

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-13648 of 2023(O&M)
Date of Order:27.06.2023

Siri Bhagwan

.Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDAPresent: Mr. Rajesh K.Sheoran, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Advocate for HSVP.

ANIL KSHETARPAL, J

1. On 26.06.2023, the following order was passed:-

*“The learned counsel representing the petitioner contends that the Civil Writ Petition No.19025 of 2005 (**Siri Bhagwan and another vs. State of Haryana and others**) challenging the acquisition was allowed by the High Court on the basis of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. He submits that, though, a Special Leave Petition is pending in the Supreme Court, however, no stay has been granted. He further submits that, as of now, the land does not vest in the State and hence the Haryana Shehri Vikas Pradhikaran (H.S.V.P) is not entitled to auction the same.*

Notice of motion.

On the request of this Court, Mr. Deepak Sabharwal, Advocate accepts notice on behalf of the Haryana Shehri Vikas Pradhikaran (H.S.V.P) and prays for a short accommodation.

List, in the urgent list, on 27.06.2023.”

2. Sh. Sabharwal, the learned counsel representing the Haryana Shehri Vikas Pradhikaran has produced an e-mail sent to him by the Chief Town Planner, HSVP, Panchkula, with the information that the site of the

petitioner has not been included in the e-auction which is to be held on 28.06.2023. Sh. Sabharwal, at bar, states that he has personally spoken to the Chief Town Planner and the site of the petitioner shall not be included in the e-auction.

3. The learned counsel representing the petitioner submits that in the lay out plan uploaded on the website the land of the petitioner is shown to have not been completely included.

4. Sh. Sabharwal, the learned counsel representing the HSVP once again states that the lay out plan has been modified and the complete land of the petitioner has been excluded.

5. However, the learned counsel representing the petitioner again insist that the bidders would make bid for the petitioner's site and there should be a stay. He further submits that the petitioner has also prayed for providing a passage to the petitioner's site.

6. This court has considered the submissions of the learned counsel representing the petitioner.

7. The statement made by Sh. Sabharwal is categorical. A copy of the e-mail has also been produced before this Court which is taken on record. Hence, there is no scope for any doubt.

8. As regards the prayer for passage to the petitioner's site, the case of the petitioner is based on the right of easement which is governed by the Easement Act, 1882. It would not be appropriate to entertain the writ for enforcement of the right of easement. Hence, the petitioner is relegated to the alternative remedy of civil suit qua this relief. In any case the Special Leave Petition filed by the State of Haryana against release of the

petitioner's land under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is pending before the Hon'ble Supreme Court.

9. With these observations, the writ petition is disposed of.
10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

June 27, 2023
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Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO