

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

**C.W.P No. 20433 of 2016 (O&M)
Date of Decision : 22.02.2017**

Chand Ram & Ors.

... Petitioners

versus

State of Haryana & Ors.

... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present : Mr. Sandeep Kumar Yadav, Advocate, for the petitioners.

RAJESH BINDAL, J.

The petitioners have challenged order dated 19.12.2014, whereby their claim for grant of 100 Sq. Yards plots under Mahatma Gandhi Gramin Basti Yojna was declined.

The claim is sought to be made on the basis of the scheme notified by the Government on 01.02.2008. Entitlement was to be determined in terms of survey conducted by the Rural Development Department in the year 2007. There are certain other conditions also attached. The petitioners had earlier approached this Court by filing C.W.P No. 14204 of 2013 seeking a direction to the respondents to decide their representation. It was thereafter that impugned order dated 19.12.2014 was passed by the Deputy Commissioner, Gurugram dealing with cases of the

petitioners specifying reasons for their non-entitlement of plots. The reasons assigned by the Deputy Commissioner in the impugned order are extracted below:-

“1. Chand Ram son of Amarnath:- *The name of the petitioner is not recorded in the Survey List of 2007 and it has been found upon conducting enquiry that at the time of survey Amarnath who is his father, were residing jointly and Shri Amarnath is on job. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

2. Devinder son of Om Parkash: *The name of the petitioner is not recorded in the Survey List of 2007 and it has been found upon conducting enquiry that at the time of survey Om Parkash son of Raghbir Singh who is his father, were residing jointly and his father has already been allotted a plot. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

3. Sat Pal son of Thanur Dass: *The name of the petitioner is not recorded in the Survey List of 2007. The petitioner is residing jointly with his father and his father has already been allotted a plot. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

4. Ramottar son of Chhotte Lal: *The name of the petitioner is not recorded in the Survey List of 2007. Therefore, in accordance with the instructions of the Government, the*

petitioner cannot be allotted the plot.

5. Bhupinder son of Om Parkash: *The name of the petitioner is not recorded in the Survey List of 2007. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

6. Ramottar son of Chotte Lal: *The name of the petitioner is not recorded in the Survey List of 2007 and during the enquiry, it has been found that at the time of survey, Brij Mohan was residing jointly with his father. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

7. Mahabir son of Mahla Ram: *According to the petitioner, earlier the father of the petitioner had been allotted a plot by the Gram Panchayat, but the same had been sold. As per the report of the Patwari, the petitioner is the heir of the plot of his father. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.*

8. Jai Singh son of Amar Nath: *The name of the petitioner is not recorded in the Survey List of 2007. Therefore, in accordance with the instructions of the Government, the petitioner cannot be allotted the plot.”*

Learned counsel for the petitioners sought to argue that the Deputy Commissioner has wrongly recorded that the name of the petitioners are not there in the survey list of the year 2007, however, there is nothing

produced on record to substantiate that. Only averments have been made. Order was passed more than two years back. Even in the earlier representation there is nothing specifically stated that the petitioners names were there in the list prepared after survey carried out in the year 2007.

The reasons assigned in the impugned order mentioned that either the names of some of the petitioners were not there in the survey list or their father or other family member had already been allotted plots. In one case, the plot allotted earlier was even sold out.

In view of the aforesaid facts, we do not find any merit in the present petition, the same is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 22, 2017
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Whether speaking/reasoned – Yes/No
Whether reportable – Yes/No