

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15808 of 2015 (O&M)

Date of Decision: 31.07.2017

Jagat Ram & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Sachin Mittal, Advocate for the petitioners

Mr. Vishal Garg, DAG Haryana

None for respondent No.4&5

Mr. Mandeep Singh, Advocate for respondent No.6

SURYA KANT, J. (Oral)

(1) The petitioners are stated to be residents of Ward No.2 Assandh, District Karnal. It is their case that in the year 1975 when there used to be the Gram Panchayat of village Assandh, 100 sq.yard residential plots were carved out and allotted to the petitioners/their predecessors as they were found living below the poverty line. It is further alleged that subsequently the Municipality was constituted and the area now falls within the jurisdiction of the Municipal Committee, Assandh. As the Municipality has refused to allot or register the plots in favour of the petitioners, they seek a direction to the District Administration to do the needful.

(2) It is further alleged that respondent No.6 who remained President of the Municipality has illegally occupied more than 4 plots which are liable to be vacated.

(3) Heard learned counsel for the parties and record perused.

(4) It appears to us that in the absence of any formal allotment letters,

positive direction can be issued at this stage to execute the sale deeds in favour of petitioners on the basis of the alleged allotments of 1975. However, if the petitioners are entitled to such benefit under a welfare scheme of the State, their claim can be considered by the competent authority as per the eligibility conditions prescribed therein.

(5) The instant writ petition is thus disposed of with a direction to the Deputy Commissioner, Karnal to constitute an Officers' Committee headed by SDO(Civil) Assandh to determine the claim/entitlement of the petitioner(s) for allotment of 100 sq.yards plot. If such claim is accepted, necessary instructions be issued to the Municipality Assandh to take follow up action. In the event of non-acceptance of the claim, reasoned order shall be passed. The allegation made by the petitioners against members or other persons who have allegedly encroached upon more than one plot be also examined and if it is found that the persons who were not entitled to any allotment have occupied one or more plot(s), let necessary action be taken in accordance with the principles of natural justice to get such plots vacated.

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

(Surya Kant)
Judge

31.07.2017
vishal shonkar

(Sudhir Mittal)
Judge

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

Yes
No