

112+116+117+119

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

112

**CWP No. 5912 of 2022
Date of Decision: 24.03.2022**

Dharampal Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

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CWP No. 5958 of 2022

Om Prakash

...Petitioner

vs.

State of Haryana and others

...Respondents

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CWP No. 5984-2022

Naresh Chawla

...Petitioner

vs.

State of Haryana and others

...Respondents

119

CWP No. 5992 of 2022

Chander Prakash

...Petitioner

vs.

State of Haryana and others

...Respondents

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

Present: Mr. Priyanka Sud, Advocate, for the petitioner.

**Mr. B.R. Mahajan, Advocate General, Haryana, with
Mr. Samarth Sagar, Addl.A.G., Haryana.**

AMOL RATTAN SINGH, J. (ORAL)

CWP No. 5912 of 2022 and other connected cases -2-

Mr. Samarth Sagar, Addl.A.G., Haryana, who is assisting the Advocate General, Haryana, initially submitted that a coordinate Bench (in which one of us, Lalit Batra, J.) was a member, has already dismissed a similar petition. Learned counsel for the petitioners has produced in court however, a communication/a noting dated 22.10.2021 made by the Commissioner Municipal Corporation, Gurugram, observing therein as follows:-

“Subject: Representation on behalf of Shop owners of Kaman Sarai, Sadar Bazar, Gurugram for rehabilitation.

Hon'ble Chief Minister on his visit to Gurugram on 16.10.2021, has directed to submit the proposal upon the request made by applicants (The copy of the representation already submitted is hereby enclosed).

For the same, the committee of officers is hereby constituted which is as follows:-

- 1. Shri Sanjiv Singla, HGS, Joint Commissioner-II, MCG.*
- 2. Smt. Madhusmita, Chief Town Planner, MCG.*
- 3. Shri Dinesh Kumar, ZTO (HQ), MCG.*

The committee would submit the report within 7 days.”

A copy thereof has been given to Mr. Sagar.

However, it is to be noticed that in CWP No. 5912-2022, the petition is shown to be drafted on 22.02.2022, with the affidavit

accompanying it also seen to be dated 22.02.2022, whereas in paragraph 4 (j) of the petition, it is stated as follows:-

“.....That meanwhile the petitioner were advised to file the adverse possession suit before the district session court Gurgaon by the local counsel but later on, they were advised by the present counsel to withdraw the same which was done by the petitioner on 12.03.2022 before the National Lok Adalat, Gurugram, as it was not maintainable.”

It is also to be noticed that out of the 03 remaining petitions, 02 petitions, i.e. CWP Nos. 5958 and 5992 of 2022, are also shown to be drafted on the same date, i.e. 22.02.2022, with the affidavits accompanying them also seen to be of the same date; however, CWP No. 5984 of 2022 is shown to be drafted after one day, i.e. 23.02.2022, with the affidavit accompanying it also seen to be dated 23.02.2022.

Learned counsel for the petitioners submits that though the petitions had been drafted on 22.02.2022 and the affidavit accompanying them were also executed accordingly; however, thereafter on (allegedly) coming to know of the civil suit filed later (as contended today), the aforesaid paragraph was added and that no fresh affidavit having been executed, is an error on her part.

However, with this court not inclined to entertain such a petition where the affidavit of the petitioner is not consonance with the pleadings, learned counsel for the petitioners seeks to withdraw these petitions to enable her to file fresh ones.

CWP No. 5912 of 2022 and other connected cases -4-

Dismissed as withdrawn with the aforesaid liberty but with any fresh petition to be filed to be considered wholly on its own merits.

A photocopy of this order be placed on the file of the other connected cases.

(AMOL RATTAN SINGH)
JUDGE

March 24, 2022
nitin

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.