



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8573 of 2022
Date of decision: 18.09.2024.

Ajay Sharma

....Petitioner

Versus

Haryana Shehari Vikas Pradhikaran and others

....Respondents

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

Present: Mr. Gaurav Bakshi, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G. Haryana.

Mr. Pravindra Singh Chauhan, Advocate
for respondents-HSVP.

VIKRAM AGGARWAL, J.

1. The petitioner has prayed for the following substantive relief:-

“CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance a writ, orders or directions, especially a Writ in the nature of Mandamus directing the respondents to allot alternative plot of same size measuring 220 Sq. meter i.e. 10 Marla to the petitioner in lieu of disputed plot no. 2788 sector 57 & 682-M. Sector 57, Gurugram as respondents while adopting discriminatory attitude vide mini draw dated 19.4.2019 (Annexure P-13) allot various plots to similar situated person in Gurugram and even in other sectors and also sought approval for allotment of alternative plots from Honble Chairman, HSVP against their original plots where as the claim of petitioner has not been



decided in same spirit despite vacant plots are available in nearby sector for allotment

AND/OR

Issue directions to the respondents to pay interest @9% per annum from the date of passing of 3 years of allotment till date as no possession has been offered to petitioner in term of policy dated 10.12.2007 (Annexure P-8) relating to exchange of plots issued by respondent no.2 Haryana Urban Development Authority now (HSVP) in the interest of justice and as per settled law in case titled as M/s Aakash Ganga Versus State Of Haryana & Others, in CWP 5983 of 2013 vide order dated 27.09.2013 (Annexure P-15) and awarded 9% interest from date of deposit till payment and/or realization.

2. On 0905.2022, a Co-ordinate Bench had passed the following order

“CM-6917-CWP-2022

Vide this application, the applicant (petitioner in the accompanying petition) seeks that in the auction to be held by the respondents of plots in Sectors 46 and 50, Gurugram-II, one plot be kept reserved for him because he submits that though vide the order of this court dated 28.04.2022, passed in the accompanying petition, it had been recorded on the statement of learned counsel for the respondents that the area in question has been made encroachment free and that the petitioner would be handed over the plot originally allotted to him by June 2022, however, thereafter one of the persons whose “constructed encroachment” was demolished, has filed CWP No.8430-2022 titled Bhoop Singh Versus State of Haryana and others, in which notice has been issued by a co-ordinate Bench and in fact an inquiry has been marked by the respondents themselves into the demolition of an allegedly constructed area. He therefore submits that if as an outcome



of the inquiry the plot originally allotted to the petitioner still cannot be given to him, he would continue to suffer, with the original plot having been allotted to him in 2005 but its possession never handed over and with the alternate plot thereafter allotted in 2014 also not having been handed over to the petitioner.

Notice in the application.

Mr. Bahri accepts notice at the asking of the court on behalf of the respondents, for him to convey to the respondent-HSVP that in the aforesaid circumstances one plot shall be kept reserved for the petitioner and therefore not auctioned in the auction to be held on 10.05.2022, i.e. tomorrow.

Naturally, the plot to be reserved for the petitioner will be of a commensurate size as was the petitioner's due, with it to be similarly placed at a location which would be similar to the one originally allotted to the petitioner.

It is to be noticed that learned counsel has also submitted that in the sector in which the petitioner was originally allotted the plot, i.e. Sector 57, Gurugram-II, there is no alternative plot left for allotment of the same size.

Since the auction is to be held tomorrow, Mr. Bahri is requested to convey this order telephonically to the authorities concerned.

Adjourned to 14.07.2022.”

3. It has been submitted that for alleged willful defiance of the aforesaid order, COCP No.2172 of 2022 was filed by the petitioner which was disposed of vide order dated 10.10.2022 upon a statement having been given by the respondents that Plot No.3545-M, Sector-57, Gurugram stands reserved for the petitioner and that the same would not be allotted to

anybody except in accordance with the orders passed in the said writ



petition. It has been submitted that said plot still stands reserved for the petitioner.

4. Having argued the matter at some length, learned counsel for the parties submit that in the wake of the policy dated 06.08.2024 issued by the Haryana Shehari Vikas Pradhikaran (HSVP) which envisages allotment of an alternate site/plot to original allottees/re-allottees, the claim of the petitioner could be examined in terms thereof. Learned counsel for the respondents/HSVP submits that owing to the model code of conduct, which is an operation on account of the ensuing Assembly Elections, three months time be granted to the authorities to deal with the concerns/grievances of the petitioner and pass necessary orders, in accordance with law. It is submitted that before any such orders are passed, the petitioner shall also be heard for which a formal communication shall be issued to the petitioner, well in advance. He also submits that in fact in terms of the policy, an alternate plot shall be allotted to the petitioner for there are sufficient number of plots and a draw of lots shall be held only with a view to allot specific plots to the petitioner and similarly situated persons. It has also been submitted that till the time the draw of lots is held and finalized, plot No.3545-M, Sector-57, Gurugram shall stand reserved *qua* the petitioner in terms of the order dated 10.10.2022 passed in COCP No.2172 of 2022. As regards the interest claim by the petitioner on account of delayed possession, it is submitted that the petitioner would be at liberty to take up the matter with the respondents authorities and the respondents authorities shall consider the same in the right earnest. It has been submitted that if such a request is made to the respondents authorities at the relevant time i.e. after the allotment of an



alternate plot, the same shall be dealt with in the right earnest and a decision thereon shall be taken.

5. Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents/HSVP and submits that the petition be disposed of in terms of the said statement made by learned counsel for the respondents-HSVP.

In view of the above, the petition is disposed of in terms of the statement made by learned counsel for the parties binding them to the same.

This Court is sanguine that HSVP shall consider the matter in the right earnest and shall deal with the same within the time frame agreed to by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 18, 2024
Rekha

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