

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

**CWP (PIL) No.4822 of 2018
Date of Decision :14.09.2018**

Sh. Ali Mohd. And others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. J.S.Rana, Advocate for the petitioners.

Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Sandeep Moudgil, Advocate
for respondents No.3 and 4.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

Petitioner in a public interest litigation has approached this Court seeking a writ of mandamus to command the respondents to provide planned residential Sectors 1, 2 and 9 within a specified time framed as per the draft development plan Nuh controlled area 1&2 2021 A.D. with basic amenities such as motorable roads, streets with covered drainage and sewerage street lighting etc.. An earlier writ petition filed by the present petitioners seeking identical relief was disposed of by this Court, vide judgment and order dated 11.02.2016, by passing the following orders:-

**“2. If the photographs or anything are to go
by, the situation is alarming. The respondents are bound
to comply with their statutory obligation. However, it is**

not possible for this Court to direct that any particular sector or sectors ought to be dealt with first. It is for the respondents in the first instance to consider the order of priorities and the phase wise manner of carrying out the works.

3. The respondents shall by 31.05.2016 inform the petitioners' advocate(s) in writing the steps they intend taking with respect to the reliefs claimed in the petition. If the respondents are unable to take the necessary steps, they shall inform the petitioners' advocate(s) the reasons for the same.

4. It is needless to add that the respondents are bound to take action against any illegal development. The petitioners are, however, at liberty to draw the attention of the respondents to any particular illegal construction. Thereafter, the respondents shall forthwith take action in respect thereof.

5. The petition is accordingly disposed of".

Alleging non-compliance of the aforesaid directions the petitioners went up in a contempt proceedings by filing COCP No.993 of 2017. In the said proceedings a statement was made on behalf of the State-respondents that a notification dated 11.04.2017, was issued under Section 101 of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013, and the land in question over which the development was being planned has been ordered to be returned to the landowners inasmuch as the Government did not find the scheme of the development plan to be viable. Noticing the aforesaid statement made on behalf of the said respondents, vide order dated 25.01.2018, the COCP was disposed of as infructuous.

In view of the facts that the land over which the development was planned finding it to be un-viable has been returned back to the landowners, the relief prayed for in this petition is also rendered infructuous and not liable to be granted.

Accordingly, the public interest litigation stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.09.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No