

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2529-2024(O&M)
Date of decision: 06.02.2024

Gopal Dass Estates and Housing Pvt. Ltd. and others
... Petitioners
Versus
State of Haryana and others
... Respondents

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

Present: Mr. Rajeev Anand, Advocate, and
Mr. Dhruv Chowfla, Advocate,
for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana, and
Ms. Kushaldeep Kaur, Advocate.
Mr. Deepak Sabherwal, Advocate,
for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA, 1950, FOR ISSUANCE OF
WRIT IN THE NATURE OF MANDAMUS FOR PASSING
NECESSARY DIRECTIONS TO RESPONDENT NO.1
THEREBY REFRAINING THE LD. APPELLATE
AUTHORITY (UNDER HARYANA DEVELOPMENT &
REGULATION OF URBAN AREAS ACT 1975) FROM
PASSING ANY FINAL ORDER IN APPEAL NO.26 OF 2021
DATED 09.09.2021 [ANNEXURE P-16] TITLED “GOPAL
DASS ESTATES AND HOUSING PVT LTD & ORS VS
DIRECTOR TOWN & COUNTRY PLANNING” WHEREIN
EFFECTIVE DEFENCE AND FAIR OPPORTUNITY
TOWARDS APPEAL HAVING VITAL RAMIFICATION ON
LICENSED LAND OF PETITIONERS IS AT STAKE AND
RESPONDENT-HSVP INSPITE OF BEING CONTESTING
PARTY & APPEARING IN THE PROCEEDINGS HAS NOT
FILED THEIR STAND / REPLY TO THE APPEAL OR TO

THE ADDITIONAL AFFIDAVITS DATED 06.07.2022 [ANNEXURE P-17A] FILED DURING THE PROCEEDINGS THOUGH DIRECTED TO APPEAR BY APPELLATE AUTHORITY ORDER DATED 04.10.2021 [ANNEXURE P-16-A] ONWARDS AND/OR FOR DIRECTIONS TO HSVP/URBAN ESTATE PROVIDE OPPORTUNITY TO INSPECT THE ACQUISITION RECORD OR FILE REPLY/ STAND/ COUNTER ON FACTUAL / LEGAL GROUNDS RAISED IN APPEAL BEFORE FINAL ADJUDICATION OF THE SAID APPEAL OWING TO THE FACT THAT THE RESPONDENT- HSVP/ URBAN ESTATE IS REFRAINING TO SHOW THE COMPLETE RECORD OF THE LAND IN QUESTION TO THE PETITIONER COMPANY DESPITE REPEATED REQUESTS THROUGH EMAILS DATED 26.10.2023 (ANNEXURE P-21) 06.11.2023 (ANNEXURE P-24), 23.11.2023 (ANNEXURE P-26) AS ALSO DURING INSPECTION CONDUCTED BY THE PETITIONERS OF THE LEGAL FILE ONLY ON 03.01.2024/04.01.2024 PURSUANT TO THE ORDER DATED 10.10.2023 (ANNEXURE P-19) PASSED BY THE LD. APPELLATE AUTHORITY AS IN ABSENCE OF COMPLETE RECORD/INFORMATION, FINALLY DECISION / ORDER, WILL LEAD TO MISCARRIAGE OF JUSTICE.”

Learned counsel for the petitioners submits that pursuant to the order dated 10.10.2023 (P-19), the Appellate Authority, which is in seisin of appeal preferred by the appellant/petitioner(s) [**Appeal No.26 of 2021 – Gopal Dass Estate and Housing Pvt. Ltd. Vs. DGTCP**], had allowed the petitioner(s) to inspect the record as regards the acquired land, kept in the office of Urban Estates and/or HSVP. It is submitted that on 03.01.2024 & 04.01.2024, the appellant/petitioner(s) visited the office of HSVP, but he was informed that documents could be inspected only after the necessary approval was accorded by the concerned authority. Whereafter, he was provided for inspection only the legal file, such as rapat roznamcha, demonstrating release

of 10 acres of land in favour of the appellant/petitioner(s). Although, he submits that post institution of this petition, the petitioners were also afforded yet another chance to inspect the records on 05.02.2024. But, the relevant documents, which would have a decisive bearing on the pending appeal before the Appellate Authority, had not yet been made available. On the contrary, he submits that Appellate Authority had granted last opportunity to the appellant/petitioner(s) to argue the matter, and the same is listed for today itself. It is urged that in the event, the petitioners are deprived of inspection of the records, they would suffer an irreparable loss and injury.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, on behalf of respondents No.1 to 3-State, and Mr. Deepak Sabherwal, Advocate, on behalf of respondent No.4-HSVP, are present in Court.

At the outset, learned counsel for the respondents on instructions, submit that petitioners, through their authorized representative(s), could visit the office of Additional Chief Secretary, Town & Country Planning and Urban Estate Department, Government of Haryana, Sector 18, Madhya Marg, Chandigarh, today itself @ 2:00 PM. And, all the necessary records/documents would be provided to them for inspection in the presence of the concerned officials. Likewise, it is fairly submitted that Appellate Authority too would defer the proceedings to facilitate the process so that petitioners are not deprived of due and adequate opportunity to pursue their claim.

That being so, learned counsel for the petitioners submits that nothing substantive survives in this petition, and the same be disposed of in terms of the statement made by learned counsel for the respondents.

In the wake of the position sketched out above, the petition is accordingly disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

06.02.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO