

**Vivek Malhotra and another
Vs.**

**Director General Town and Country Planning, Haryana, Chandigarh
and others**

Present: Mr. B.S. Bedi, Advocate
for the applicants.

Ms. Mamta Singla Talwar, DAG, Haryana.

This is an application for review of an order and judgment of this Court dated 30.10.2014 to which one of us, Anupinder Singh Grewal, J. was a party.

The petitioners challenged this order before the Supreme Court by filing a petition for Special Leave, which was disposed of by an order dated 26.10.2015 granting the petitioners liberty to approach this Court.

The petitioners purchased a property that is the subject matter of this petition from M/s Durga Wooltex. The property purchased by the petitioners was only a part of the property owned by the vendor. The vendor had allegedly put up illegal construction on a part of the property. The petitioners allege that there is no illegal construction on that part of the property, which was sold to them. One of the issues that arises is whether the application for change of land use (CLU) must be considered in respect of the property sold to the petitioners independent of the property upon which the illegal construction has been put up. To determine this issue, it is necessary to ascertain, *inter alia*, whether the property sold to the petitioners was independent of the property upon which the illegal construction has been put up. The ends of justice require that the issue be considered.

In the circumstances, the order sought to be reviewed is recalled. The petition is restored to file for disposal on merits. It is clarified that all the contentions are kept open including the respondents' contentions that the illegal construction also exists upon that part of the property sold to the petitioners.

CWP No. 22058 of 2014

List as per roster.

**(S.J. VAZIFDAR)
CHIEF JUSTICE**

18.05.2017
kanchan

**(ANUPINDER SINGH GREWAL)
JUDGE**