

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

(1)

COCP No.497 of 2016

Satpal

.....Petitioner

Versus

Vikas Gupta and others

...Respondents

And

(2)

COCP No.710 of 2016

Karanjit Singh and others

.....Petitioners

Versus

Vikas Gupta and others

...Respondents

Date of decision : 03.11.2017

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. J. S. Thind, Advocate for the petitioner.
Mr. Rajesh K. Sheoran, Addl. A. G. Haryana.
Mr. Vishal Garg, Advocate for respondent No.2.

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DAYA CHAUDHARY, J. (Oral)

The petitioners have approached this Court by way of filing present contempt petitions for non-compliance of order dated 15.10.2015 passed by this Court in CWP Nos.6049 and 11354 of 2015, wherein a direction was issued to the respondents to allot commercial plots to the petitioners under the 1987 scheme.

The relevant portion of said order is reproduced as under : -

“Learned counsel appearing on behalf of all the respondents confirmed that the petitioners are eligible to be allotted the plots. The State of Haryana, however, submits that it is the Municipal Council, Sirsa that is responsible for allotting the plots. Learned counsel appearing on behalf of Municipal Council, Sirsa on the other hand states that it is willing to allot the plots but subject to the approval of the Director of Urban Local Bodies, Haryana (DULB) as the land is owned by the State Government. The State Government confirmed that it has no objection to the allotment being made by the Municipal Corporation. That should be sufficient for the Municipal Corporation. However, out of abundant caution, it is directed that the State Government will ensure that the Director of Urban Local Bodies, Haryana addresses a formal communication to the Municipal Council, Sirsa confirming that he has no objection to the allotment of plots being made. The communication shall be addressed by 15.11.2015. The Municipal Council, Sirsa shall thereafter make the allotments by 15.01.2016 under the 1987 scheme.”

On the basis of said direction, plots of 27 square yards were allotted to the petitioners. The petitioners are aggrieved by the action of the respondents only on the ground that they were entitled for bigger size plots of 175 square yards, which have been allotted to other similarly situated persons.

As per stand of the respondents, no other person has been allotted bigger size of plot who is similarly situated to the petitioners. The plots of 175 square yards have been allotted to different categories of persons, who were running show-room or service centres, whereas the petitioners were running small shops of repair, painting, *Kharad* and such

like other activities and they were entitled for plots forming in the category of booths and not for such a bigger plots as have been allotted to some of the persons.

The case was adjourned on various dates and ultimately vide order dated 02.06.2017 passed in the contempt petition, a liberty was given to the petitioners to give a representation to the respondents by giving all details within a period of two weeks and, thereafter, respondents were directed to consider the claim of the petitioners by allotting plots of same size which have been allotted to other similarly situated persons. In pursuance of said directions issued on 02.06.2017, a representation was moved by the petitioners on 12.06.2017 and the same was considered by the respondents with detailed reasoning. Said order was sent to the petitioners but the same was not accepted and the same was pasted on the shop of the petitioners. Copy of said order is also available on the file.

Learned counsel for the petitioners submits that no such order was sent to the petitioners. However, learned counsel for the petitioners has not been able to show as to who is the other person who was similarly situated like petitioners and has been allotted bigger size of plot of 175 square yards.

The direction was to consider the claim of the petitioners for allotment and the same has been considered by passing a detailed speaking order. The petitioners are aggrieved only on the ground that they have been allotted small size of plots, whereas they were entitled for bigger size of plots.

In case the petitioners are aggrieved in any manner by the action of the respondents, they are at liberty to avail the appropriate remedy by challenging the said order.

The present contempt petitions are disposed of accordingly.

A photocopy of this order be placed on file of another connected case.

03.11.2017

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No