

CM-5162-CWP-2022;
CM-5163-CWP-2022 in
CWP-8230 of 2021

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

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CM-5162-CWP-2022;
CM-5163-CWP-2022 in
CWP-8230 of 2021
Date of Decision:08.04.2022

Pooja Kumari

..... Petitioner

Versus

Haryana Shehari Vikas Pradhikaran and others

..... Respondents

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

Present: Mr. Gaurav Bakshi, Advocate,
for the applicant-petitioner.

AMOL RATTAN SINGH, J. (ORAL)

CM-5162-CWP-2022

Vide this application, the petitioner in the accompanying petition seeks to place on record a list of the residential plots of 4 marlas in Sector-40, Gurugram-II, as are proposed to be put up for e-auction on 19.04.2022.

Notice in the application.

Mr. Lokesh Sinhal, Advocate, accepts notice at the asking of the court and fairly submits that looking at the innocuous nature of the application, he would

not oppose it subject to all just exceptions.

Consequently, the application is allowed subject to all just exceptions and the aforesaid list is ordered to be taken on record as Annexure P-27 with the accompanying petition.

CM-5163-CWP-2022

Vide this application, the petitioner seeks a stay on the aforesaid e-auction process, with learned counsel pointing to the order passed by the Chief Administrator, HSVP, Panchkula, on 02.02.2021 (copy Annexure P-18), in which eventually it is held as follows:-

“7. In view of the above, I hereby direct as under:

- a) The Estate Officer-II, Gurugram shall hand over possession of the plot No.885, Sector-52, Gurugram after providing basic facilities within two months from the date of hearing in CWP No.5540 of 2000 fixed for 23.03.2021 in case the Hon'ble High Court is pleased to dismiss the writ petition in favour of the State.
- b) And in case the HSVP land involved in CWP No.5540 of 2000 is not cleared from the litigation upto 23.04.2021, the Administrator, HSVP, Gurugram shall be sending proposal for allotment of alternative plot of the same dimension to the petitioner in the same sector or the adjoining sector as per policy dated 18.02.2013.”

That being so, in our opinion, despite that order being more than one year and two months old now and even as per the instructions of learned counsel for the respondent (on specific query to him by this court), as to whether Plot

No.885, Sector-52, Gurugram, has become litigation free, he submits that the said litigation is still ongoing.

Consequently, the petition itself is taken up for hearing and is disposed of with a direction that if Plot no.885, Sector-52, Gurugram, is available for handing over possession to the petitioner, the same would be done immediately; and if it is not so available till the day that the e-auction process for the plots in question (of 4 marlas in Gurugram), are auctioned, then one plot of that site be not auctioned and it be reserved for handing over possession to the petitioner in terms of the policy dated 18.02.2013, with any draw to be held in terms of the said policy, to be held very expeditiously thereafter.

On Mr. Sinhals' specific contention to that effect, it is clarified that if in terms of the policy an alternative plot is available within Sector 52, Gurugram-II, naturally that would be allotted to the petitioner; and if not then any other plot in terms of that policy, would be so allotted.

**(AMOL RATTAN SINGH)
JUDGE**

April 08, 2022
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**(LALIT BATRA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
Yes