

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12389 of 2017.

Date of Decision: May 31, 2017

Manju Jain and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Animesh Sharma, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are stated to be owners of the land bearing Mustakil No.20, Killa Nos.16/3(5-7), 17/2 (5-17), 18(7-12) and 19(3-15) situated within the revenue estate of village Mewla Maharajpur, District Faridabad. The said land was included in the draft Town Planning Scheme No.4 notified on 22.03.1994 by the State Government purportedly in exercise of its powers under the provisions of the Haryana Municipal Act, 1973 and Haryana Municipal Corporation Act, 1994. There was total land measuring 232.80 acres which was included in the said Scheme. The case of the petitioners is that the Town Planning Scheme No.4 was neither finalized nor implemented. The Scheme has since become defunct. Yet the State Government/Competent Authority has taken no final decision to release the land which was proposed to be included under the Town Planning Scheme. Resultantly, there remains still a cloud on the clear title of the petitioners qua their above described land.

The petitioners meanwhile applied for the grant of licence to

Development and Regularization of Urban Area Act, 1975. Their application for grant of licence is not being entertained on the ground that until the Town Planning Scheme No.4 is de-notified, they cannot claim themselves to be absolute owners of the land in question. Hence, the petitioners have been advised to seek exclusion of their land from the Scheme.

Unfortunately, no final decision has been taken despite the repeated representations for the exclusion/de-notification of the petitioners' land from the above-stated defunct Scheme. The petitioners in this regard represented the Competent Authority vide representations dated 01.02.2007 (P-22) and 02.03.2017 (P-25) but finding no response, the instant writ petition has been filed.

Having heard learned counsel for the petitioners and considering the nature of relief sought in this writ petition, we deem it appropriate to dispose of the same with a direction to respondent Nos.3 & 4 to consider the above-mentioned claim of the petitioners for exclusion/de-notification of their land from Town Planning Scheme No.4 and take an appropriate decision within a period of four months from the date of receiving a certified copy of this order. Till such decision is taken, respondent No.2 is directed to keep pending the application for grant of licence moved by the petitioners.

Dasti.

**[SURYA KANT]
JUDGE**

May 31, 2017
mohinder

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No