

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2654-2024 (O&M)
Date of decision: 18.03.2024

Rajbir and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr. Sandeep Sharma, Advocate,
for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Karan Jindal, Assistant Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate.

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the Nature of Mandamus of Direction to the respondents not to dispossess the petitioners from their own land situated in village Tigra Tehsil and Distt. Gurugram mentioned in the Para No.2 of the writ petition till the decision of Diary No.13216 of 2019 case title State of Hayana Vs. Mahender, which is pending before the Hon’ble Supreme Court and Further praying for staying the auction process of the petitioner’s land situated in village Tigra Distt. Gurugram And Further Praying to take appropriate action against the concerned officers, who have tried

to dispossess the petitions from their own land contrary to the law without serving any notice.

For issuance of any other appropriate Writ, Order of Direction, which this Hon'ble Court may deem just and proper, keeping in view the peculiar facts and circumstances of the present case."

Learned counsel for the petitioners, in reference to the order and judgment dated 29.01.2018, rendered by this Court in **CWP-13425-2015 (Vijay Pal and others Vs. State of Haryana and others)**, and other connected cases, submits that interference in possession of the petitioners by the respondent authorities is totally unwarranted. Therefore, it is urged that suitable action be taken against the erring officials, who attempted to dispossess the petitioners, and the authorities be also restrained from auctioning the land in question.

A reply by way of affidavit of Estate Officer-II, HSVP, Gurugram, on behalf of respondents No.2 and 3, has been filed in the Court today and the same is taken on record. Copy furnished.

Learned counsel for the respondents, in reference to the averments set out in paragraph No.26 of the reply, submit that the demolition was carried out on 31.01.2024 and 01.02.2024, in the wake of the letter dated 20.01.2024 received in the office of Estate Officer-II, issued by Station Head Officer, Police Station Sector-56, Gurugram. For, contraband substances, such as ganja and spurious liquor, were being sold from the jhuggies that were set up on the land in question. And, as a result, two separate FIRs have also been registered. Be that as it may, it is submitted, for an **SLP (C) No.011186/2019**, against the order and judgment dated 29.01.2018 (*ibid*), is pending before the Supreme Court and is posted for March 22, 2024 (tentatively), the petitioners would not be dispossessed till the final decision in the matter. Likewise, the apprehension of the petitioners that land in question is sought to be auctioned is equally misconceived. For the petition is bereft of any details as regards the e-auction notice, vide which the land in question was/is sought to be auctioned. Further, the demolition was not carried out to auction the property or create any third party rights, but, as indicated

earlier, only to remove the illegal jhuggies, on the request of the Enforcement Agencies.

That being so, learned counsel for the petitioners submits that let the petition be disposed of, in terms of the statement made by learned counsel for the respondents as also the averments set out in the reply.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.03.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No