

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

CWP-21525-2017 (O&M)

Date of decision:- 20.12.2017

Innovative Pre-Primary School Association (Regd.),
Faridabad

...Petitioner(s)

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Ajaivir Singh, Advocate,
for the petitioner(s).

Mr. Deepak Balyan, Additional Advocate General, Haryana,
for respondent No. 1.

Mr. Deepak Manchanda, Advocate,
for respondents No. 2 to 4.

Mr. Padamkant Dwivedi, Advocate,
for respondent No. 5.

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S.J. VAZIFDAR, C.J. (ORAL)

This writ petition is similar to CWP-7171-2015 titled as *Infant Jesus Social Welfare Society, Faridabad and others Vs The Administrator, Haryana Urban Development Authority, Faridabad and others* which was disposed of by an order and judgement dated 04.02.2016 to which one of us (S.J. Vazifdar, CJ) was a party.

2. The official respondents were given the papers and proceedings yesterday in Court. They have no objection to this petition being disposed of in the same terms as CWP-7171-2015. We are inclined to do so even without issuing notice to the private respondents as the order does not affect the rights of

any parties. The order merely requires the official respondents to consider the petitioners' complaints and to proceed in accordance with law. The last paragraph of the order further clarifies that it ought not to be construed as the Court having set out the nature of the order to be passed even in the event of the official respondents coming to the conclusion that there have been any violations by the private respondents for it is possible that in such cases the private respondents may be permitted to compound the violations.

3. In these circumstances, the petition is disposed of in the same terms as CWP-7171-2015 and in the following manner:-

(i) The respondents No. 2 to 5 shall follow up the notices if already issued forthwith by taking the decision upon them in accordance with law. They are at liberty to issue fresh notices to the parties concerned before passing a final order. Where notices have already been issued, they shall conclude the hearing by 30.06.2018. In the event of the resumption orders being passed and subject to any orders to the contrary and the challenge thereto, they shall adopt appropriate proceedings to stop the illegal user and/or take steps for obtaining possession of such premises in accordance with law including under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

(ii) Where notices have not been issued, respondents No. 1 and 2 shall take a decision whether or not to issue notices under the relevant provisions of law. In the event of their deciding to issue notices, they shall do so on or before 15.03.2018. They shall thereafter follow the time schedule in respect of such notices and possession as stipulated above proportionately.

(iii) In the event of their deciding not to issue notices, they shall inform the petitioners' advocate(s) of the reasons for the same in writing. Liberty to the petitioners to adopt appropriate proceedings in that event.

(iv) The petitioners shall be at liberty to inform respondents No. 2 to 5 of any violations. The respondents No. 2 to 5 shall deal with such complaints in accordance with law without wasting time.

(v) In respect of the violations alleged in this writ petition, respondents No. 2 to 5 shall keep the petitioners informed of the same and associate the petitioners with the hearing of the proceedings. The same shall also be done in respect of any further complaints that respondents No. 2 to 5 may receive from the petitioners.

(vi) In the event of the respondents failing to comply with the order, the petitioners shall be entitled to take such steps as may be necessary in accordance with law for the enforcement of this order including by filing contempt petitions in this writ petition.

(vii) Liberty as aforesaid.

Needless to clarify that this order ought not to be construed as the Court having set out the nature of the order i.e. the orders to be passed even in the event of respondents No. 2 to 5 coming to the conclusion that there have been any violations. For instance, it is possible that respondents No. 2 to 5 may permit the violations to be compounded on such terms and conditions as may be permissible in law without resuming the properties.

4. The petitioners are at liberty to apply to the official respondents to put up any material or information on the website. We express no opinion in that regard.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

20.12.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No