

201

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

COCP No.428 of 2018 (O&M)

Date of Decision: 16.04.2018

RAKESH KUMAR

..... Petitioner

Versus

**SH. ARUN GUPTA, IAS, PRINCIPAL SECRETARY, DEPARTMENT
OF TOWN & COUNTRY PLANNING, GOVT. OF HARYANA AND
OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vineet Sehgal, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

This is a petition under Section 12 of the Contempt of Courts Act, 1971 for issuance of contempt proceedings against the respondents for wilful disobedience of orders dated 27.02.2017 and 11.10.2017 passed in *CWP No.19223 of 2015*.

It is contended that the petitioner (Rakesh Kumar) is an allottee of plot measuring 4 marla in Sector 57, Gurgaon. The authorities had not delivered the possession of the plot to the petitioner, therefore, the petitioner was compelled to approach this Court by way of CWP No.19223 of 2015 in which the following order was passed by Hon'ble Division Bench of this

Court:-

XXXX

“ In this view of the matter, the Chief Administrator and Chairman, HUDA, are directed to take notice of the reference, if any, received from the Estate Officer-II, HUDA, Gurgaon and grant necessary approval for allotment of an alternative plot to the petitioner which shall be free from litigation, encroachment or any type of other incumbrances.

Let needful be done within three months from the date of receiving a certified copy of this order. ”

Thereafter, vide order dated 11.10.2017, the following direction was issued by another Hon'ble Division Bench of this Court:-

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“ The petition is disposed of in terms of the order dated 27.02.2017.

“ The respondents shall make an endeavour to allot the plot in a developed area as per rules. Moreover, time to comply with the order dated 27.02.2017 is extended upto and including 31.12.2017 which is more than the time that was sought. ”

It is asserted that despite the directions issued by this Court in the aforesaid two orders, the respondents have not complied with the order, hence, the present contempt petition.

In compliance of the order dated 21.03.2018, Mr. Arun Kumar Gupta, Principal Secretary, Department of Town & Country Planning, Haryana, Mr. J. Ganeshan, Chief Administrator, HUDA (HSVP) and Mr. Bharat Bhushan Gogia, Estate Officer-II (HSVP), Gurugram, are present in Court.

It is conveyed that there are 04 marla residential plots available in Sector 57, Gurugram itself for alternative allotment. Apart from the petitioner, there are 13 other applicants eligible for allotment of alternative plots in the same category in Sector 57, Gurugram, however, their cases have yet not been finalized for allotment under the alternative allotment policy. It is agreed that as far as the petitioner's entitlement for allotment of alternative plot is concerned, that has assumed finality. Therefore, the Principal Secretary, Department of Town & Country Planning, Haryana, has agreed to allot an alternative 04 marla plot in Sector 57, Gurugram to the petitioner by holding a draw of lots within the next 04 weeks out of the available 04 plots in the said category.

In view of the aforesaid stand, it is conceded that nothing more survives for adjudication in the present contempt petition.

Disposed of.

The respondents shall be bound by their stand, as taken.

April 16, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>