. Petition is hereby dismissed. Rule is discharged.

(RAJAN GUPTA)
JUDGE

June 06, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No