

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

COCp-3050-2015 (O&M)
Date of decision: 01.03.2023

Rajiv Mehrotra

....Petitioner

Versus

Brijendra Singh and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Singh Sethi, Advocate
for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana
with Mr. P.K. Longia, DAG, Haryana.

Mr. Arvind Seth, Advocate
for the private respondents.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated
08.10.2010 vide which the following directions were issued:-

“Notice of the CM was issued to the other side. Mr. Walia has fairly accepted that the controversy is covered by the aforesaid judgment. On consideration of the various facts, a Division Bench of this court vide the aforesaid judgment passed following directions:-

“..... As a result of the aforesaid discussion, we allow the present petition. The order/communication dated March 10, 2005 (Annexure P.10) issued by the Estate Officer, HUDA, respondent no.3 is set aside. The respondents are directed to hand over the possession of the plot in question to the petitioner, in accordance with law. The petitioner shall be required to re-deposit the amount of 15% which has been refunded by the Estate Officer alongwith communication dated March 10, 2005, within a period of two weeks from the date a certified copy of this order is received. On receipt of the aforesaid payment, the possession of the plot in question shall be handed over to the

petitioner within a period of one month thereafter. The petitioner, however, shall be liable to make the remaining payment in accordance with the stipulations contained in the allotment letter. A copy of the order be given dasti on payment of usual charges.

Sd/-Viney Mittal, Judge

Sd/- H.S.Bhalla, Judge”

Special Leave Petition (Civil) No.8207/2008 filed against the judgment passed by this court in other connected matter also came to be dismissed as withdrawn vide order dated 16.2.2009 passed by Hon'ble Supreme Court. The judgment of the Division Bench having attained finality and the case being covered, the petitioner is entitled to the same relief as granted in the aforesaid writ petition by the Hon'ble Division Bench. Let the possession of the plot be handed over to the petitioner in terms of the directions issued by the Division Bench of this Court.

Disposed of.”

The said judgment was challenged before the Hon’ble Supreme Court and the Hon’ble Supreme Court while setting-aside the same has remanded the case back to the High Power Committee with a clear direction that the fresh order be passed.

Counsel for the respondents has placed on record the decision of the High Power Committee vide which the land underneath the Plot No.64-A, which was allotted to the petitioner along with certain other plots in Sector 18, Gurugram, stands released in terms of the order of the Hon’ble Supreme Court. It is further stated that in lieu thereof, the petitioner has been allotted an alternative plot vide order dated 28.12.2017.

In view of the above, no willful disobedience is made out.

Dismissed.

The arguments raised by counsel for the petitioner that the area allotted to the petitioner is not adequate area is in fact, nowhere mentioned in the order passed by the Writ Court.

Accordingly, the said contention is rejected.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

01.03.2023
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No