



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-11768-2024

Date of decision: 20.05.2024

Jai Bhagwan Sharma

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Ankit Chahal, Advocate,  
for the petitioner.

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**ARUN PALLI, J.** (Oral)

A Mandamus is prayed for, commanding the respondents to allot the vacant land strip/pocket, measuring 177 square meters, to the petitioner, which is adjacent to his plot/site No.806-807, Phase-V, Udyog Vihar, Gurugram.

Learned counsel for the petitioner submits that the said plot/site No. 806-807 was re-allotted to the petitioner, vide re-allotment letter dated 11.05.2017 (P-1), for setting up a project of manufacturing of plastic moulded items. He further submits that a strip/pocket of land, measuring 177 square meters, adjacent to the plot/site owned by the petitioner, is being used for dumping unused cars and debris/garbage, as is discernible from the photograph appended with the petition as Annexure P-4. He asserts that the petitioner is ready/willing to pay the current price of the site, along with other admissible charges, and also to undertake to utilize it, if allotted, only for industrial activities. Further, even earlier, the petitioner had represented to the respondent authorities in this regard, but vide impugned order dated 23.07.2020 (P-17), his request was rejected. However, a bare analysis of the said order/communication (*ibid*), shows total non-application of mind, for the same is bereft of any reasons. It is submitted that even clause 3.4 (ii) (j)



of the Estate Management Procedures (EMP)-2015, envisages allotment of unplanned pockets/strips of land, adjoining allotted plots. Therefore, it is urged that the respondent-Corporation ought to have considered the claim of the petitioner in the right earnest. Particularly, when an identically placed and circumstanced allottee, like the petitioner, in terms of the clause (*ibid*), was allotted an adjacent site vide communication dated 25.02.2020 (P-28). With reference to the inter-departmental communication dated 08.01.2024 (P-27), he submits that even subsequently, the petitioner moved the respondent-Corporation, vide representation dated 15.12.2023 (P-24), but the matter is still pending consideration. So much so, even the application/representation dated 02.05.2024 (P-29), the respondent-Corporation has been served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, for the respondent-Corporation, is present in Court. At the outset, he, as always, fairly submits that the order dated 23.07.2020 (P-17) does not assign any reason, as to why the representation of the petitioner was rejected. However, he submits, for the matter is pending consideration, pursuant to the subsequent representations moved by the petitioner (*ibid*), it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to deal therewith and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard. And, a formal communication shall be issued to him, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondent-Corporation 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 do the needful, within a specified time.

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



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

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 learned counsel for the respondent-Corporation

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**

**20.05.2024**  
Ak Sharma

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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |