



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13212 of 2024

Date of decision: 29.05.2024

Omaxe Limited and others

.... Petitioners

Vs.

State of Haryana and another

.... Respondents

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

Present: Mr. Aashish Chopra, Senior Advocate with
Mr. Gagandeep Singh, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, Asstt. A.G. Haryana and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J (Oral)

A mandamus is prayed for, commanding the State Level Committee, constituted by the Government of Haryana to consider and decide the case of the petitioners regarding release of their land measuring 28.625 acres from the Natural Conservation Zone.

Learned Senior counsel for the petitioners submits that petitioners No.1 and 3 happen to be the owners of the land measuring 12.50 acres, comprised in specific khasra numbers set out in the petition, situated in village Sarai Khwaja, Sector 43, Faridabad. Similarly, land measuring 16.125 acres, situated in the same revenue estate, is owned by petitioner No.2. He submits that petitioners had entered into a collaboration agreement (P-4 and P-8) to set up an affordable plotted colony under Deen Dayal Jan Awas Yojana-2016 (DDJAY) and applied for a license to the Director, Town and Country Planning, Haryana (DTCP). However, while processing the application submitted by the petitioners, certain deficiencies were pointed out by the respondent-authorities. But, in the meanwhile, pursuant to a memo dated 20.04.2023 (P-12), DDJAY Policy-2016 was discontinued. Resultantly, the application of the petitioners dated 11.05.2023 (P-13) was returned. It is submitted that as per the report, furnished by the District



Level Committee, dated 22.09.2021 (P-14), the land owned by the petitioners does not fall within the Natural Conservation Zone. And that being so, he asserts that the State Government has to accord a formal approval/sanction so that the petitioners can apply afresh for the colony license under other Policy/Scheme(s). It is submitted that several others, who were similarly circumstanced as the petitioners, had approached this Court vide **CWP No. 30012 of 2022** (SVC and Lahari through its Partner Srinivasa Rao Chintapatla vs. State of Haryana and others) and **CWP No.2778 of 2023** (SVC & Lahari, Hyderabad vs. State of Haryana and others). And those petitions were disposed of by this Court with a direction to the State Level Committee to take a final decision on the recommendations of the District Level Sub Committee, within a specified time. It is submitted that although the petitioners had even served the respondent-authorities with a representation dated 22.02.2024 (P-18), for release of their land (28.625 acres) from the Natural Conservation Zone, but to no avail. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, is present in Court. At the outset, he, on instructions, submits that since the competent authority is already in seisin of the concerns/grievances of the petitioners, as set out in the petition, it would be expedient if the petition is disposed of, at this stage, to enable the State Level Committee to consider and decide the same, in accordance with law.

Learned Senior counsel for petitioners is agreeable to the course suggested by the learned State counsel. However, he submits for the matter has been pending consideration of the State Level Committee, and with each passing day the interest of the petitioners is severely impaired, therefore, the respondents be directed to decide the same within a specified time.

To this, learned State counsel submits that appropriate orders shall be passed within 6 weeks from today. And before any such orders are passed, the petitioners shall also be heard and a formal communication in this regard will be issued well in advance.



In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.05.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No