

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10909-2025 (O/M)
Date of decision : 01.12.2025

Maru Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Umesh Kanwar, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

Mr. Arshad Ali, Advocate for
Mr. Sharad Aggarwal, Advocate
for respondents No. 2 and 3.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents to consider online application dated 18.09.2021 (Annexure P-1), submitted by petitioner for giving ownership rights of shop No. 12, situated at Moti Ram Cinema to Rao Tularam Chowk, Mahendergarh City to petitioner under the Chief Minister Urban Body Ownership Scheme (in short 'Scheme')

2. Briefly, petitioner is stated to have been allotted a shop i.e. Shop No. 12, situated at Moti Ram Cinema to Rao Tularam Chowk, Mahendergarh City, by Municipal Committee, Mahendergarh to do business in the year 1999.

2.1 It appears that Haryana Government had floated a scheme under the name of 'Chief Minister Urban Body Ownership Scheme', vide Notification dated 01.06.2021 for giving ownership rights to shopkeepers/tenant, who had completed 20 or more years of their allotment and were continuously doing business in the shop.

2.2 Petitioner is stated to have submitted an online application for confirmation of ownership rights of aforesaid shop No. 12. In pursuance to online application submitted by petitioner, municipal authorities called upon the petitioner to deposit an amount of Rs. 18,69,201/-, vide letter dated 14.07.2023 (Annexure P-3), whereupon petitioner is stated to have deposited aforesaid amount, vide receipts dated 25.07.2023 and 09.11.2023 (Annexure P-5, Colly.), however, ownership rights of aforesaid shop was not conferred upon petitioner.

2.3 Thereafter, petitioner is stated to have submitted representation dated 05.07.2024 (Annexure P-6), however, of no avail.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. On the other hand, Municipal Committee, Mahendergarh has opposed the claim of petitioner by filing its reply, wherein in para-7 of reply, following stand has been taken :-

“7. That the petitioner has not come with clean hands and clear facts before this Hon'ble High Court. That when the answering respondents were dealing with the case of the petitioner, from the performa for recommendation submitted by the petitioner it transpired that petitioner has given the dimensions of the shop to be of 18 x 12'9 sq. ft., however as

per record it ought to be 9 x 6 ½ sq. ft. even a note that “Shop is constructed more than the size” was given in this regard by the authorised officer.

*It is therefore, the answering respondent vide their office letter dated 10.4.2024 requested the Tehsildar, Mahendergarh to get the demarcation done. Thereafter, Sh. Sumit Kumar Girdawar was appointed who demarcated the site in question on 21.08.2024. As per demarcation report it came on record that some area of shop in question comes within the municipal road. The answering respondents acting within the parameters set out in policy dated 01.06.2021 especially proviso to clause 10, on 30.06.2025, decided to refund the amount so deposited by the petitioner, since the petitioner has encroached upon the area forming part of Municipal Road. In pursuance to the decision dated 30.06.2025 a cheque amounting to Rs. 18,69,500/- got prepared in the name of the petitioner, but when the officials requested him to accept the same, he refused. The copy of decision dated 30.06.2025 along with the copy of cheque dated 30.06.2025 is annexed as **Annexure R-3/2.**”*

4.1 Keeping in view the aforesaid stand taken by respondent No. 3, on 11.09.2025, following order was passed in this matter :-

“Learned counsel for respondent No.3 while referring to Annexure R-3/3 submits that as per Teh Bazari register maintained by the Department, the area with the petitioner is recorded as 9 feet x 6 ½ feet whereas as per the application (Annexure P-4) submitted by the petitioner, he has mentioned area as 18 feet x 12 feet 09 inch. It is further submitted that the petitioner has encroached on the road.

Learned counsel for the petitioner submits that in case the petitioner has carried out any encroachment, he would remove the same before the next date of hearing and shall

also render explanation as regards the difference in the area as recorded in Annexure R-3/3 and P-4.

Adjourned to 30.10.2025.”

5. Today, learned counsel for petitioner has failed to comply with order dated 11.09.2025 inasmuch as that neither petitioner has removed the encroachment on the excess area nor he has rendered any explanation as regards the difference in area recorded in Teh Bazari register (Annexure R-3/3), maintained by department viz-a-viz area mentioned by petitioner in his application (Annexure P-4).

5.1 Evidently, petitioner has encroached upon and raised construction on area in excess of the area, which was originally let out to him i.e. 9 x 6 ½ ft.

6. Since petitioner has failed to remove his unauthorized construction over excess area than the area, which has been allotted to him and has also failed to render any explanation as regards difference in area, I see no compelling reason, which may warrant interference by this Court in this matter.

7. Resultantly, instant civil writ petition fails and same is accordingly dismissed.

8. The municipal authorities may refund the amount, so deposited by petitioner in accordance with law.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

01.12.2025

sjks

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