



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18299-2024(O&M)
Date of decision: 02.08.2024

Mukesh Kumar Yadav
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Dr. Pankaj Nanhera, Advocate,
Mr. Paramvir Singh Doon, Advocate, and
Mr. Deepender Pratap Singh, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana,
for the respondent(s)-State.

Mr. Deepak Sabherwal, Advocate,
for respondents No.3, 4 & 9-HSVP.

ARUN PALLI, J. (Oral)

The petitioner (Mukesh Kumar Yadav) has prayed for the
following substantive relief:

“Civil Writ Petition under Articles 226/227 of the
Constitution of India, 1950 for issuance of a writ in the
nature of mandamus to direct the respondent no. 3 (i.c.
Chief Administrator Haryana Shehri Vikas
Pradhikaran) to convert the plot no. 15, measuring 5343
square meters situated in Dhauj crushing zone
Faridabad into industrial plot in compliance of the letter
dated 17.03.2020 (Annexure P-26) sent by respondent
no. 4 (i.e. Administrator, Haryana Shehri Vikas
Pradhikaran) to respondent no. 3 Haryana (Chief
Administrator, Shehri Vikas Pradhikaran) as the same



was informed to the petitioner by the respondent no. 9 (Deputy Commissioner, Faridabad, in the interest of justice;

AND

For issuance of a writ in the nature of mandamus to direct respondent no. 3 (i.e. Chief Administrator, Haryana Shehri Vikas Pradhikaran) to provide an alternative plot in lieu of plot allotted to petitioner measuring 5343 square meters situated in Dhauj crushing zone since the plot allotted to the petitioner, has been declared/ is being declared as 'forest land' and moreover, the said plot has not been converted either into industrial plot or for any other activity permissible in that area, in the interest of justice;

AND

For issuance of a writ in the nature of mandamus to respondent no. 3 (i.e. direct Chief Administrator, Haryana Shehri Vikas Pradhikaran) to pay the compensation to the petitioner to the tune of Rs. 100 crores as huge loss suffered by the petitioner because of the act and conduct of respondents in preventing the petitioner from starting the business of stone crushing zone even after complying with all regulatory conditions and the same was allotted to the petitioner by the public authorities for this purpose and hence, the respondents has undermined the fundamental right of the petitioner i.e. "Right to livelihood and Right to Profession" enumerated under Articles 19 and 21 of the Constitution of India, 1950 as expounded by the Hon'ble Supreme Court of India in celebrated case titled as Olga Tellis and others versus State of Maharashtra and others, 1986



AIR (SC) 180, and a catena of judgements, in the interest of justice.”

Learned counsel for the petitioner, at the outset, submits that prior to the institution of this petition, the petitioner had even served the respondent-authorities with a legal notice dated March 17, 2024 (P-28) preceded by repeated representations qua his concerns/grievances. But to no avail.

Served with the advance copy of the petition, Mr. Deepak Bhardwaj, learned Deputy Advocate General, Haryana and Mr. Deepak Sabherwal, Advocate are present in Court on behalf of the respondent(s)-State and respondents No.3, 4 & 9-HSVP, respectively.

Learned counsel for respondents No.3, 4 & 9-HSVP, on instructions, submits, for the competent authority is already in *seisin* of the concerns/grievances of the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the competent authority to deal with the representation(s)/legal notice dated March 17, 2024 (P-28), alleged to have been served by the petitioner. And pass appropriate orders, in accordance with law.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondent(s)-HSVP. However, he submits that the authorities be directed to take a decision within a specified time.

In response, learned counsel for the respondent(s)-HSVP submits that necessary orders shall be passed within a period of 6 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 stands disposed of. This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.

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

02.08.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO