

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1622-2017

Date of Decision: January 31, 2017

Mahabir Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Ramanjit Singh, Advocate
for the petitioners.

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SURYA KANT, J.

Notice of motion.

[2] On our asking, Ms.Shubhra Singh, Additional Advocate General, Haryana and Mr.Amar Vivek, Advocate, who are present in the Court, accept notice on behalf of respondent Nos.1 and 2 & 3 and 4, respectively. Let two sets of paper-book each be handed over to them during the course of day.

[3] In view of the nature of order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents at this stage.

[4] The land and houses of the petitioners were acquired by State of Haryana for construction of '75 meter wide sector roads' in the urban estate,

Gurgaon. The acquisition was challenged in a bunch of writ petitions and this Court in **Rohtas and others vs State of Haryana and others**, 2014(2) RCR (Civil) 101 though upheld the acquisition but with a pre-condition that the petitioners shall be allotted alternative sites in terms of the Government Policy and shall be further granted “*some reasonable period, to be determined by the authorities, for the construction of their houses before vacating the acquired houses.*” The matter was taken to the Supreme Court but the SLP was dismissed.

[5] In compliance to the above cited order, the respondents-HUDA has now allotted plots to the petitioners but physical possession of the same is yet to be handed over. Meanwhile, the petitioners apprehend that their houses are likely to be demolished without giving them reasonable time for construction of the alternative sites.

[6] On our asking, Mr.Amar Vivek, learned counsel for HUDA has got instructions and states that residential houses of the petitioners shall not be demolished for a period of six months from the date of delivery of physical possession of the plots. He, however, submits that meanwhile HUDA authorities may be permitted to utilise the vacant land near the houses without causing any damage to the existing structures so that development works are not halted.

[7] We find that the stand taken by the authorities is fair and just. Hence, the same is accepted. The writ petition is disposed of with a direction that the petitioners shall be granted six months time from the date of delivery of physical possession of the plots for construction of their new

residential houses/structures shall not be demolished.

[8] Disposed of.

(SURYA KANT)
JUDGE

January 31, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |