

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

116

CWP-29891-2022

Date of decision:22.12.2022

Jagdish Kumar

...Petitioner

Versus

Chief Administrative Officer, HUDA and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for respondent.

HARINDER SINGH SIDHU, J.

The petitioner is aggrieved against the notice dated 18.05.2022(Annexure P-8) issued under Section 18(1)(b) of the HSVP Act, 1977. In the notice it has stated that the petitioner has constructed unauthorized/illegal house on plot No.854, 855 and 856 Sector 6P-II, Hansi which is the ownership of HSVP. It is stated that land measuring 249.90 acre has been acquired for development of Sectors 3, 5 and Sector 6P-II, Hansi. The award was announced on 03.08.2007. The possession of the acquired land was handed over to Estate Officer, HSVP, Hisar vide Rapat No.984 dated 03.08.2007. Through the notice, the petitioner has been asked to vacate the unauthorized structure within seven days.

The petitioner has also placed on record Public Notice dated 21.12.2022, whereby, all persons in unauthorized occupation of HSVP land have been asked to vacate the same within 24 hours, failing which

they would be dispossessed on 22.12.2022.

Apprehending immediate dispossession from his house he has filed the present writ petition.

The case of the petitioner is that the house of the petitioner is in existence since, 2004 i.e. even before the acquisition of land. The petitioner had purchased it vide sale deed dated 09.07.2004. The petitioner is regularly paying electricity bills and property tax. The name of the petitioner is also entered in the revenue record. In fact according to the petitioner the land where the house of the petitioner is located was not the subject matter of acquisition. The petitioner has not received any compensation and he is residing there continuously since 2004.

It is further argued that the petitioner has not been given any opportunity of hearing. No order pursuant to the show cause notice Annexure P-8 has been passed. Instead the public notice calling upon the petitioner and other illegal occupants of HSVP land to vacate the same has been issued.

In view of the averments of the petitioner, without expressing any opinion on the claim of the petitioner, the present petition is disposed of giving liberty to the petitioner to file a response to the show cause notice Annexure P-8 within a period of seven days from today. Respondent No.2 may thereafter pass an order after giving an opportunity of hearing to the petitioner.

The petitioner may appear before respondent No.2 on 10.01.2023 at 10.00 AM or any other day as may be convenient to respondent No.2. Any order that is passed be communicated to the

petitioner through registered post.

If an adverse order is passed against the petitioner, he be not dispossessed for a period of ten days after the dispatch of the communication through registered post.

Additionally, it would also be open to the petitioner to avail of any other remedy as may be available to him in accordance with law.

(HARINDER SINGH SIDHU)
JUDGE

22.12.2022
rashmi

(GURBIR SINGH)
JUDGE

1. Whether reportable?

Yes / No

2. Whether reasoned / speaking?

Yes / No