

COCN No. 1108 of 2015**Date of decision:26.02.2016****Shri Jai Bhagwan****.....Petitioner****versus****Shri P.Raghvindra Rao & another****.....Respondents****Coram: Hon'ble Mr.Justice Rakesh Kumar Jain****Present:** Mr. D.R.Bansal, Advocate
for the petitioner.

Mr. R.K.S.Brar, Addl.AG, Haryana.

Rakesh Kumar Jain, J.(Oral)

Writ petition was disposed of on 28.07.2010 with the conditional order that the respondents shall consider the claim of the petitioner for release of their residential houses sympathetically, if the construction does not interfere in the development plan but if the authorities are not agreeable to exempt their land in view of position explained in the earlier part of the order then it will not confer any right upon the petitioner to agitate the matter again before this Court.

Counsel for the petitioner has submitted that the land in question is not being utilised by HUDA but by the private coloniser.

However, in the affidavit dated 16/19.10.2015 filed by P.Raghavendra Rao, IAS, Additional Chief Secretary, Town & Country Planning and Urban Estates Departments, Haryana, the

following averments have been made in paragraph No. 2-3:-

*“2-3 That in reply to the contents of para No. 2 & 3 of the rejoinder, it is submitted that claimed land of the petitioner measuring 10K-13M(1.33 acres) falls in khasra no. 10//9(8-0), 12/1/2(2-13) of revenue estate of village Shahpur Turk, District Sonapat, was duly marked on the layout plan of the Sector-18, Sonapat at the time of submission of his claim to the Government. A copy of the said layout plan is enclosed as **Annexure R-1**. As per layout plan, the land of the petitioner not only falls within alignment of 24 m wide road but also affects two sites earmarked for a Creche and Working Women Hostel. Hence, the claim of the petitioner that his land does not fall within the alignment of 24 m wide road is wrong and hence liable to be rejected. It is also submitted that the land was vacant at the time of issuance of notification under section 4 and it was not covered under the State Policy dated 26.10.2007 as modified on 24.01.2011.”*

Counsel for the petitioner has fairly submitted that he does not have any evidence to prove even, prima facie, that the land in question is being used by the private colonizer which is otherwise stoutly denied by the respondents in paragraph No. 4 of the aforesaid affidavit.

In view of the above, there is nothing in this case which calls for any action to be taken against the respondents.

Dismissed.

Rule discharged.

26th February, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**