

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 30.01.2024

1.

C.W.P. No. 37631-2018 (O&M)

Roop Krishen Koul and others

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
2.

C.W.P. No. 11478-2020 (O&M)

Moti Lal Kharoo and Ors.

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
3.

C.W.P. No. 12198-2019 (O&M)

Triloki Nath Wagvzari and others

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
4.

C.W.P. No. 20689-2019 (O&M)

Kuldeep Nath Mukku

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
5.

C.W.P. No. 34735-2019 (O&M)

Bhushan Lal Koul

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
6.

C.W.P. No. 34738-2019 (O&M)

Girdhari Lal (since deceased) through L.Rs

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
7.

C.W.P. No. 34743-2019 (O&M)

Attan Ji Fotedar

Vs.

State of Haryana and others

.... Petitioner

.... Respondents

8.

C.W.P. No. 34750-2019 (O&M)

Ravinder Kumar Garyali

Vs.

State of Haryana and others
- Petitioner
- Respondents
9.

C.W.P. No. 34756-2019 (O&M)

Sanjay Kumar Dhar

Vs.

State of Haryana and others
- Petitioner
- Respondents
10.

C.W.P. No. 34829-2019 (O&M)

Jagar Nath Lahori (since deceased) through L.Rs

Vs.

State of Haryana and others
- Petitioner
- Respondents
11.

C.W.P. No. 37743-2018 (O&M)

Reapan Tikoo and others

Vs.

State of Haryana and others
- Petitioners
- Respondents
12.

C.W.P. No. 9130-2019 (O&M)

Ramesh Razdan and others

Vs.

State of Haryana and others
- Petitioners
- Respondents
13.

C.W.P. No. 7041-2021 (O&M)

Dwarka Nath Koul and others

Vs.

State of Haryana and others
- Petitioners
- Respondents
14.

C.W.P. No. 6696-2022 (O&M)

Sanjay Kumar Kharoo

Vs.

State of Haryana and others
- Petitioners
- Respondents

15. C.W.P. No. 37888-2018 (O&M)

Vijay Kumar Koul

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
16. C.W.P. No. 15155-2022 (O&M)

Tej Krishan Koul @ Tej Krishan Dharmarathi

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
17. C.W.P. No. 15502-2022 (O&M)

Prana Chaku

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
18. C.W.P. No. 175-2023 (O&M)

Shiban Krishen Dhar

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
19. C.W.P. No. 190-2023 (O&M)

Pushkar Nath Maskeen

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
20. C.W.P. No. 195-2023 (O&M)

Nanishori Bhan

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
21. C.W.P. No.218-2023 (O&M)

Girdhari Lal Koul

Vs.

State of Haryana and others

.... Petitioner

.... Respondents

22. C.W.P. No. 273-2023 (O&M)

Ravinder Kumar Parimoo

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
23. C.W.P. No. 293-2023 (O&M)

Archana Razdan

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
24. C.W.P. No. 322-2023 (O&M)

Ashok Kumar Miskeen

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
25. C.W.P. No. 325-2023 (O&M)

Rajesh Pandita

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
26. C.W.P. No. 1057-2023 (O&M)

Suneel Khar

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
27. C.W.P. No. 1077-2023 (O&M)

Ashok Kumar Koul and another

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
28. C.W.P. No. 1102-2023 (O&M)

Veena Saraf

Vs.

State of Haryana and others

.... Petitioner

.... Respondents

29.

C.W.P. No. 1145-2023 (O&M)

Sunil Mirakhur

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
30.

C.W.P. No. 1152-2023 (O&M)

Saroj Saraf Chrungoo

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
31.

C.W.P. No. 1198-2023 (O&M)

Ashish Daftari

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
32.

C.W.P. No. 1272-2023 (O&M)

Satish Kumar Sadhu

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
33.

C.W.P. No. 1276-2023 (O&M)

Raj Dulari Parimoo

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
34.

C.W.P. No. 1298-2023 (O&M)

Krishen Lal Thusoo

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
35.

C.W.P. No. 15491-2022 (O&M)

Santosh Wathoo

Vs.

State of Haryana and others

.... Petitioner

.... Respondents

36. C.W.P. No. 2847-2023 (O&M)

Surinder Koul

Vs.

.... Petitioner

State of Haryana and others

.... Respondents

37. C.W.P. No. 2848-2023 (O&M)

Roshan Lal Bhat

Vs.

.... Petitioner

State of Haryana and others

.... Respondents

38. C.W.P. No. 2849-2023 (O&M)

Raj Dulari Kaul

Vs.

.... Petitioner

State of Haryana and others

.... Respondents

39. C.W.P. No. 2857-2023 (O&M)

Pran Nath Koul

Vs.

.... Petitioner

State of Haryana and others

.... Respondents

40 C.W.P. No. 2859-2023 (O&M)

Deepak Bagati

Vs.

.... Petitioner

State of Haryana and others

.... Respondents

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

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioners.

Mr. Pravindra Chauhan, Sr. Addl. A.G. Haryana and
Mr. Arvind Seth, Advocate
for the respondent-HSVP.

ARUN PALLI, J (Oral)

For the issue involved in this bunch of 40 petitions is identical, these are being disposed of vide a common order and judgment. However, for the facility of reference, the facts are being derived from

The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India inter alia praying for the issuance of an appropriate writ, order or direction especially a writ in the nature of mandamus thereby directing the respondents to handover/return the plot of the petitioner purchased by them vide registered sale deeds in the years 1991-93 which became a part of well laid colony named Uma Nagri at Bahadurgarh belonging to “displaced Kashmiri Pandits” similarly situated as the petitioners.

AND/OR

In the alternative issue a writ in the nature of mandamus thereby directing the respondents to allot alternative plot of equivalent area to the petitioners based on registered sale deeds and affidavits/agreements executed as per initial release order issued by respondents and without insisting for submitting registered settlement deeds and entering mutations in favour of H.S.V.P.

AND

Further for issuance a writ in the nature of certiorari thereby quashing the demand of depositing external development charges at exorbitant rate of RS.936/- per square yards of plot area in clear contravention of HUDA’s own policy dated 08.07.2002 and consequently issued directions to refund the extra amount charged from the petitioners as external development charges.

AND

Further for issuance of a writ in the nature of certiorari thereby quashing the decision of the respondents to conduct draw of lots vide proceedings dated 26.10.20185, Annexure P-31, for allotment of plots since the original registered purchase have remained the same throughout and none of them can be discriminated on the basis of mere technicalities.”

On January 23, 2024, this Court had passed the following order:-

“In reference to the numerous orders passed by different Coordinate Benches, from time to time, in the present bunch of petitions, learned Senior Additional Advocate General, Haryana, submits that petitioners have already been delivered actual physical possession of the plots/sites allotted to each one of them, preceded by a provisional letter of allotment(s) dated June 19, 2023. He submits that the limited dispute that survives for consideration is qua the ‘External Development Charges’. It is not in dispute either, that few of the petitioners have already deposited some amount in this regard. Further, on instructions, he submits that even the regular letter of allotment(s) in favour of the petitioners would follow, soon after the issue, as indicated above, is finally resolved. Thus, he prays for a short accommodation to place on record the necessary calculations, on the basis of which, a final figure is to be worked out to claim the External Development Charges.

Adjourned to 30.01.2024.

To be taken up immediately after the urgents.

A photocopy of this order be placed on the files of connected cases.”

Today, however, learned Senior Additional Advocate General, Haryana, submits that the matter has been re-examined by the competent authority. Whereupon, it has been resolved that 10% compound interest that was being demanded from the petitioners on account of External/Internal Development Charges has since been waived off. Therefore, to clear all outstanding dues, the petitioners are only required to make a deposit @ Rs.935/- per square yard.

That being so, learned counsel for the petitioners fairly submits that nothing substantive survives in these petitions, for all the petitioners are ready/willing to deposit EDC/IDC @ Rs.935/- per square yard. However, he

points out that since few of the petitioners had already deposited some amount in this regard, the authorities be directed to adjust the said amount qua the fresh demand now sought to be raised @ Rs.935/- per square yard.

To this, Mr. Pravindra Chauhan, learned counsel for the respondents, submits that authorities would work out the exact charges, after adjusting the amount, which few of the petitioners purport to have already deposited. And those of the petitioners who have yet not deposited any amount, a revised demand @ Rs.935/- per square yard would be raised and they shall be informed accordingly. Thus, he submits that both sets of petitioners would be served with a fresh demand within three weeks from today. And petitioners would be afforded adequate time to remit the requisite amount to clear the dues. He submits that once the petitioners deposit the requisite amount and clear all outstanding dues, they would be issued a regular letter of allotment.

Thus, learned counsel for the parties submit that the petitions at hand be disposed of, in the above terms.

Ordered accordingly.

Pending applications, if any, also stand disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

30.01.2024
deepak/AK Sharma

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