

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 5612 of 2024

Date of decision: 11.03.2024

Mahesh Pal Sachdev

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. N.C. Manchanda, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana and
Ms. Kushaldeep Kaur, Advocate
for the respondents.

ARUN PALLI, J (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the action of the respondents carving out plots No.75 and 50-57 while altering the Thanesar TP Scheme 7-C (Part-I) of Unbuilt Area No.7-C (Plot -1) (Annexure P-7) qua approving the plot Nos.75 on the western side and plot no.51-57 on the Northern side of the plot of petitioner as this land was left for passage for ingress and outgress to the inhabitants of the area and now being occupied by the respondents no.5 and 6 respectively by closing the earlier passage/street adjoining to the Plot no.74 of the petitioner, being wrong, illegal, not sustainable in the eyes of law and liable to be set aside by maintaining the plot no.75 on western side and plot no.51-57 on the

Northern side of the plot of petitioner as passage as per pre TP Scheme 7-C (Part-1), Thansar as the petitioner is a Registered owner of the said plot with easement right of the three passages since Sept. 12992 before the preparation and approval of the said TP Scheme 7-C (Part-1) dated 28.10.1995 and further issuance of a writ in the nature of mandamus for directing the official respondents to take action on the application dated 05.02.2024 (Annexure P-9) moved by the present petitioner to the respondent No.3 and 4 regarding sanctioning the mutation of plots No.75 and 50-57 of the private respondents with the help of revenue officials, which has been sanctioned in the absence of the petitioner who has been & is serving in private company at HMT Bhopal/Standard Corporation India Ltd./Satnam Agriculture Works etc. Madhya Pradesh, further directing to maintain the plot No.75 and 50-57 as passage/street adjoining to the plots No.74 of the petitioner.”

Learned counsel for the petitioner submits that two plots, measuring 1 kanal 9 marla, situated in Daraan Kalan, Thanesar, were transferred by father of the petitioner in his favour. He further submits that the said site/plots (No.74) formed part of TP Scheme 7-C (Part-1), Thanesar, Tehsil Thansar, District Kurukshetra, and were abutted by three separate roads/passages on the Northern, Western and Southern side. However, the said Scheme was altered by the government officials for an oblique purpose, for plots No.75 and 50-57 were carved out. And as a result, the said roads/passages on two sides abutting the property of the petitioner were blocked and done away with. It is urged that prior to the institution of this petition, the petitioner had even served the Deputy Commissioner, Kurukshetra, District Kurukshetra (respondent No.4), qua his concerns/grievances, vide representation dated 05.02.2024 (P-9), but to no avail.

Served with the advance copy of the petition, Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana, is present in Court on behalf of respondents No.1 to 4. At the outset, he submits that it is the Municipal Council, Thanesar, which is competent to deal with the concerns/grievances of the petitioner, as sought to be raised in the petition, but it has not been arrayed as party. Be that as it may, he submits that in the event, the petitioner moves the competent authority by filing a comprehensive representation qua his concerns, the same shall be taken cognizance of. And necessary orders, in accordance with law, shall be passed thereon, within a period of four weeks from the date of receipt of the said representation. Further, he submits that before any such orders are passed, all the stakeholders, including the petitioner, shall be heard.

Learned counsel for petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him.

In the wake of the position sketched out above, the petition is 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 State counsel.

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

11.03.2024
deepak/ AK Sharma

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