

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

**103**

**CWP-3875-2021 (O&M).**

**Date of Decision: 27.04.2022.**

Santosh Nagar Residents Welfare Association ....Petitioner.

Versus

State of Haryana and others ....Respondents.

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**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH  
HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Ms. Amrita Garg, Advocate for the petitioner.

Mr. P.S. Chauhan, Additional Advocate General, Haryana.

Mr. Hitesh Pandit, Advocate for respondent No.2  
(Municipal Corporation, Faridabad).

Ms. Priyanka Dalal, Advocate for respondent No.3 (NHAI).

Mr. Priyavrat Parashar, Advocate for respondent No.4 (HSVP).

Mr. Shobit Phutela, Advocate for respondent No.6.

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**Amol Rattan Singh, J. (Oral)**

By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioner is seeking issuance of a writ in the nature of mandamus directing respondents No.1 to 5 to rehabilitate the residents of Santosh Nagar Colony under the 'Extant State Policy'; with a further direction sought not to undertake any demolition at the said colony until adequate rehabilitation of the residents.

On 18.04.2022 the following order had been passed by this court, on CM-19282-CWP-2021 having been filed by the respondent-National Highway Authority of India:-

“Though otherwise there is not much doubt even as per learned counsel for the petitioner, that the issue in question is the same as was before us in CWP No.22462 of 2021 (Ramji Kumar and others Versus State of Haryana and others), decided on 05.04.2022, learned counsel for petitioner association in this case submits that an order for rehabilitation of the members of the petitioner-association was also passed earlier by this court along with another bunch of writ petitions on 19.04.1999, the lead case being CWP No.11637-1996. She submits that despite more than two decades having gone by thereafter, the petitioners have still not been rehabilitated in terms of that order.

Learned counsel for respondent-HSVP on the other hand submits that the petitioners had been offered accommodation which they did not apply for as they were required to and consequently that plea is not available with them.

Be that as it may, this application having been filed by the respondent-National Highway Authority of India seeking that the petitioner be removed from the site in question as the Delhi-Mumbai expressway has been stalled atleast qua that stretch, (and for vacation of the interim order passed by this court on 23.02.2021), we have put a question to learned counsel for the respondent-HSVP as to whether any accommodation at all is available for the petitioners to be immediately rehabilitated in terms of the directions already given in Ram Kumar's case (supra). He seeks time to take instructions in that regard.

Adjourned to 27.04.2022.

To be shown in the urgent motion list.

Interim order to continue till that date only.”

Today learned counsel appearing for the respondent HSVP, submits that he has taken instructions that 68 *Jhuggis* falling in the right of way as per the survey conducted by the said respondent, would be demolished to make way for the Delhi-Mumbai Expressway project being undertaken by NHAI; and that upon those who are occupying those *Jhuggis* filling in the requisite form for allotment of flats constructed under the Aashiana Scheme, within one month thereafter, upon scrutiny of those forms, they would be accommodated in those flats, the number of flats available for occupation being 248.

That being so, the respondents are held bound to the aforesaid statement and consequently, this petition is disposed of in the same terms as **CWP No.22462 of 2021** (Ram Ji Kumar and others Vs. State of Haryana and others), decided by this court on 05.04.2022, with the additional statement made in the context of the present petitioners by the respondent HSVP, also “noted on record” and (to repeat) with the said respondent to be bound by the statement.

Naturally, it is clarified that if the members of the petitioner association are found to be actual residents of the *Jhuggis* (as are to be demolished), upon a scrutiny of their applications, and are to be allotted flats which they are not able to buy, the respondents would allow them to occupy those flats at a rental of Rs.500/- per month as had been very fairly offered by the respondents (State/HSVP) in Ram Ji Kumar's case (*supra*).

The *Jhuggis* in question be not demolished for a period of 40 days from today, with the members of petitioner association however directed to submit applications within ten days from today to the respondents.

If the members of petitioner association are not given an offer for rehabilitation within the said period in terms of the above, they would be at liberty to file an application in this petition immediately after 35 days.

(AMOL RATTAN SINGH)  
JUDGE

(LALIT BATRA)  
JUDGE

**27.04.2022**  
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|----------------------------|---|---------|
| Whether speaking/ reasoned | : | Yes/ No |
| Whether Reportable         | : | Yes/ No |