



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

CWP No.8104 of 2025 (O&M)
Date of Decision: 30.07.2025

ASHOK KUMAR AND OTHERS

.....Petitioners

Versus

HARYANA SHAHRI VIKAS PRADHIKARAN HSVP AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Sharma, Advocate,
for the petitioners.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate,
Ms. Ashna Singh, Advocate,
Ms. Saanvi Singla, Advocate and
Ms. Sharvi Dadhwal, Advocate,
for the respondents.

* * * * *

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners have challenged the action of the respondents in making the allotment of plots by limited E-auction instead of draw of lots, which is in violation of the policy dated 11.08.2016 (Annexure P-1). The petitioners have also challenged the action of the respondents in rejecting their applications for allotment of plots as per said policy and the minutes of meeting dated 04.02.2019 (Annexure P-2).

2. The petitioners No.1 to 16 had earlier approached this Court by preferring a writ petition bearing CWP No.22921 of 2019, wherein various reliefs were sought by them which include the following:



“I. issue a Writ in the nature of Mandamus declaring that the Auction Notice, Annexure P/5, contained in the form of brochure directing the e-auction to be held on 16.08.2019, Now extended to 22.08.2019 vide Annexure P/6, is illegal, void, ultra vires the guidelines dated 11.08.2016, Annexure P/1, for allotment of plots in Transport Nagars and Auto Markets developed by Haryana Shahri Vikas Pradhikaran (HSVP) in the State Amendment in Policy vide Annexure P/1; and

II. issue a Writ in the nature Mandamus directing the Respondents to allot plots by draw of lots in terms of Condition B (i) of the mandatory guidelines, Annexure P/1, which are binding on the Respondents; and

III. issue a Writ in the nature of Mandamus declaring that the Respondents are not entitled to carry on commercial activity or earn money out of a Nobel cause in public interest of decongesting Bahadurgarh and shifting the auto mechanics and dealers in the new developed market; and

IV. issue a writ in the nature of Mandamus declaring that the rejection list qua Petitioner No.1 to 14 is arbitrary, discriminatory, violative of Article 14 and 19 of the Constitution of India and the Guidelines, Annexure P/1 on the subject; and

V. issue a Writ in the nature of Mandamus directing the Respondent to include the name of Petitioner Nos.1 to 14 in the list of eligible mechanics entitled to participate in the draw of lots and include the area of their shops situated at Nazafgarh Road, Bahadurgarh; and

VI. issue a Writ in the nature of Mandamus declaring that exclusion of shops and markets and Petitioner Nos. 1 to 14 is arbitrary, discriminatory, violative of Articles 14 and 19 of the Constitution of India and imposing unreasonable restriction under fundamental right to carry on trade; and

*VII. issue a writ in the nature of Certiorari quashing the final list of rejected applications for allotment of shops in Auto Market, Sector 12, Bahadurgarh; and
xxx xxx”*

3. This Court, vide order dated 18.07.2024 (Annexure P-8) had disposed of that petition after learned counsel for the petitioners had stated very fairly that with efflux of time, the petition has lost its efficacy and the same had been rendered infructuous. The relevant extract of the said order in CWP No.22921 of 2019 is reproduced hereunder:-

“Learned counsel for petitioners No.1, 7 and 13 fairly submits that with efflux of time the petition has lost its efficacy and the same be disposed of as having been rendered infructuous. However, he submits that the issues that arise for consideration be kept open to be examined in appropriate proceedings and if the petitioners are aggrieved on any other account they would



*avail such other remedies as shall be admissible in law for redressal of their grievances.
Dismissed as withdrawn.”*

4. It is apparent that the petitioners have approached this Court once again for similar relief which they had sought in their previous petition. We hasten to add that the respondents in their written statement filed in the previous petition had categorically stated that the area where the shops of the petitioners were situated was not identified by the Committee for allotment of shops in the Auto Market. The action of the respondents in rejecting the application of the petitioners was sought to be justified in the written statement filed by the respondents in that petition. The relevant extract of the written statement filed by the respondents in that petition is reproduced hereunder:

“3. That 308 no of application were received and were scrutinized and 265 no of applications were found eligible. Bids were received against 176 Nos. of shops/sites through limited E-Auction held on dated 22-08-2019. It is also intimated that another limited E-Auction was held on dated 16.09.2019 and bids were received against 30 Nos. shops/sites through the said E-auction. Letter of Intent for allotment of sites have been issued by the respondents to 204 number of successful bidders. It is not out of place to mention here that the applications of Petitioner No. 1 to 6 and 8 to 14 were rejected as their existing shops were located in the areas which were not identified by the committee for calling of applications for allotment of shops in Auto market Sector-12, Bahadurgarh. The application of petitioner no. 7 was rejected as his shop was not found existing at site. The petitioners no. 15 to 22 were found eligible for participating in the limited e-auctions. The limited e-auction were held on 22.08.2019 and 16.09.2019 for the eligible applicants. In fact the letter of Intent for allotment of sites has been issued to the petitioner no. 15, 16, 17, 18, 19, 21 and 22 respectively. Therefore the petitioners have no right to file the present writ petition. Hence the petition of the petitioners is not maintainable at all.

4. That it is not out of place to submit here that the application of petitioners no. 1 to 6 and 8 to 14 were rejected as their existing shops were located in the area which is not covered/included for calling of applications for allotment of shops in Auto market, Sector-12 as per the decision taken in the meeting held on 04-02-2019 under the Chairmanship of Administrator, HSVP, Rohtak.



The Proceedings of the meeting is annexed here as Annexure-R2. As per clause A(ii) of HSVP policy dated 11.08.2016 Zonal committee under chairmanship of concerned Zonal Administrator shall identify the areas or stretch of roads from where the individuals or firms running a particular type of business are to be shifted & rehabilitated. As per decision taken by the Zonal Committee in the meeting held under the Chairmanship of Zonal Administrator on dated 04.02.2019 at 11.00 AM for identification of areas or stretch of roads from where individuals or firms running a particular type of business are to be shifted and rehabilitated the following areas were identified by the committee.

i) Both Side of Main Delhi Rohtak Road from Sector-9, Bahadurgarh Turn to Ist Pulia (Devi Lal Park), Sector-6, Bahadurgarh which includes various markets falling on both side of National Highway.

ii) Both Side of Bahadurgarh-Jhajjar Road from Sabji Mandi Chowk (Badli Chungi) to Governemnt ITI, Bahadurgarh.

iii) Bahadurgarh Bye-Pass Road from Sector-9, Bahdurgarh Turn to Sector dividing road of Sector-9/9A Bahadurgarh.

iv) Badli Road from Badli Chungi Bahadurgarh to Dr. Bhim Rao Ambedkar Stadium (Mela Ground), Bahadurgarh.

The above said areas were identified by the Committee for calling of applications for allotment of Shops in Auto Market, Sector-12, Bahadurgarh. However the petitioners no. 1 to 6 and 8 to 14 are not entitled as their existing shops were located in the areas which were not included/identified by the Zonal Committee for calling of applications. A copy of the proceeding of meeting is attached as Annexure R-2. ”

5. In view of the above, we do not find any merit in this petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

30.07.2025
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No