

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27848-2023

Date of decision: 13.12.2023

Rajinder Parshad Sharma

....Petitioner

Versus

State of Haryana and others

....Respondents

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

**Present: Mr. Vineet Sehgal, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following
substantive relief:-

*“Civil Writ Petition under article 226/227 of
the Constitution of India for issuance of a writ especially
in the nature of certiorari for quashing the impugned
policy dated 24.11.2022 (Annexure P-22), which is relating
to change of plots, where it is mentioned that in cases,
where the land has been released or land has come under
High tension Wire or forest area, HSVP shall refund of
entire deposited amount with 9% PA simple interest and no
alternate plot be allotted.*

AND

*Issue a writ in the nature of mandamus for
issuance of direction to the respondents to hand over the
possession of plot no.462, Sector-7, Panipat which was
allotted to the petitioner vide re-allotted vide letter dated
10.07.2017 (Annexure P-4) or allot to the petitioner an
alternative plot of 6 marla in Sector-7, Panipat or in any*

other adjoining sector in Panipat at the same rate as it was earlier allotted in sector-7 Panipat.

AND

It is further prayed that during the pendency of the present petition the respondents may kindly be directed to keep one plot reserve of 6 Marla in Sector 7, Panipat or in any other Sector at Panipat, in the interest of justice.”

Learned counsel for the petitioners submits that originally, plot No. 462, Sector-7, Urban Estate, Panipat, measuring 138.6 square meter, was allotted to one Dalbir Singh, vide letter of allotment dated December 22, 2004 (P-1). And, even the conveyance deed dated March 08, 2017 (P-2), was executed in his favour. Whereafter, the said site was transferred in the name of the petitioner, preceded by the necessary sanctions/approvals by the competent authority, vide letter dated May 18, 2017 (P-3). Followed by re-allotment letter dated July 10, 2017 (P-4). He submits that even though years have rolled by, but the respondent authorities have failed to deliver the actual physical possession of the site to the petitioner. It is submitted that the authorities were even served with numerous representations, dated June 17, 2022 (P-6), September 14, 2022 (P-7) and August 01, 2023 (P-9), but the same have failed to evoke any response. He submits that, in fact, the land holding of one Kashmir Singh, who was the owner of land measuring 12 kanals 18 marlas, comprised in specific number, in village Kabri, Tehsil Panipat, was acquired, pursuant to the acquisition proceedings, in the year 1989. However, vide order dated January 23, 2012 (P-26), passed by the Supreme Court, the said proceedings against Kashmir Singh were set aside. He submits that ostensibly, the reason that has been cited by the

authorities for not delivering possession of the site was that since plot allotted to the petitioner was part of the land holding of Kashmir Singh, it was not viable to deliver the actual physical possession of the site. As a result, he submits that neither the petitioner has been delivered the actual physical possession of the allotted site, nor even an alternative plot, for which he had also prayed before the competent authority, even though the entire consideration stands paid. Thus, he asserts that the insensitivity in the approach of the respondent authorities to deal with the claim of the petitioner is apparent.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, for respondents No.1 and Mr. Deepak Sabherwal, Advocate, for respondents No.2 and 3, are present in Court.

At the outset, they submit, for the competent authority (Estate Officer, Haryana Shahari Vikas Pradhikaran, Panipat), is in seisin of the concerns/grievances of the petitioner, it shall be expedient if the petition at hand is disposed of, at this stage, to enable it to deal therewith, and pass appropriate orders, in accordance with law. They further submit that before any such orders are passed, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner is in agreement with the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by them. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondents submit that the appropriate orders shall be passed within a period of four weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

13.12.2023
Ak Sharma

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