

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

229

**CRM-M-42509-2022
Date of decision: 17.02.2023**

Suresh Kumar Kaushik

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lokesh Sharma, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

In CRM-M-2992 of 2018, learned counsel for the State of Haryana gave a statement that since the matter was pending before the Hon'ble Supreme Court in which interim order had already been passed, State of Haryana/prosecuting agency shall, therefore, not proceed further during the pendency of the matter before the Hon'ble Supreme Court.

The order passed by this Court in CRM-M-2992 of 2018 dated 25.07.2019 is extracted as under:-

“Large number of petitions under Section 482 Cr.P.C. are pending in this Court on same subject matter.

An order was passed by the Court on 11.03.2019, constituting Committee of the following:-

- 1. Hon'ble Mr. Justice (Retd.) Rameshwar Singh Malik, Chairman.*
- 2. Mr. G. S. Saran, District & Sessions Judge (Retd.), Member.*
- 3. Mr. S. S. Sidhu, IPS (Retd.), Member.*

In the order dated 11.03.2019 certain guidelines were also laid for the Committee to follow:-

(1) A detailed chart be prepared after verification from the

original record by mentioning the details i.e. name of the allottee, father's/husband's name and address, plot number, sector, urban estate, size of the plot, category, date of allotment, policy applicable, any other allotment of plot/flat by the Cooperative society, filing of affidavits, allotment in the name of spouse or dependent children, registration of FIR or not, status of the proceedings, etc. etc.

(2) To inquire the allotment of plots/flats/sites by HUDA now HSVP to ascertain as to whether there is violation of terms and conditions of the policy applicable at the relevant point of time of allotment.

(3) To verify as to whether any FIR/complaint has been registered/lodged for filing wrong affidavit or any other allotment either in the name of such allottee or spouse or dependent children.

(4) To ascertain the market value of the plot/flat and the price of the plot/flat by calling/summoning any officer/official in this connection thereto.

(5) The Chief Administrator, HUDA shall hand over the complete original record of the files of allotments, policies applicable or any other document relating to allotments to the Committee, if required.

(6) State of Haryana is also directed to provide all infrastructure for working of the Committee at Haryana Shehri Vikas Pradhikaran, Sector 6, Panchkula and relevant staff for checking/verification of the documents and relevant files/record as required from time to time.

(7) The Chairman and Members of the Committee shall be entitled to the salary last drawn by them after adjusting the amount of pension whatever they are getting. They shall also be entitled for transport facility at the time of attending the meetings from their residence to office where they will work. They are also entitled to have two retired employees of their choice to assist them.

(8) Initially a period of three months is given to complete the whole exercise and thereafter, in case for any sufficient reason the work is not completed within said period, the Committee is at liberty to move application for extension of time before this Court. The Committee shall start functioning from 01.06.2019.

(9) The category-wise report so prepared will be placed before this Court.

The aforesaid order was challenged by the Haryana Shehri Vikas Pradhikaran (successor of HUDA) before the Hon'ble Supreme Court in SLP (Crl.) No.006057 of 2019, in which notice has been issued and operation of the order

has been stayed vide order dated 05.07.2019.

Taking notice of the aforesaid decision on 05.07.2019, when these cases came up for hearing, learned Advocate General, Haryana was requested to apprise this court with regard to stand of the Government after the order passed by the Hon'ble Supreme Court.

Mr. Manish Bansal, DAG, Haryana, who appears for State of Haryana has submitted that the Government has taken a policy decision not to proceed with these FIRs which have been registered on aspect of multiple allotment of plots till Hon'ble the Supreme Court decides the matter.

Learned counsels for the petitioner(s) submit that in some of the cases challan has been filed.

Keeping in view the stand taken by the State of Haryana, all these petitions are disposed of with liberty to the petitioner(s) to file fresh one, if required, as and when the Hon'ble Supreme court decides the matter.

Learned trial courts in all these cases are requested not to proceed with the cases pending on the aspect of allotment of more than one plot by the HUDA.

This order is being passed keeping in view the fact that the State of Haryana has already taken a call and decided not to proceed with the matter. If there is any change in the stand of the Government, petitioner(s) in these petitions shall be given at least 10 days prior notice in writing so as to enable them to decide their course of action.

Disposed of."

Learned counsel appearing for the petitioner thus prays
that the instant petition may also be disposed of in the same terms.

In view of the submissions made by the learned counsel for
the petitioner, the instant petition stands disposed of in the same terms
as CRM-M-2992-2018.

17.02.2023

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**(MANJARI NEHRU KAUL)
JUDGE**

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