

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5821 of 2017.

Date of Decision: March 22, 2017

J.S.Ghotra

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Anilendra Pandey, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is an Ex-Defence personnel. Though there was an express bar in HUDA Policy against allotment of more than one plot for a person belonging to any reserved category including Ex-Defence personnel, the petitioner got allotted two plots as a result of which FIR has been registered against him as well as such like other allottees, apparently under the directions of this Court issued in a separate litigation.

[2] The petitioner has now laid challenge to the Instructions which had been issued by HUDA on 09.01.1987 and 05.05.1987 whereunder there is prohibition against allotment of more than plot to the person belonging to any reserved category.

[3] The petitioner earlier filed CWP No.18640 of 2016 challenging the above-stated Instructions but he withdrew the same with liberty to represent the authorities and his representation was directed to be decided by way of a reasoned order.

[4] The petitioner appears to have taken the plea that the above-stated executive policies have been issued without prior approval of the

Competent Authority.

[5] The petitioner's representation has been turned down by the Chief Administrator, HUDA vide order dated 03.02.2017 with the following reasons:-

“... In the representation the petitioner stated that the policy dated 09.01.1987 and 05.05.1987 has been issued without the approval of Competent Authority and same be repealed. Further, the petitioner in the representation also stated that the consequential proceeding including FIRs and investigations may also be withdrawn.

I have gone through the record made available in the file. The issue to be decided here is whether the policies dated 09.01.1987 and 05.05.1987 were issued with the prior approval of Competent Authority or not. The Agenda qua policy dated 09.01.1987 was duly approved by the Authority in its 31st meeting held on 07.01.1987. After the approval of Agenda, policy dated 09.01.1987 was issued. Therefore, the submission of the petitioner qua said policy is not acceptable. As far as policy dated 05.05.1987 is concerned, it is merely a clarification of policy dated 09.01.1987. Therefore, request of the petitioner to quash the policy dated 05.05.1987 is also not acceptable and the same is hereby rejected.....”

(emphasis applied)

[6] It may be seen that the executive instructions have been issued by HUDA authorities after the same were duly approved in its 31st meeting held on 07.01.1987. We are thus satisfied that the subject instructions do not lack competence for want of approval of the Prescribed Authority.

[7] We do not express any opinion on the merits of the allegations levelled against the petitioner in the FIR, for it is open for him to take an appropriate defence plea in the criminal proceedings.

[8] So far as the subject Instructions are concerned, the same have been issued with a laudable object of equitable distribution of the benefits under a welfare policy. HUDA was set-up with an object to provide affordable houses to the citizens on 'no profit no loss' basis. The objective behind policies is to curb monopoly and/or accumulation of wealth only in few hands. The purpose behind reservation of plots in favour of marginalized sections of Society or those suffering from other social/financial disadvantages and further restricting such benefit for one plot is minimize the inequalities in status, facilities and opportunities. Such a policy is also referable to the concept of equitable distribution of material resources of the community to sub-serve the common good. The object of reserving plots for Ex-defence personnel is equally laudable as it provides social security to their families and a permanent abode for post-retiral settlement. The policy has thus several meaningful objects behind it.

No case to interfere with the impugned Instructions is made out.

Dismissed.

[SURYA KANT]
JUDGE

March 22, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No