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Decided on:05.05.2025

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

SUDHIR SINGH, J.

2. Learned counsel appearing for the petitioners has vehemently argued that by way of the impugned letter, respondent No.3 has sought the demolition of the fully constructed residential houses and shops of the petitioners from the land in their possession. It is further argued that the petitioners have been in possession of the land in question since the time of their forefathers and the respondent-authorities cannot be allowed to evict them from the said land and/or demolish the houses and shops constructed by the petitioners thereon.

3. Served with the advance copy of the petition, Mr. Gaurav Bansal, DAG, Haryana, appears for the respondent-State, whereas on behalf of respondent No.-2 Haryana Shehri Vikas Pradhikaran (HSVP), Mr. Ankur Mittal, Advocate appears. Mr. Ankur Mittal, Advocate has filed a short reply by way of an affidavit of the Estate Officer, HSVP, Faridabad on behalf of respondents No.2 to 4. While referring to the contents of the said affidavit, it is submitted by Mr. Ankur Mittal, Advocate that the land in question had been acquired vide Award No.9 dated 30.11.1981 for the development of Sector 4-R, Faridabad and the possession thereof was taken on 30.11.1981. It is further pointed out that the compensation of the abovesaid acquired land, had already been paid to the original land owners. It is, thus, argued that the petitioners have illegally encroached upon the Government land and as a matter of fact, the present writ petition at their instance is not maintainable.

4. We have heard learned counsel for the parties and have also gone through the paper-book.

5. The only question that arises for consideration by this Court is whether the petitioners are required to be granted any indulgence in the present writ petition.

6. It is the pleaded case of the petitioners themselves that a civil suit for permanent injunction, on the same cause of action, had been filed by petitioner No.1 Lakhpat Rai against the official respondents. The said civil suit was dismissed by the learned Civil Judge (Junior Division), Faridabad on 01.02.2025. It is further the

case of the petitioners that against the said dismissal of the civil suit, an appeal filed at the instance of the plaintiff therein (petitioner No.1) is pending before the Appellate Court, but no stay has been granted. Apart from that, a perusal of the document Annexure P-5 with the writ petition, which is a copy of the judgment and decree passed by the learned Civil Judge (Junior Division), Faridabad, shows that the civil suit filed by one Sadhna in respect of the same cause of action, has also been dismissed.

7. From the aforesaid proceedings, it is apparent that in respect of the relief sought in the present writ petition, some of the petitioners have already approached the Civil Court and even the civil suits have been dismissed, but the appeals are stated to be pending. That being the position, we find that the present writ petition is not maintainable and the petitioners are not required to be granted any indulgence.

8. In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

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

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

05.05.2025

Mahhima R.

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No