

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9557-2019(O&M)
Date of decision : 17.02.2023

Mahinder and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sandeep Sharma, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana.

Ms.Farheen Bajwa, Advocate for
Mr.Harsh Aggarwal, Advocate
for respondent no.2

Mr.Gaurav Tyagi, Advocate
for applicants-respondents no.5 to 15.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of mandamus of direction to the respondents to grant the permission to the petitioners for construction of residential houses in khasra no.6//3/2 (2-14), 4(1-9) situated in village Fatehpur, District Gurugram and taking necessary action against the concerned persons who have demolished petitioner's residential houses (50 years old).

On 13.02.2023, this Court was pleased to pass the following
order:-

that the petitioners have also filed CWP-10558-2015 on the same cause of action and the said writ petition is pending.

Learned counsel for the non-applicants/petitioners prays for short adjournment to verify the said fact.

Adjourned to 17.02.2023.

To be taken up at 01:45 PM.

February 13, 2023.”

Learned counsel for the petitioners has placed on record the other writ petition in which the petitioners were also the petitioners along with other petitioners in which the following prayer has been made:-

“It is, therefore, respectfully prayed that-

- i) Notice of motion may kindly be issued and record may kindly summoned;*
- (ii) to issue a writ in the nature of certiorari quashing notification issued under Section 4 dated 12.8.2003, Annexure P-2 and also notification issued under Section 6 dated 10.8.2004 Annexure P-3 under the Land Acquisition Act, 2013;*
- (iii) a declaration that acquisition proceedings shall be deemed have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act of 2013, be made by this Hon'ble Court;*
- iv) to issue a writ of mandamus for a direction to conduct CBI inquiry as to how the 100 years old village Fateypur Jharsa consisting of 205 houses have been razed to the ground on 12.4.2015 between 8 AM to 4 PM in connivance with SHO, Sadar, Gurgaon, Estate Officer-II, HUDA, Gurgaon, Unitech (P) Ltd. and Uniworld Garden-II.*
- v) for a direction to rehabilitate 205 families whose pucca houses have been demolished;*
- vi) for payment of compensation of 205 cores to the 205 families whose houses were demolished illegally;*
- vii) to register cases against Estate Officer-II, HUDA, SHO Sadar, Gurgaon, Unitech Pvt.Ltd. and Uniworld Garden-II.*
- viii) to hold inquiry that the record of Estate Officer-II, HUDA Gurgaon has been prepared falsely to take forcibly possession from the petitioners and also regarding payment of compensation on having been deposited.*
- ix) a writ of prohibition may also be issued prohibiting HUDA and Police Deptt. to remove the petitioners from the site of debris in 100 years old village Fatehpur (Jharsa) where their houses were existing till the rehabilitation of 205 families by HUDA in their village Fatehpur Jharsa.*

- x) A writ of restoration of essential services like drinking water and electricity supply and shelter and food to the worst suffers.*
 - xi) Construction of road building and house building may be ordered to be stopped on 13 acre of land owned and possessed by the petitioner.*
 - xii) Any other writ, order or direction which this Hon'ble Court deems fit and proper in the circumstances of the case;*
 - xiii) prior notices on the respondent be dispensed with;*
 - xiv) exemption from filing the certified copy of Ann.P-1 to P-49 may kindly be granted*
 - xv) Costs of petition may kindly be granted;*
- It is further prayed that the petitioners may be granted status quo regarding their stay on the land in village Fatehpur during the pendency of the writ petition in the interest of justice. No road and building may be made on the land of village Fatehpur (Jharsa).”*

A perusal of the writ petition would show that no reference has been made to the earlier writ petition.

Learned counsel for the petitioners seeks to withdraw the present petition with liberty to file a fresh petition after giving details of the earlier writ petition and also giving specific reasons as to how the second writ petition by the same petitioners would be maintainable.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with the aforesaid liberty.

It is made clear that in case any such petition is filed, the same would be considered independently on its merit, in accordance with law.

Pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

February 17, 2023
Davinder Kumar

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