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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCF No.2937 of 2015 (O&M)

Date of decision: 17.01.2023

Dharam Pal

....Petitioner

Versus

D.S. Dhesi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Dinarpur, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Bikram Chaudhary, Advocate
for respondent No.6.

ARVIND SINGH SANGWAN J. (Oral)

This petition is pending since 2015.

The petitioner alleges violation of the order dated
14.01.1998, in which the following observations were made:-

*“On the basis of the overwhelming evidence on record as noticed above, it is clear that land measuring 4961 sq. yds. belonging to the appellants has been included in the scheme. That being so, the action of the respondents in proceeding on the assumption that only 4061 sq. yds of land had been included and not 4961 cannot be sustained. The respondents shall proceed further on that basis. In case the respondents wish to include the entire land the appellants shall be paid compensation for the area retained by the respondents in accordance with law. They will keep in view the decision of the Supreme Court in **Yoginder Pal & others v. Municipality Bathinda & others, 1994(5) SCC 709**. In case the respondents do not wish to include the land of the appellants in the scheme the possession shall be restored to them along with such compensation as may be admissible according to law. The resolution No.1060 dated November 26, 1986 and the communication dated November 27, 1986, copies of which have been produced*

as Annexures P-6 and P-7, with the writ petition are quashed and the appeal is allowed. In the circumstances we make no order as to costs.”

Counsel for the State as well as counsel for the respondent – Municipal Committee has submitted that in fact the scheme was prepared which remain only on papers and was never implemented and now the same has been withdrawn as per the affidavit of the Principal Secretary to Government of Haryana, Urban Local Bodies.

In Para 6 of this affidavit, it is stated that the TP Scheme Part IV was dropped by the Government on 24.07.2000 on the basis of the decision taken in the meeting dated 30.06.2000 as the Municipal Council, Thanesar has shown its inability to pay compensation to the petitioner. It is further stated that since the Scheme was dropped, therefore, the sub-division of the plots was not permitted. It is also stated that in violation of the Haryana Development and Regulation of Urban Areas Act, 1975, the petitioner still carved out the plots and without taking approval from the Government and have sold the same. It is also stated that the land meant for parks, street, roads, etc. was never transferred to Municipal Council, Thanesar and is in the ownership and possession of the petitioner itself. It is further stated that the petitioner has earned huge income by illegally subdividing and selling plots, without taking approval from the government and never deposited the charges as license fee, external development charges and other fee/charges, for subdividing and selling of plots.

In view of the stand taken by the government that the Scheme stands dropped in the year 2000 itself, no willful disobedience is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No