

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-6595-2024

Date of decision: 21.03.2024

Shishu Pal and others

....Petitioners

Versus

Haryana Shehri Vikas Pradhikaran and others

....Respondents

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

Present: Mr. Abhinav Aggarwal, Advocate, for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:-

“Petition under Articles 226 and 227 of the Constitution of India for issuance of a writ, order or direction, calling for the record of the case and after perusal of the same for:-

i) Issue a writ in the nature of mandamus by directing the respondent no.1 Chief Administrator, H.S.V.P. to provide alternative site to the petitioners at Balmiki Basti in view of undertaking given by the respondent no.1 before this Hon’ble Court order 21.11.2012 (Annexure P-3) as was passed in CWP No.1445 of 2011 titled as “Resident Welfare Association Vs HUDA & others” as was disposed of on the basis of the undertaking given by respondent no.1 Administrator, HUDA, Panchkula that alternative site for illegal occupants on public land was identified & respondent no.1 will shift 300 occupants to that proper place within 3 years. But inspite of having alternative site for the petitioners, Till date, petitioners are not being shifted to that proper place. And in view of Hon’ble Supreme Court judgment passed in State of Karnataka Vs. Narasimhamurthy Civil Appeal No.7401 of 1995 (Arisinsgn out of SLP (C) No. 8958 of 1986). D/d 11.8.1995.

Alternatively prayed for issuance a writ in the nature of mandamus by directing the respondent no.1 Chief Administrator, H.S.V.P. to allot the 3 plots to the petitioners from 21 left out plots out of total 259 plots of Economic Weaker Section 2 Marla category in Sector-16, Karnal, on some prevailing economical price as published in respondent no.1 Chief Administrator, H.S.V.P. Scheme/advertisement (Annexure P-6) & in view of undertaking given by the respondent no.1 before this Hon'ble Court order 21.11.2012 (Annexure P-3).

Further Alternatively prayed for issuance a writ in the nature of mandamus by directing the respondent department authorities to grant an opportunity to the petitioners of Balmiki Basti to take 3 plots, from 21 left out plots out of total 259 plots of Economic Weaker Section 2 Marla category in Sector-16, Karnal, on some prevailing economical price as published in respondent no.1 Chief Administrator, H.S.V.P. scheme/advertisement (Annexure P-6) & in view of undertaking given by the respondent no.1 before this Hon'ble Court order 21.11.2012 (Annexure P-3)

ii) Further prayed that qua to petitioners respondents may kindly be restrained from taking any coercive action, and Hon'ble Contempt Court in COCP No. 456 of 2016 titled as "Resident Welfare Association vs. Sanjeev Verma, Administrator HUDA, Panchkula" may kindly be directed to fix the date beyond dated fixed before this Hon'ble Court, as above contempt petition is pending for 03.04.2024, during the pendency of the present case before this Hon'ble Court, in the interest of justice."

Learned counsel for the petitioners submits that prior to the institution of this petition, the petitioners had even served the respondent authorities with a representation dated 13.03.2024 (P-10). However, even though a considerable time has elapsed, the matter has not made any tangible progress. Thus, interest/rights of the petitioners are severely impacted.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioners, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on their representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioners shall be heard. And a formal communication, in this regard, shall also be issued to them.

Learned counsel for the petitioners is in agreement with the course suggested by learned counsel for the respondent-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to take a final decision in the matter, within a specified time.

In response, learned counsel for the respondent-HSVP submits that appropriate orders shall be passed within a period of eight weeks from today.

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 look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondent-HSVP.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.03.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No

