

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11155 of 2013.

Date of Decision: August 06, 2018

Tohana Gandhi Karamchari Cooperative Housing Building Society Ltd.

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Arun Jain, Senior Advocate with
Mr.Mahabir Singh Rana, Advocate, for the petitioner.
Ms.Shubhra Singh, Additional AG, Haryana.

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Surya Kant, J. (Oral)

The petitioner-Society owns land measuring 77 kanal 10 marla situated within the revenue estate of Tohana, District Fatehabad, which is said to have been purchased for construction of residential houses of its members. It is claimed that hundreds of residential plots have been carved out besides commercial shops etc. The grievance of the petitioner-Society in the instant writ petition is that the Development Plan 2021 notified on 10.10.2001 and Development Plan 2031 notified on 09.02.2012, whereunder the periphery V-2 road has been proposed to be constructed, passes through its land. In sum and substance, the petitioners' allegation is that the V-2 road has been proposed to give benefit to the private-builders Nos.6 & 7 whom licences have been granted to develop Sector 6 & 7 in Urban Estate, Tohana. Unfortunately, both these respondents have not come forward to controvert the allegations made by the petitioner.

On the other hand, the official respondents have taken a stand

that the proposed periphery road has no concern with the private builders as

it has been planned to connect the grain market with the main road.

The petitioner has now placed on record the communication dated 10/11.01.2018 (P-23) addressed by the Additional Chief Secretary to Government of Haryana, Public Works (B&R) & Architecture Department to the Engineer-in-Chief, Public Works (B&R) Department, Haryana, whereby administrative approval for revised rough cost estimate and 'change of alignment for construction of bye-pass/periphery road' connecting Hisar road to Ratia road in Tohana City has been accorded. The letter suggests in so many words that alignment of periphery road has been not changed.

We have heard learned counsel for the parties.

It appears that the issue raised in this writ petition is administrative in nature and it hardly involves any legal issue to be adjudicated by this Court. While proposing the periphery road, the authorities are expected to keep in mind that the existing colony/residential areas are least affected and the proposed periphery road is constructed over the vacant land. It further appears that regardless of pendency of this writ petition for over five years, the Administrative Department at higher level has not examined the controversy at all.

The writ petition is accordingly disposed of at this stage with a direction to the Additional Chief Secretary-cum-Financial Commissioner and Secretary to Government of Haryana, Town and Country Planning Department to convene a meeting of all the stake holders in which the representative of the petitioner-Society be also invited. The Chief Architect and Engineer-in-Chief of PWD (B&R) shall also attend the meeting and let

an endeavour be made by the Authorities to resolve the controversy. One of the way out as suggested in the order dated 20.01.2017 can be to adjust the petitioner in the Sectors of Private-Builders in lieu of the land utilized for the road. All these questions need to be examined by the authorities with open mind. Let the meeting be convened within one month and an endeavour be made to decide the matter within four months thereafter. Till such time, further steps to construct the periphery road at the original site be kept in abeyance.

[SURYA KANT]
JUDGE

August 06, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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