

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4594-2019(O&M)
Date of decision: 01.04.2024

Om Pal and others
... Petitioners
Versus
HSVP and another
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: None for the petitioners.
Mr. Deepak Balyan, Advocate,
for respondent No.1-HSVP.
Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN PALLI, J. (Oral)

On January 30, 2023, a coordinate Bench of this Court had passed the following order:

“Learned counsel for HSVP has referred to the affidavit of the Administrator, HSVP, Faridabad, dated 08.08.2022, especially paras 7,11 and 12 thereof, to contend that the eligible petitioners have been granted the benefit of allotment of the Ashiana flats. He, on this basis, contends that the present writ petition has been rendered infructuous.

Paras 7, 11 and 12 of the said affidavit read as follows:-

“7. That according to survey conducted over Prem Nagar Jhuggi's, Sector 17, Faridabad for demarcation of land for proposed ROW of 70 M of National Highway Project, Jhuggi's of petitioner No.1 to 5 and Petitioner No.7 and 10 are coming within the proposed ROW of 70 M of proposed National Highway Project.

8. XXXXXXXXX

9. XXXXXXXXX

10. XXXXXXXX

11. That it is further respectfully submitted that out of 7 present petitioners whose jhuggi's in the 70 M ROW of Delhi-Mumbai Express Highway, 5 present petitioners were allotted Ashiana flats out of 7 present petitioners in draw of lots held on 20.07.2022 as per policy dated 13.07.2016 and accordingly allotment letters were issued to the all 5 present petitioners. The other two present petitioners namely Sh. Ranjit Patel i.e. petitioner No.2 and Sh. Sujit Kumar i.e. petitioner No.3 were found unsuccessful as the office of answering respondent had allotted Ashiana flats to their father through draw of lots for Ashiana Flats through allotment letters dated 23.05.2016 and 26.11.2010 respectively as per prevailing HSVP policy. The copies of allotment letters dated 23.05.2016 and 26.11.2010 are enclosed herewith as Annexure R-5 and R-6 for the kind consideration of this Hon'ble Court.

12. That it is further respectfully submitted that applications of Ashiana flats for petitioners no.2 and 3 were rejected in terms of Cl. (vi) policy dated 13.07.2016 (Annexure R-2) which stipulates that if the benefit of Ashiana flats has been availed once, then beneficiary family shall become ineligible for allotment of Ashiana Flat in future. Since the fathers of petitioners No.2 and 3 had already been allotted Ashiana flats on 23.05.2016 (Annexure R-5) and 26.11.2010 (Annexure R-6), their applications were rejected by the Screening committee.”

Since counsel for the petitioners is not available today, hearing of the case is deferred to 06.02.2023.”

In reference to the order referred to above, learned counsel for respondent No.1 reiterates that the petition at hand has been rendered infructuous as nothing substantive survives therein.

Be that as it may, the matter has been called out twice but none has caused appearance on behalf of the petitioners to pursue the matter.

That being so, the Court is choice-less but to dismiss the petition for non-prosecution.

Ordered accordingly.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

01.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO