

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-14098-2022(O&M)**
Date of decision: 11.12.2023

Manjeet Sehrawat

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Divyam Singh, Advocate, for the petitioner.
Mr. Ankur Mital, Addl. AG, Haryana, and
Mr. Karan Jindal, Asstt. AG, Haryana.
Mr. Dhananjay Mittal, Advocate,
for respondents No.2 to 5 & 7-HSVP.

ARUN PALLI, J. (Oral)

The petitioner prays for a mandamus, commanding the respondents, to provide him a passage in terms the letter dated February 1, 1989 (P-2) as well as the site plan (P-3), and also to restrain the official respondents from blocking the said passage, which is being used by the petitioner since time immemorial for ingress and egress to his house.

Learned counsel for the petitioner, in reference to the communication/letter dated February 1, 1989, issued by the Estate Officer, Haryana Urban Development Authority, Gurugram, to the grandfather (Sh. Sehaj Ram) of the petitioner, submits that the authorities in the meeting dated 17.01.1988, had resolved that the land left between the two plots (plot No.155 and plot No.239, Sector 17), through which farmers could access their fields, can be used by Sehaj Ram and others as a passage, and the same was given to them. However, he submits, despite that the authorities have blocked the said passage. He refers to the photographs, at page 26, 27 & 28 of the paper-book (Annexure P-6).

In paragraph 5 of the response submitted by the respondent(s)-HSVP, it is maintained that the rasta that was being used by the petitioner to access his house is still running at site. Further, no steps were taken by the officials of the HSVP to block/close the said passage. And, there was/is no such plan either to deprive the petitioner of an access to his house.

Be that as it may, during the course of hearing, learned counsel for the respective parties have reached a consensus that it shall be expedient if this petition is disposed of, at this stage, to enable the Chief Administrator (HSVP) to take cognizance of the matter. And pass necessary orders, in accordance with law. Particularly, as he is already in *seisin* of the repeated representations submitted by the petitioner, dated 30.05.2022 (P-4) and 02.06.2022 (P-5).

Learned Additional Advocate General, Haryana submits that the necessary orders shall be passed within a period of 4 weeks from today, after affording an opportunity of hearing to the petitioner.

In the wake of the position sketched out above, and the statements made by learned counsel for the respective parties, the petition is accordingly disposed of. This Court is sanguine that the competent authority shall examine the matter in the right earnest and pass necessary orders.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

11.12.2023
Rajan

(Vikram Aggarwal)
Judge