

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

CWP No.22192 of 2018 (O&M)

Date of Decision: 04.09.2018

Harbir Singh Rathee & Anr.

...Petitioners

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. SS Gulia, Advocate for the petitioners

SURYA KANT J. (Oral)

(1) The first petitioner was allotted plot No.378 measuring 400.495 sq.meters while petitioner No.2 was allotted plot No.380 measuring 362.43 sq.meters situated in Sectors 9, 9-A, Bahadurgarh by HUDA. On deposit of the due instalments, the conveyance deeds were also executed in their favour on 22.03.2012 and 13.01.2012 (P1 & P2), respectively. The petitioners submitted their building plans as they wanted to construct the houses and the Estate Officer approved the drawings vide memo No.46 dated 02.01.2015. Before that, physical possession of the plots was also delivered to both the petitioners in the year 2011. However, no sooner the petitioners started construction at the sites, some residents of village Jatwara, Bahadurgarh came at the spot and started protesting against the construction started by the petitioners. These residents claim that plots No.378 to 380 were carved out of khasra No.1987 though the said land does not belong to HUDA. The petitioners had no option but to stop the construction though as per the photographs placed on record, the foundations were dug out and construction material has also been brought at the site. The petitioners thereafter started approaching the HUDA authorities to resolve the controversy or to allot them alternative plots. As the authorities are sitting

tight over the matter and the petitioners are suffering irreparable loss, that they have filed the instant writ petition.

(2) We have heard learned counsel for the petitioners and are of the view that it is imperative upon the HUDA authorities to allot or hand over physical possession of the plots with a clear title and free from all encumbrances. In the event of any dispute with regard to the title of land where the plots have been carved out, *prima facie* the claim of petitioners to give them alternative plots deserves to be considered. However, without expressing any final views at this stage, we direct the Chief Administrator, HUDA and Estate Officer, Bahadurgarh to consider the petitioners' grievances and take necessary remedial action within three months from the date of receipt of certified copy of this order.

(3) Disposed of accordingly.

(Surya Kant)
Judge

04.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No