

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

CWP-12398-2023

Date of decision: 01.06.2023

Vijay Chilana and another

....Petitioners

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present: Mr. Manish Soni,
petitioner No.2 (in person).**

ARUN PALLI, J. (Oral)

The petitioners herein, have prayed for the following
substantive relief(s):-

“For issuance of an appropriate writ, order or direction especially in the nature of Mandamus directing the official respondents to finalize, approve and notify 'Eco-Sensitive Zone (in short "ESZ")' beyond the protected area of Sukhna Wildlife Sanctuary falling within the jurisdiction of Haryana State especially regarding the area of Sector, Mansa Devi Complex, Panchkula, within a stipulated time frame, considering the relaxations including wildlife centuries located along inter-state boundaries and/or common boundaries and modifications permitted by the Hon'ble Supreme Court of India vide judgment dated 26.04.2023 (P-) passed in I.A. NO. 131377 OF 2022 in Writ Petition (Civil) No.202 of 1995 in case titled as "T.N. Godavarman Thirumulpad Vs. Union of India and others” and also for the reasons delineated herein as under in the present petition and in the interest Justice and fair play.

AND

For issuance of appropriate writ, order or direction in the nature of Mandamus directing the respondent No.5 i.e. HSVP to maintain Status Quo regarding the allotment of the plots made in favour of the petitioner/allottees by way of process of auction, till the finalization/approval of Eco-Sensitive Zone, if any, falling within the area of Sector 2, MDC, Panchkula, in the interest of justice, fair play and fitness of things.

AND/OR

In alternate, it is prayed that in the eventuality of the plots allotted to the petitioner, falls within the restrictive category of approved/notified Zone of Sukhna Wildlife Sanctuary or Catchment Area, then this Hon'ble Court may please to direct the respondent No.5 to provide alternate similar kind of plots of same size to the petitioners, at the same cost in the vicinity of MDC Panchkula, in the interest of justice and fair play.

AND/OR

Any other writ, order or direction which this Hon'ble Court deems fit in the peculiar circumstances of the present writ petition may also kindly be passed.”

Petitioner No.2, who is appearing in person, submits that E-auction was conducted by Haryana Sehri Vitran Pradhikaran (respondent No.5), for allotment of residential plots in Sector 2, MDC, Panchkula. The petitioners purport to have deposited Rs.81,27,300/- and Rs.29,21,300/- respectively, towards installments. However, the limited grievance that they have is: subsequently, their user-IDs and passwords were blocked, and as a result, they failed to remit the balance consideration. It is urged that since the area in question (Sector-2, MDC, Panchkula), is in the immediate vicinity of Sukhna Wildlife Sanctuary, the authorities are contemplating to scrap the entire process. And, since the entire allotment process is in the realm of uncertainty, the petitioners moved the authorities vide representations dated 25.05.2023 (P-3) and 20.05.2023 (P-4) qua their concerns/grievances. But the matter has not made any tangible progress.

Upon being served with the advance copy of the petition, Mr. Satya Pal Jain, learned Additional Solicitor General of India, assisted by Mr. Brijeshwar Kanwar, Advocate, for the respondent-Union of India, and Mr. Deepak Balyan, learned Additional Advocate General, Haryana, are present in Court.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, submits that as the authorities are in seisin of the matter, let this petition be disposed of, at this stage, to enable the authorities to examine the matter and deal with their concerns/grievances. And appropriate orders, in accordance with law, shall be passed on their representations (P-3 and P-4).

Petitioner No.2 is agreeable to the course suggested by the learned State counsel, but submits that respondents be directed to decide the matter within a specified time.

In the wake of the above, the petition is disposed of, in terms of the statements made by learned State counsel as also petitioner No.2. This Court is sanguine that the authorities shall, as indicated above, pass appropriate orders, as expeditiously as possible, preferably within a period of four weeks from today.

(ARUN PALLI)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

June 01, 2023
Ak Sharma

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