

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP- 11296 -2015 (O&M)
Decided on : 05.01.2024

M/S SATNARAYAN RAMESH KUMAR AND OTHERS
...PETITIONERS

Versus

STATE OF HARYANA AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Kanwaljit Singh, Senior Advocate with
Mr. K. S. Brar, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

Mr. R. S. Longia, Advocate
for respondent No. 4.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioners is that as per the policy dated 01.02.2006 (Annexure P-1), the petitioners are entitled for the purchase of the property which is in their possession, belonging to the Municipal Corporation, Hisar.

2. Learned Senior counsel for the petitioners very fairly submits that keeping in view reply filed, the objection has been raised that the land belonging to the Municipal Corporation is to be sold keeping in view the provisions of the Haryana Municipal Corporation Act, 1994 and the relevant Section under the said Act, 1994 is Section 164.

3. Learned senior counsel for the petitioner further submits that the petitioners does not have any objection in case their claim to seek the ownership of the said property which is in their possession is considered in

terms of Section 164 of the Haryana Municipal Corporation Act, 1994 by passing an appropriate order and the petitioners are not claiming the ownership under the policy dated 01.02.2006 (Annexure P-1), which policy has already been superseded in the year 2014.

4. Learned counsel for the respondents-corporation as well as learned counsel for the respondents-State submits that in case, any representation is received from the petitioners for consideration of their claim for disposal of property which is in their possession under Section 164 of the Haryana Municipal Corporation Act, 1994, an appropriate consideration will be given to the said claim of the petitioners and an appropriate speaking order will be passed within a period of **08 weeks** from the date of receipt of any such claim from the petitioners.

5. Learned counsel for the respondents submits that in case the claim of the petitioners is found feasible to be accepted, an appropriate order will be passed and in case the same is not feasible to be accepted, detailed reasons for rejecting the same will be mentioned in the speaking order.

6. Learned senior counsel for the petitioners submits that before passing the order on the representation to be filed by the petitioners, it will be expedient to grant an opportunity of hearing to the petitioners in person so that they can explain their position better to the authority concerned which has to pass the order on their claim.

7. Upon this, learned counsel for the respondents submits that in case any such claim is raised by the petitioners, before passing an appropriate order as already undertaken herein an opportunity of personal hearing will be granted to the petitioners or to some of the petitioners in the representative capacity.

8. Learned Senior counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed, at this stage, with liberty to file an appropriate representation as stated herein before.
9. Ordered accordingly.
10. Pending civil miscellaneous application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05.01.2024
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*