

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117 CWP No.3276 of 2024
Date of decision: 14.02.2024

Madan SinghPetitioner

V/s

Haryana Sehri Vikas Pradhikaran and anotherRespondents

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

Present: Mr. Virender Kumar, Advocate, for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for the respondents-HSVP.

Vikram Aggarwal, J.

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

*“Civil writ petition under Articles 226 and 227 of the
Constitution of India for the issuance of writ especially in the
nature of certiorari for quashing the impugned order dated
08.11.2023 (Annexure P-11), issued by respondent No.2,
being illegal, arbitrary, unlawful, discriminatory and against
the principle of natural justice, whereby claim of petitioner
for allotment of flat/plot in Sector-16 or 14, Urban Estate
Karnal in lieu of house No.118, Balmiki Basti, Sector-12,
District Karnal under the Ashiyana Scheme has been rejected
and further writ in the nature of mandamus directing the
respondents to allot flat/plot in Sector-16 or 14, Urban Estate,
Karnal in lieu of house No.118, Balmiki Basti, Sector-12,
District Karnal under the Ashiyana Scheme.*

OR

*Any other writ, order or direction which this Hon’ble
Court deems fit and proper under the facts and circumstances*

of this case may also be granted to the petitioner.”

The father of the petitioner i.e. Rakhla Ram was a resident of House No.118, Balmiki Basti, Sector-12, Karnal and had been residing there for more than 60 years along with his family. In 2013, a bio-metric survey was conducted by the Haryana Urban Development Authority (HUDA) now Haryana Sehri Vikas Pradhikaran (HSVP). In the said survey, Rakhla Ram was found to be an encroacher of HUDA land. Thereafter, HUDA raised construction in Sector-14, Part II, Karnal under the Scheme Ashiyana Flats for the rehabilitation of the residents of Balmiki Basti, Sector-12, Karnal.

Upon applications having been invited, a notice was issued to Rakhla Ram on 03.05.2017 (P-6), calling upon him to apply for the allotment of a flat and shifting there or to vacate the HUDA land, failing which action for eviction would be taken as per law. Rakhla Ram, is however, stated to have expired on 10.04.2017. After which his wife Smt. Surji Devi died on 10.10.2017 and as a result, the application for allotment of plot/flat could not be moved. The petitioner moved a representation on 10.11.2022 (P-9) and thereafter approached this Court by way of CWP-3112-2023, which was disposed of by a coordinate Bench vide order dated 15.02.2023 (P-10), directing the respondents to consider and decide the representation dated 10.11.2022, within a period of eight weeks. The representation was finally decided and rejected on 08.11.2023 (P-11), leading to the filing of the instant petition.

Learned counsel for the petitioner submits that he had duly attended the office of the respondents on 06.11.2023 in response to their letter dated 02.11.2023 (P-13) and had submitted all relevant documents. He

has referred to the documents (Annexures P-14 to P-16) in this regard. He submits that without taking into consideration all documents, the impugned order dated 08.11.2023 was passed.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondents-HSVP, is present in Court.

At the outset, he very fairly submits that the impugned order is not sustainable and that he has instructions to state that the matter shall be reconsidered once the petitioner submits all documents again. He submits that the matter shall thereafter be decided afresh after affording an opportunity of hearing to the petitioner.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel representing the respondents-HSVP, and submits that he shall submit all documents as have been sought by the respondents within a period of one week from today. He submits that the respondents be directed to decide the matter thereafter within some fixed time frame as the matter has already been considerably delayed.

To this, Mr. Deepak Sabherwal states that the matter shall be reconsidered within a period of one week from the submission of the documents by the petitioner and a speaking order shall be passed after affording an opportunity of hearing to the petitioner.

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 pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 petitioner, strictly in accordance with law .

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

February 14, 2024
vcgarg

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No