

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1645 of 2017 (O&M)

Date of Decision: 31.01.2017

Mahender & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Keshav Pratap Singh, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. Deepak Balyan, Addl. AG Haryana accepts notice on behalf of respondent No.1 and Ms. Shubhra Singh, Advocate accepts notice on behalf of respondent No.2. In view of the nature of the order which we propose to pass, respondent No.3 need not be served nor any replies are required by the respondents.

(2) The petitioners are residents of village Mirjapur, PO Neemka, Tehsil Ballabgarh, District Faridabad. Their grievance is against allotment of plots under the EWS category made by the private builder-cum-promoter – respondent No.3 under the project developed by it. It may be mentioned that the State of Haryana grants licence to a private builder to develop a residential colony on the condition that a part of the project shall be reserved for Economically Weaker Sections, namely, the persons living below poverty line. It was in terms of that condition that respondent No.3 was obligated to reserve plots for EWS category and for which the petitioners too applied. The grievance of the petitioners is that though they were entitled to be included in the first category of applicants comprising “Faridabad City” but they have been erroneously included in the second category consisting of the residents of the entire “Faridabad district”. On this premise, the petitioners have laid challenge to the allotment of plots made by respondent No.3 in EWS category.

(3) Further grievance of the petitioners is that they have not been able to implead the successful allottees for the reason that the list of such allottees has not been supplied to them.

(4) We have heard learned counsel for the petitioners and gone through the record.

(5) The contention raised on behalf of the petitioners, namely, whether they fall in the first category or second category, is essentially a question of fact which can be effectively determined on consideration of the relevant documents and since it is imperative upon the State Government and its agencies to monitor/supervise the allotment of plots by private builders under EWS category, the instant writ petition is disposed of without expressing any views on merits with a direction to the Director, Town and Country Planning Department as well as Chief Administrator, HUDA to entrust the task of fact finding enquiry to a fairly senior officer who shall examine the grievances of the petitioners and determine whether they have been considered for allotment of EWS plots as per their eligibility. The follow up action would depend upon the outcome of the enquiry.

(6) The needful shall be done within a period of three months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

31.01.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No