

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

223

CWP No.22768 of 2021
Date of decision: 07.11.2023

Sudhir Kumar

....Petitioner

V/s

Chief Administrator, HSVP and others

....Respondents

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

Present: Mr. Jaivir Yadav, Senior Advocate with
Mr. Tarun Yadav, Advocate, for the petitioner.
Mr. Anil Chawla, Advocate, for the respondents.

ARUN PALLI, J. (Oral)

Reply has been filed on behalf of the respondents today in the Court and the same is taken on record. Copy thereof has been furnished to learned counsel for the petitioner.

Paragraphs 8, 9 and 11 of the reply read as thus:-

“8. That in compliance of order dated 02.03.2021, a detailed order was passed by the Administrator, HSVP, Gurugram, on 16.04.2021 (Annexure P-9), whereby the representation of the petitioner was rejected on following grounds:-

- (i) No documentary proof submitted that he was owner of land at time of issuance of notification under Section 4 of the Act.
- (ii) 75% or more of the land is not acquired.
- (iii) As per policy dated 09.11.2010, the benefit of oustees cannot be given where land is acquired for linear project.

9. That in respect to the preliminary scrutiny of the claims of the applicants other than the legal heirs is concerned, it is submitted that the Chief Administrator, HSVP (Urban Branch) after considering the preliminary scrutiny carried out in the oustees matters

and fact that a large number of writ petitions have been filed questioning the preliminary decisions of the concerned authority, decided vide office letter No.A-7-UB-2021/141679 dated 16.08.2021 that all the cases be reexamined and rescrutinized and also circulated a proforma for said examination. Hence, the present writ petition has been rendered infructuous. A copy of letter dated 16.08.2021 is attached herewith as Annexure R-3.

10. xxx xxx xxx

11. That it is further respectfully submitted that meeting of Zonal Scrutiny Committee in this regard has been convened for 16.11.2023 and afterwards upon detailed examination, the Zonal Committee will send its fresh recommendation to the Competent Authority of HSVP for further decision.”

Learned counsel for the respondents, in reference to the paragraphs extracted above, submits that a meeting of the Zonal Scrutiny Committee is fixed for 16.11.2023, wherein the claim/interest of all the stakeholders, including the petitioner, shall be re-examined/re-scrutinized. Thus, he submits that nothing substantive survives in the petition and the same be disposed of, in terms of the response submitted on behalf of the respondents.

To this, learned Senior Counsel appearing for the petitioner submits that vide a detailed order dated 16.04.2021 (P-9), which is under challenge, the authorities had already rejected the claim of the petitioner, therefore, in the given circumstances, the said order would be an impediment in consideration of his claim by the authorities.

In response, learned counsel for the respondents submits that as a decision has been taken in principle to re-examine the claim of the petitioner and the like, the order dated 16.04.2021 be deemed to have been

withdrawn, as a fresh order, in accordance with law, dealing with the claim of the petitioner shall be passed.

The petition is accordingly disposed of, in terms of the reply filed by the respondents, and the statement made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

November 07, 2023
vcgarg/AK sharma

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