

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

CWP No. 26205 of 2016 (O&M)

Date of decision: 18.8.2017

Bal Chand and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Mr. Ashwani Talwar, Advocate, for the petitioners.
Mr. Manoj Dhankar, Assistant Advocate General, Haryana.
Mr. Ankur Mittal, Advocate, for respondents no. 3 and 4
-HSIIDC.

Rajesh Bindal, J.

The petitioners, who claimed that they had constructed houses on small-small plots purchased by them much prior to the acquisition of land in the area which is known as '*Durga Colony*', have approached this Court with a grievance that though they are sought to be uprooted but in terms of Rehabilitation Policy notified by the Government on 7.12.2007, they have not been allotted alternative plots for construction of their houses, so that they can shift to new places.

Learned counsel for the petitioners submitted that if the alternative plots are allotted to the petitioners, they will construct their houses and shift to the new places.

On 16.8.2017, when the case was taken up for hearing, following order was passed :-

“Separate replies filed on behalf of respondents No.2

and 3 & 4 along with copy of the order passed by Hon'ble the Supreme Court in Court in I.A. Nos.344, 345 and 355 in Writ Petition(s)(Civil) No(s).13029/1985 titled as ***M.C.Mehta vs. Union of India & ors.*** are taken on record.

The land owned by the petitioners on which they have constructed houses was acquired for the purpose of construction of slip road of interchange on NH-1 of KMP Expressway. The case set up by the petitioners is that in terms of the policy notified by the State of Haryana on 07.12.2007, the petitioners are entitled to allotment of plots under the oustees quota. This was also observed by the Hon'ble Supreme Court while disposing of SLP No.21117-21118/2011 titled as ***Naresh Kumar(D) by Lrs. & ors. vs. State of Haryana & ors.*** on 06.08.2012 directing that the case of the petitioners for allotment of plots under the Rehabilitation Policy be considered by the State.

As per order dated 28.11.2014 passed in ***M.C.Mehta vs. Union of India & ors.***, it has been directed by Hon'ble the Supreme Court that no Court shall grant any interim stay which comes in the way in the implementation of Western Territorial Express Project (KMP Expressway). When interim stay was granted by this Court on 19.12.2016, the said order was not brought to the notice of this Court.

Managing Director, HSIIDC is stated to be the competent authority to take final decision regarding entitlement of the petitioners for allotment of the plots under the Rehabilitation Policy. In case of failure to do the needful, he will appear in person along with the complete record on the next date of hearing.

Adjourned to 18.08.2017.”

Learned counsel for HSIIDC, on instruction from A. K. Jain, Chief Engineer, KMP, HSIIDC, submitted that some of the petitioners appeared before the Managing Director of the Corporation yesterday.

Thereafter, the matter was taken up with the higher authorities and it has been decided in principle that all the similarly situated persons, whose self occupied residential houses were acquired for construction of Kundli-Manesar Palwal Expressway and KGP Expressway, will be allotted plots according to their entitlement in terms of the policy being framed by the State specifically for these types of oustees. The allotment will be made in terms of the conditions laid down in the policy. The petitioners will be allotted plots as per their entitlement within a period of three months from today. Other similarly situated landowners will be offered allotment after the policy is framed, however, without much delay.

In view of the aforesaid statement made by learned counsel for the HSIIDC, the present writ petition stands disposed of in terms thereof. After allotment of plots, the allottees shall have three months time to shift to new place. However, it is made clear that after the allotments of plots are made to the petitioners, who are found entitled in terms of the policy to be framed by the State, three months thereafter the State shall be at liberty to take possession of the entire land. Mere fact that some of the petitioners are not found entitled to any plot in terms of the policy, will not debar the State to take possession of the entire land.

(Rajesh Bindal)
Judge

18.8.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No