



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

**CM-12990-CWP-2022 in/and
CWP-13801-2022(O&M)
Date of decision: 24.09.2024**

KLJ Developers Private Limited

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Manoj Kumar Sood, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana, and
Mr. Karan Jindal, Asstt. Advocate General, Haryana.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Saanvi Singla, Advocate, for respondents No.2 & 3-HSVP.

ARUN PALLI, J. (Oral)

The petitioner (KLJ Developers Pvt. Ltd.) has prayed for the
following substantive relief:

**“Civil Writ Petition under Article 226/227 of the
Constitution of India for issuance of a writ in the nature
of Certiorari for quashing the auction notice wherein the
plot No.79 sector -77 Faridabad was put to e-auction for
29.06.2022 (Annexure P-9), the plot was curved out of
land owned by petitioner company and respondents have
illegally encroached upon the land admeasuring 3 kanals
8 marlas situated in Sector 77, village Neemka, Sub-
Tehsil Tigaon, district Faridabad.”**



Learned counsel for the petitioner submits that petitioner-Company owned the land measuring 7 kanals 18 marlas comprised in killa No.9 and 7 kanals 10 marlas comprised in killa No.12, rectangle No.14, Sector 77, Village Neemka, Sub-Tehsil Tigaon, District Faridabad (Haryana). He submits that pursuant to a notification under Section 4 of the Land Acquisition Act, 1894, the respondent-State had acquired a portion of its land-holding, measuring 3 kanals 8 marlas out of killa No.9 (7-18) and 4 kanals 10 marlas out of killa No.12 (7-10). However, while carving out the plots for Haryana Shehri Vikas Pradhikaran (HSVP), the authorities, without acquiring the remaining land, measuring 3 kanals 16 marlas comprised in killa No.9 (7-18), 3 kanals from killa No.12 (7-10), illegally/unauthorizedly utilized a portion of the unacquired land, i.e. 1 kanal 18 marlas from killa No.9 (7-18) and 1 kanal 10 marlas from killa No.12 (7-10), total 3 kanals 8 marlas. Accordingly, he submits that without any formal acquisition or payment of compensation, the authorities have apparently usurped a land measuring 3 kanals 8 marlas, owned by the petitioner. Further, he submits, for plot No.79, Sector 77, Faridabad, which was carved out of unacquired portion of the land of the petitioner, was sought to be e-auctioned, the petitioner was compelled to approach this Court vide this petition. However, he has drawn our attention to an interim order dated August 29, 2022, passed by a coordinate Bench, which indicates that learned counsel appearing for the respondent-authorities, on instructions from Chief Administrator, HSVP, Panchkula, had submitted that the said site/plot has since been withdrawn from the auction that was scheduled for August 30, 2022.



The factual position, as indicated above, is not disputed by learned counsel for the respondents. Rather, as always, he fairly concedes that the subject site, measuring 3 kanals 8 marlas, owned by the petitioner, has since been utilized by the respondent-authorities without any formal acquisition and payment of compensation. However, he submits that, in fact, the petitioner has moved the respondent-authorities, vide application dated 12th February, 2024, for allotment of a developed residential plot in lieu of its land, under the Exchange Policy, dated March 8, 2019. He submits that actually a land measuring 1723.9412 sq. meters was owned by the petitioner, which has since been utilized. And, in terms of HSVP Exchange Policy, the petitioner would be entitled for allotment of a site/plot measuring 689.576 sq. meters. Accordingly, he submits that as application of the petitioner for allotment of a developed site/plot is pending consideration before the competent authority, let the petition be disposed of, at this stage, to enable the respondents to consider the claim of the petitioner, and pass necessary orders. Further, he submits, for the present, the matter is pending before the Administrator, HSVP, Faridabad, who after carrying out the necessary formalities would recommend the claim of the petitioner for final approvals/orders to the Chief Administrator, HSVP, Panchkula within a week from today. And, on receipt of the application/claim of the petitioner, the Chief Administrator would pass the necessary orders, in terms of the Exchange Policy, within four weeks thereafter.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement of learned counsel for the respondents.



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, assigning reasons in support thereof, shall be passed within the time indicated by the learned counsel for the respondents.

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

24.09.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO