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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(I)

CWP-4114-2021 (O&M)
Date of decision:11.09.2023

SHRI KRISHAN AND ORS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

(II)

CWP-4754-2021 (O&M)

BHAGWAN SARUP SHARMA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shailendra Jain, Sr. Advocate with
Ms. Javneet Kaur, Advocate and
Mr. Munish Sharma, Advocate
for the petitioners.

Mr. Ashok Tyagi, Advocate and
Mr. Gaurav Tyagi, Advocate
for the petitioner in CWP-4754-2021.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mrs. Shubhra, Advocate for HSVP.

SURESHWAR THAKUR, J. (ORAL)

1. Since both the instant writ petitions relate to common reliefs,
and, also to common causes of action, as such, they are amenable for being
decided through a common thereto verdict.

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2. Replication to the short reply filed on behalf of co-respondents No.3 and 4, besides reply to the application for stay in CWP-4754-2021, have been filed, and, the same are taken on record.

3. The learned counsels for the petitioners, have very fairly contended before this Court, that though the benefit(s) of the relevant policy, as became drawn by the State of Haryana, thus in terms of Section 31(4) of the Act of 1894, and, besides in terms of the Land Pooling Scheme-2012, thus have resulted in as per the eligibility of the petitioners, theirs been allotted residential plots at the sites concerned. However, learned counsels for the petitioners submit that though, in terms of the policy, apart from the above residential plots becoming allotted to the petitioners, there was yet a mandatory obligation cast upon the respondents concerned, to also allot commercial plots to the land looser concerned, thus of sizes as mentioned in the provisions (supra). They further state, that the above commercial plots remain unallotted to the petitioners.

4. To the above, the learned counsel for HSVP, on instructions imparted to her by the E.O. HUDA, submits that as of now commercial plots have not been developed over the sites concerned, and, that as and when they are developed, those shall be as per their eligibility, thus become available for allotment to the petitioners.

5. In view of the above, the learned counsels for the petitioners do not press the writ petitions. Consequently, they pray for and, are permitted to withdraw the writ petitions. Ordered accordingly.

6. However, the respondents concerned, are directed to most expeditiously create, carve commercial plots over the sites concerned, and, are also directed to, in terms of the eligibility of each of the petitioners

make allotments of commercial plots to each of them.

2023:PHHC:118280-DB

7. Pending miscellaneous application(s), if any, stand(s), disposed of.
8. A photocopy of this order be placed on the file of other connected case.

(SURESHWAR THAKUR)
JUDGE

11.09.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-

Whether reportable:

Yes/No

Yes/No