

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 10854 of 2017(O&M)

Date of Decision:06.12.2022

Inderjeet

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. RITU TAGORE

Present: Mr. Tarun Singhal, Advocate
For the petitioner.

Mr. Amit Aggarwal, DAG., Haryana.

Mr. Sanjeev Kuamar, Advocate
for respondent no.6.

LISA GILL, J(Oral).

Petitioner, who claims to have been allotted a plot under the 'Mahatma Gandhi Gramin Basti Yojna Scheme, 2008' (for short '2008 Scheme') along with others in village Moi, Tehsil and District Sonapat, has filed this writ petition, seeking direction to the respondents to allot the plot in question in the alternate area instead of the allotted site.

It is submitted that the respondent-Gram Panchayat allotted the residential plot to the petitioner and other beneficiaries over a portion of land in Killa no. 37/20/1, 37/20/2, 37/21/1, 37/21/2, 38/25. However, the said

land was not found suitable for construction of residential houses as it was low lying, away from the Abadi and being used as a pond. It is further stated that much expense was required to fill up the area with earth prior to construction, if any. When the petitioner and other beneficiaries became aware of the costs of filling the site with earth, which it is stated came to be more than the cost of the plot itself, a request was made before the authorities to allot the plots in an alternate area measuring 31 Kanal 6 Marlas, description of which is given in the writ petition. The said land, suitable for residential purpose is stated to be lying vacant with the Panchayat. When no action was taken on the request, present writ petition has been filed by the petitioner to allot the residential plot to him from the alternate land as described.

Written statement was filed on behalf of respondents no.1 to 5 wherein it is stated that the Gram Panchayat was ready to allot the plots at the alternate site.

This writ petition was adjourned on 27.03.2019 to enable learned counsel for respondents no.4 and 6 to specify the time within which the petitioner and other identified allottees would be handed over possession of the plots as also execution of conveyance deed under the 2008 Scheme in the newly identified area measuring 31 Kanals 6 Marlas.

It was submitted before this Court on 27.09.2022 that the plot in question stands allotted to the petitioner and possession thereof handed over to him. Status regarding all the other plots, was sought.

Pursuant thereto, Status Report by way of affidavit dated 02.12.2022, of Ms. Ankita Verma, HCS, Additional CEO, Zila Pariashad, Sonipat-cum-Block Development and Panchayta Officer, Ganaur, District Sonipat, on behalf of respondents no.1 to 5, with a copy thereof to learned

counsel for the petitioner has been filed in Court today. Same is taken on record subject to just exceptions.

It is stated in the said Status Report dated 02.12.2022 that initially 74 persons were found eligible for allotment of 100 sq. yards residential plots under the 2008 Scheme but 12 persons did not come forward with required documents to get the gift deeds executed in their favour. The land, which was initially earmarked by the Gram Panchayat was not found suitable for residential plots being low lying and near the village pond. Therefore, at request of some of the allottees, Resolution dated 18.07.2016, was passed by the Gram Panchayat resolving to allot plots at another piece of land measuring 31 Kanal 6 Marlas. Report regarding the same was sought from the Committee constituted under the Presidentship of the then SDO, Civil, Ganaur, District Development and Panchayat Officer, Sonipat, Tehsildar, Ganaur and Block Development and Panchayat Officer, Ganaur. Demarcation of the alternate land was carried out at the time of preparation of site plan for residential plots. A drain over an area of 7 Kanal 11 Marlas and some land of Gair Mumkin Johar (pond) over area of 13 Kanal 13 Marlas, was found existing in the newly earmarked area. Another portion of land was included in lieu of the land over which the drain and Johar, was found.

It is further stated that gift deeds have been executed in favour of 35 beneficiaries including the petitioner and possession at the newly earmarked land has already been delivered to them. Civil suit has been instituted by the Gram Panchayat for cancellation of mutation in respect of 21 gift deeds, which were executed over the previously earmarked land. Out of six remaining beneficiaries, one is reported to have passed away and five of them, details of whom are duly mentioned in affidavit dated 02.12.2022,

did not produce any documents or come present for execution of the gift deeds. It is thus stated that on cancellation of mutation qua 21 beneficiaries, gift deeds will be immediately executed in their favour as well. Civil suit is stated to be listed for hearing on 20.03.2023.

Keeping in view the facts and circumstances as above, present writ petition is indeed rendered infructuous and is disposed of accordingly. Needless to say, any of the other beneficiaries, who may be aggrieved, would be at liberty to seek the remedy/remedies as may be available to them in accordance with law.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

December 06, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.