

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

CWP-5851-2020

DATE OF DECISION: 12.07.2023

JAGDEV KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vikas Kumar, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

G.S.SANDHAWALIA, J. (ORAL)

1. This petition has been filed under Article 226/227 of the Constitution of India for taking action against the alleged unauthorized conversion of the agricultural land in '*Khewat*' No. 382, '*Khatoni*' No. 1653, '*Khasra*' No. 2057, situated in the area of Dabwali, Tehsil Dabwali, District Sirsa into a residential plotted colony.

2. The petition has been filed without impleading the persons who have carved out the colony and therefore, we are of considered opinion that the writ petition itself is not maintainable in the absence of the necessary parties as any adverse order passed would directly affect them and would be against the principles of natural justice.

3. Learned counsel for the petitioner has no answer to this and can only argue that the said persons were also prosecuted in an FIR No. 297, dated 27.09.2016 lodged under The Haryana Development and

Regulation of Urban Areas Act, 1975, in which they have also been discharged by the Sub-Divisional Judicial Magistrate, Dabwali (Sirsa), on 04.06.2022 on account of the technicalities of limitation.

4. On 15.02.2023, the follower order was passed:-

“Learned counsel for the petitioner prays for an adjournment in the light of para 5 of the summary of action as placed on record by the District Town Planner, Sirsa-respondent No.3, wherein it has been asserted that in the light of the provision of Section 3 of The Haryana Management Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2021, no punitive action under the provisions of The Haryana Development and Regulation of Urban Areas Act, 1975, can be initiated with regard to Khasra No.2057 situated in the revenue estate of New Dabwali, Tehsil Dabwali, District Sirsa, which is the subject matter of the present writ petition.

Adjourned to 10.03.2023.”

5. A perusal of paragraph 5 of the affidavit filed would go on to show that there is a reference to the Haryana Management Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Amendment Act, 2021 (for short 'the Act of 2021), which would save the action of the persons who carved out the colonies and who had been unsuccessfully prosecuted. It is also to be noticed that though a show cause notice has initially been issued on 27.03.2015 to the persons who carved out the colony, however now on account of the notification dated 28.09.2018 (Annexure R-4) Vivakanand Colony Nos. 1 and 2, situated in Mandi Dabwali has been granted the benefit of the Civic Amenities and

Infrastructure Deficient Municipal Areas under the Act of 2021. The boundaries of the said colony have been indicated in the approved layout plan submitted by the concerned municipalities and duly recommended by the Divisional Commissioner concerned.

6. Keeping in view the above, we are of the considered opinion that the matter has been rendered infructuous, in view of the subsequent events.

7. The petition is disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

July 12, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No