

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

CWP No. 1142 of 2021
Date of decision: 18.01.2021

120

Basant Lal and others

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Deepak Arora, Advocate,
for the petitioners.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek quashing of the notice dated 22.12.2020 (Annexure P-12) for vacation of the landed property measuring 7 kanals 3 marlas out of the total land measuring 54 kanals 13 marlas on the ground that there are residences/quarters housing on the said area. The petitioners are stated to be the residents of the UBDC Colony.

Counsel submits that the notice dated 22.12.2020 (Annexure P-12) is based upon the meeting of the Building Committee of this Court dated 02.09.2020 (Annexure P-7) and further letters dated 25.09.2020 (Annexure P-9) seeking vacation of the aforesaid area. It is also admitted that the mutation of the aforesaid landed property has been done in the name of the Judicial Department. However, the claim is that it is a mutually consented arrangement with the Irrigation Department that the colony would remain at the same very place even while raising new structures of the Judicial Complex.

Ms. Anju Arora, Addl. A.G., Punjab accepts notice on behalf of respondents no. 1 and 4 to 12 and Mr. Gaurav Chopra, Advocate accepts notice on behalf of respondents no. 2 and 3.

Mr. Chopra submits that the impugned letters are based on the meeting held of the Building Committee dated 07.12.2020 and, on the basis of which, the Registrar General of this Court had written to the SDM to take action on 18.12.2020. The minutes of the meeting as such had not been appended and are not subject matter of challenge also. They, however, have been supplied by Mr. Chopra. The same read thus:-

“The matter has been discussed with Mr. Anurag Aggarwal, ACS (Homes & Justice), Punjab; Mr. Saryjit Singh (IAS); Principal Secretary, Department of Housing & Urban Development, Punjab and Sh. Sanyam Aggarwal, Deputy Commissioner, Pathankot at length and during the course of discussions nothing comes out to strengthen this equivocal statement that there was any kind of settlement at any stage regarding handing over the possession of land in question to the Irrigation Department as there is no record available to support this fact. Moreover, in the meeting dated 25.09.2020, Mr. Satish Chandra, the then Addl. Chief Secy. (Home Affairs & Justice), Punjab has given a crystal clear assurance to the Committee that vacant possession of the land in question shall be handed over the Judiciary within 2 weeks, regarding which he has also written a letter dated 28.09.2020 to the Deputy Commissioner, Pathankot to examine the issue and revert back to the Committee but today again some dispute has been raised against handing over the land in question where some officers of the other departments are occupying certain constructed building

of the State Government and it is inexplicable that as to how such alleged buildings have been allowed to be constructed.

The Committee expects that the possession of land in question is handed over to the Judiciary within 1 month in view of the categorical statement made by the then Addl. Chief Secretary (Homes & Justice) before this Committee on 25.09.2020. However, it is made clear that in case the needful is not done within stipulated period, this Court shall be constrained to take up the matter on the judicial side.”

A perusal of the same would go on to show that on an earlier occasion also on 25.09.2020, the Additional Chief Secretary (Home Affairs and Justice) had given assurance that the vacant possession of the land shall be handed over to the Judicial Court Complex and that it was not explainable as to how the buildings had been allowed to be constructed on the land in question.

A perusal of the paper book also would go on to show that conditional No Objection Certificate for 54 kanals 13 marlas of land falling in village Bharoli Khurd which had been approved by the Building Committee for the construction of the New Judicial Courts Complex at Pathankot had been given by the Irrigation Department. Thereafter on 28.07.2010, the Building Committee in its meeting, requested the Irrigation Department to remove the conditions. It is pointed out that the No Objection Certificate regarding 19 kanals 13 marls of land was granted on 24.08.2010. Resultantly, the Department of Home Affairs and Justice was requested to get the land transferred and that the possession be handed over.

Thereafter, it seems that petitioner no. 1, alongwith others, had

filed CWP No. 1444 of 2011 whereby, the allotment of alternative

residential quarters to them was stated to be under consideration of the State Government. Directions were issued to the respondent-State to consider the feasibility of constructing of alternative residential accommodation vide order dated 25.01.2011 (Annexure P-4). The matter thereafter also came up before the Building Committee on 02.09.2020 (Annexure P-7) wherein, the District and Sessions Judge, Pathankot had apprised the Committee that the possession of 7 kanals and 7 marlas of land was not being handed over.

Mr. Satish Chandra, Additional Chief Secretary at that point of time, had undertaken that he would take up the matter with the Irrigation Department and it had been impressed upon him that the land in question be got vacated at the earliest. Thereafter on 25.09.2020 (Annexure P-9), the matter was again put up before the Committee, which noticed that the land stands transferred and mutated in the name of the Department of Home Affairs and Justice, Punjab and the matter regarding vacation of land already stood considered on the judicial side in CWP No. 1444 of 2011 regarding the feasibility of providing alternative residential accommodation. It was also noticed that the houses in question were stated to have been vacated and undertaking was given by Mr. Satish Chandra that vacant possession would be handed over not later than 2 weeks.

Thus, it is apparent that the Irrigation Department is no longer the owner of the land and it stands mutated in favour of respondent no. 6 and, therefore, the petitioners can have no grouse as such against the impugned order whereby, the SDM is asking for the vacant possession of the land in question. It is apparent that the grouse of the petitioners, who are employees of the Irrigation Department, is on account of the alternative accommodation which had been provided to them, which is not, as such, to

their liking as in para no. 28, it has been averred that the new designated place of the Irrigation Department is at a distance of 24 kilometers and no accommodation has been provided.

It is for the petitioners, as such, to seek their redressal of the alternative accommodation with their employers and they cannot raise any challenge as such to the impugned action to get the area vacated falling in the ownership of the respondent no. 6 and, thus, there is no merit in the present writ petition and the same is accordingly dismissed.

18.01.2021
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No