

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

CWP No.6389 of 1994

Date of Decision: 10.07.2017

Dr. Ram Kishore Goel

---Petitioner

Versus

Haryana Urban Development Authority and another

----Respondents

Coram: **HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE**
 HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Arun Jindal, Advocate for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Deepak Balyan, Addl. A.G., Haryana.
Mr. Sunil Kumar Sharma, Advocate

Mr. Tarun Singla, Advocate for respondents No.1 and 2.

S.J. VAZIFDAR, CHIEF JUSTICE

The petitioner has sought a writ of certiorari to quash the select list of the applicants recommended for allotment of nursing home/clinic sites in the Urban Estate at Faridabad on the ground that the same was arbitrary and without following the procedure. The petitioner has also sought a writ of mandamus directing the respondents to finalize the policy for considering the eligible candidates and prescribing the criteria and directing the respondents to consider his name for allotment of clinic sites and an order to allot in his favour a suitable plot.

As far as the writs of mandamus are concerned, the petitioner's grievance stands redressed to some extent on account of the fact that after the filing of the writ petition, the respondents framed a policy on 13.05.1997. The learned counsel appearing for the petitioner states that this policy has been further modified. The petitioner would be entitled to make an application under this policy in accordance with law. The policy entitles the petitioner to make an application for permission to carry out non nuisance commercial activities from his residential plots. In the event of

petitioner doing so, the respondents would consider the same in accordance with law as expeditiously as possible preferably within a period of 8 weeks from the receipt thereof keeping in mind the fact that this petition has been filed in the year 1994.

It is not possible for us to entertain the petition insofar as it seeks a writ of certiorari for quashing the select list of the applicants recommended for allotment of nursing home/clinic sites in the Urban Estate at Faridabad. The petitioner was aware of the allotted sites where the allottees have in fact constructed their nursing home/clinic. None of the allottees have been impleaded in the writ petition despite the fact that vide interim order dated 27.01.1998, the application of the petitioner was rejected to restrain the allottees from constructing the premises over the sites in dispute. The order noted that most of the allottees have constructed their nursing homes and were presently functioning at the sites. It is now almost 20 years since then. Despite the same the allottees have not been impleaded in this proceeding. The only two respondents in this writ petition are the Haryana Urban Development Authority and its Administrator. It is therefore, not permissible for us to take any action against such allottees.

The prayer for certiorari, is, therefore, rejected.

The writ petition is accordingly, disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

10.07.2017
atul

Whether speaking/ reasoned:

Yes