

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.27962 of 2024
Date of decision: 18.10.2024

Vineet Sharma and another

....Petitioners

V/s

State of Haryana and others

....Respondents

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

Present: Mr. Sandeep Sharma, Advocate, for the petitioners.
Mr. Deepak Sabherwal, Advocate, for the respondents-HSVP.

VIKRAM AGGARWAL, J.

1. The petitioners assail the order dated 01.08.2024 (Annexure P-18), vide which their claim for exchange of their land with the adjoining land of Haryana Shahari Vikas Pradhikarn has been rejected.
2. The petitioners are owners of land measuring 23141.25 sq. yd. situated in Sector-29, Part-II, Panipat. They had previously preferred CWP-6238-2023, titled *Vineet Sharma and another V/s State of Haryana and others*, in which the grievance was that the respondents were not responding to their request/representation dated 01.02.2023 (Annexure P-9) as regards exchange of their land. The writ petition was disposed of on 24.03.2023 (Annexure P-10), with a direction to the Chief Administrator, HSVP, Panchkula to consider and decide the representation (*ibid*) within a period of two months. For, the order was not complied with, a contempt petition was



filed which was subsequently disposed of as having been rendered infructuous on 05.08.2024, on account of a speaking order having been passed. As per the speaking order dated 01.08.2024 (Annexure P-18), the request for exchange was rejected;

“An opportunity of hearing was provided to the petitioners on 23.02.2024. After going through the records submitted before me, I found that the access to the road granted to him vis-à-vis the one HSVP is getting is disproportionate. The access to road from the plot drives the land pricing. Therefore, the proposal of give equal and take equal cannot be accepted. Hence, the claim of the petitioner is hereby rejected.”

3. Learned counsel for the petitioners submits that the rejection of the representation is completely illegal and arbitrary because the officer who passed the speaking order was also a member of the Joint Site Inspection Committee (for short the “JSIC”), which had recommended the exchange. It has been submitted that without even referring to the said recommendation, respondent No.2 i.e. the Chief Administrator, HSVP passed the speaking order which is liable to be set aside on this ground alone.

4. Mr. Deepak Sabherwal, learned counsel representing the respondents-HSVP, has caused appearance on advance copy having been served. He fairly concedes that there is no reference to the recommendations of the JSIC in the impugned order and that the order is, therefore, indefensible.

5. Having considered the matter, we are of the opinion that the impugned order dated 01.08.2024 (Annexure P-18) is not sustainable,



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simply for the reason that despite there being a recommendation from the JSIC as regards the exchange of the land of the petitioner with the land of HSVP, the impugned order has been passed by respondent No.2, who himself was a part of the JSIC without any reference to the recommendation of the JSIC.

6. The order is, therefore, completely illegal and is accordingly set aside. The matter is remitted to respondent No.2 with a direction to take a fresh decision on the issue after considering the recommendation of the JSIC and any other material which may be relevant for the said purpose and then pass a fresh speaking order within a period of four weeks from today, in accordance with law.

7. The writ petition is disposed of in the above terms.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

October 18, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No