

2025.PHHC:064308-DB



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

CWP-22898-2023 (O&M)

Reserved on: 08.04.2025

Pronounced on: 03.05.2025

COL. DAVINDER SINGH RAJPUT

.....Petitioner

Versus

STATE OF HARYANA & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. B.P. Singh, Advocate for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G., Haryana
for respondents No.1 to 4.

SUDHIR SINGH, J.

The petitioner has sought issuance of a writ in the nature of prohibition restraining the respondent-authorities from altering the green belt by felling of the trees or otherwise facilitating the road construction through the green belt adjoining the GT Road and running parallel to it. A further writ of Certiorari has been sought quashing the approval or permission(s), if any, granted by respondents No.1 to 3 for felling of the trees in the green belt. The petitioner has further sought directions to the respondents-authorities for cancellation of allotment and revocation of all the permissions and approvals secured by respondent No.5 without following the due process of law.

2. It is the case of the petitioner that he has been a resident of House No. 818, Sector 9, Karnal for the last 25 years. It is further asserted that respondents No.2 and 3 i.e., Department of Town & Country Planning and Haryana Shehri Vikas Pradhikaran (HSVP), are responsible for a planned development in the area under their jurisdiction and the area of Sector 9, Karnal, falls under the controlled area within the jurisdiction of respondents No.1 and 2. The petitioner asserts that he had purchased the residential plot in Sector 9, Karnal, after having paid Preferential Location Charges (PLC) for the green belt facing the plot and the enhancement charges from time to time were also paid to respondent No.2. Respondent No.3-Department of Environment, Forest and Wildlife, controls the compliance of the environmental laws and grants permission for construction from the environment perspective. In early 2022, the construction work started on the vacant plot adjoining the house of the petitioner and there were rumors few months later that respondent No.5 was building its District Office at the site. On 28.04.2023, a huge cache of cemented tiles was unloaded into the green belt in front of the petitioner's house. Upon enquiry, it was revealed that respondent No.4 was intending to build a road through the green belt to the newly constructed office in the plot adjoining the house of the petitioner. It is the case of the petitioner that he got the video of the site tweeted on Twitter tagging the Chief Minister; Member of Parliament from Karnal and Deputy Commissioner, Karnal among others and pleaded not to destroy the green belt. On the next day i.e., 29.04.2023, the entire pile of tiles was removed from the site.

3. It is further asserted by the petitioner that on 16.05.2023, he once again saw some junior officials doing measurements; counting the trees and using colored threads for demarcation within the green belt. Upon enquiry, they disclosed that they had been directed to do so with a view to making a road through the green belt by respondent No.5. Faced with such a situation, the petitioner along with other residents, made a representation to the Municipal Corporation, Karnal and Haryana Shehri Vikas Pradhikaran (HSVP), Karnal, not to take the steps to build the road through the green belt. However, there was no response from the respondent-authorities. On 05.10.2023, a team of 15-20 people along with a tractor and cutting equipments came to the green belt in the morning and they cut nearly 40 trees without giving any chance to the petitioner or his wife to raise protest against them. It is further the case of the petitioner that on 06.10.2023, the petitioner once again, got tweeted the issue. The petitioner has raised the grievance in respect of allotment of a residential plot to respondent No.5 (a political party) and alleged that the allotment of the said plot to a political party between two residential plots is an arbitrary act and violative of Article 14 of the Constitution of India. The petitioner has alleged violation of the provisions of the Haryana Urban Development Authorities Act, 1977 (for short 'the 1977 Act'), besides violation of the environment laws.

4. In the written statement filed by respondent No.2, it has been pointed out that Haryana Shehri Vikas Pradhikaran (HSVP), is an autonomous body under the 1977 Act and the planning of the land vested under Section 14 of the said Act, is within the exclusive

domain of the Haryana Shehri Vikas Pradhikaran (HSVP). The said land is to be put to optimum utilization. The Haryana Shehri Vikas Pradhikaran (HSVP), is conferred with the power to revise the plan and the competent authority for approving any such preparation and revision of the zoning/lay out plan is the Chief Administrator Haryana Shehri Vikas Pradhikaran (HSVP). It is further pointed out that with the acquisition of the land and payment of compensation, the land vested in the Haryana Shehri Vikas Pradhikaran (HSVP), by virtue of Section 14 of the 1977 Act and as per Section 15, the respondent-Haryana Shehri Vikas Pradhikaran (HSVP), is empowered to undertake and carry out the development work as is considered expedient for securing the development. It is further pointed out that the discretion is vested with the respondent-authorities to develop the land in the manner, which is necessary and in the interest of carrying out the development activities in the area. Still further, it is averred that the reliance of the petitioner on the provisions of Section 79 of the 1977 Act is misplaced. The State Government has neither declared any area to be the local development area within the meaning of Section 62(1) nor constituted any local Development Authority within the meaning of Section 62(2) of the 1977 Act. There is no alteration in the master plan, but it is a case of revision in the lay out plan. The unplanned lands of Haryana Shehri Vikas Pradhikaran (HSVP), adjoining plot No.920 and 818-P has been planned and two institutional sites measuring 1500 square mtr. each, have been carved out of which, the land measuring 1550 square mtr., has been allotted to respondent No.5 vide allotment letter dated 13.12.2018.

5. It is further pointed out that the lay out plan of the entire site has been properly sanctioned. It is further asserted that before allotment of the plot to respondent No.5, applications were invited for allotment of the site in question and only one application had been received in this regard from respondent No.5. It is further pointed out that on the public demand and in the interest of the general public, request to provide public path way of 6 mtr. width from G.T. Road through green belt to the institutional site was received in the office of Estate Officer, Karnal on 28.04.2023. The site was jointly visited by the Junior Engineer in the office of Estate Officer-Haryana Shehri Vikas Pradhikaran (HSVP), Karnal, and Kanungo in the Office of Tehsildar, Karnal and other officers. The survey plan of the proposed path received from the Xen-Haryana Shehri Vikas Pradhikaran (HSVP), was forwarded to DTP, Karnal with the request to re-plan the lay out-cum-demarcation plan of Sector 9-Karnal, with the provision of approach as mentioned in the plan as per the policy. The Administrator-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula, had forwarded the report of the STP, Panchkula, vide communication dated 26.05.2023 to DTP, Karnal. The District Town Planner, Karnal, submitted his comments to Senior Town Planner-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula and Estate Officer-Haryana Shehri Vikas Pradhikaran (HSVP). In order to provide proper connectivity to the residents of Sector 9-Karnal and avoid traffic congestion, the Chief Administrator-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula, had also accorded approval for removal of some trees from the green belt and to take no objection

certificate in this regard. The Chief Town Planner-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula sent a letter dated 07.06.2023 to the Administrator-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula with a copy thereof to the Chief Engineer-Haryana Shehri Vikas Pradhikaran (HSVP), Panchkula with a request to re-plant the trees along the road or do new plantations twice the number of trees being cut in the process of laying down the aforesaid path/road. It is further pointed out that the SDE, Horticulture wing, vide his letter dated 17.10.2023 had reported along with the photographs that the double number of plants have been planted along the road side in green belt Sector-9, Karnal and hence, there was no loss to the environment and no right of the petitioner has been infringed.

6. Learned counsel appearing for the petitioner has vehemently argued that the impugned action of the respondent-authorities in carving out the road from the green belt so as to give access to respondent No.5 to its newly built office, is totally illegal as not only more than 40 trees have been cut, but the green belt area, which was meant for the occupants of the houses in the locality, has been encroached upon. It is further argued that there is no justification on the part of the respondent-authorities in allotting the land between two residential houses to a political party and such move has totally taken away the peace and tranquility of the locality, in view of the footfall and movement of the vehicles of the people visiting the office of respondent No.5. It is also argued that when the plot on which the house of the petitioner is constructed had been allotted to the petitioner, the petitioner had paid PLC charges for the green belt

facing the house and had also paid the increased amount of the said land as demanded by the respondent-Haryana Shehri Vikas Pradhikaran (HSVP) and its authorities from time to time. Learned counsel for the petitioner further argues that the allocation of the site in a residential area for the institutional usage is against the provisions of the 1977 Act.

7. On the other hand, Mr. Deepak Sabherwal, Addl. A.G., Haryana, learned counsel appearing for the respondent-authorities, submits that the site in question had been allotted to respondent No.5 after following the due procedure as contemplated under the 1977 Act. It is further argued that as the land vested with the respondent-Haryana Shehri Vikas Pradhikaran (HSVP), it had only reviewed the lay out plan of Sector 9-Karnal and the same was done with a view to putting the unutilized land to the optimum utilization. It is further argued that the site in question has been allotted to the respondent No.5 after getting the lay out plan sanctioned from the competent authorities, including the Department of Environment and the road has been provided to have access to the office of respondent No.5, keeping in view the pragmatic difficulties of the general public, such as, removal of congestion of the traffic on the G.T. Road or other alternative road(s). It is also argued that as per the report submitted by the authorities, 90% of the work of the laying of the road stands completed and, thus, there is no infringement to the Fundamental Right of the petitioner.

8. We have heard learned counsel for the parties and have also gone through the records of the case, including the order passed by the learned Single Judge.

9. The only question that requires consideration by this Court is whether the impugned action on the part of the respondent-authorities is in violation of the provisions of the Act or any other Rules or Regulations made in this regard.

10. It may be noticed that the petitioner has raised two fold grievances. The first one is that the site in between the residential plots cannot be allotted to the institutional office and secondly, the road cannot be carved out through the green belt and that the cutting of number of trees is against the provisions of environment laws. Still further, the petitioner has also pleaded that as he had paid the PLC charges for the green belt facing his house, he cannot be deprived of the enjoyment of the recreational benefit of the said green belt.

11. If the aforesaid grievances of the petitioner are examined in the light of the pleas taken and the documents annexed in/with the written statement filed by the official respondents, it would come out that the site plan of the land/area in question has been revised by the respondent-authorities. As per the documents on record, the site in question has been allotted to respondent No.5 after inviting applications from the political parties and the trees from the green belt have been felled down after seeking requisite permission from the Forest/Environment Department. It is the case of the respondent-authorities that the plants/trees twice the number of the trees cut down

have already been planted and the 90% of the work of the road is already complete.

12. The judgments relied upon by the learned counsel for the petitioner are not applicable to the facts of the present case, as in the instant case, before allotment of the site in question to respondent No.5 and carving out the road to have an access to the said site, the due procedure under the provisions of the Act, has been followed by the respondent-authorities and there is no counter to the stand taken by the respondent-authorities that once the land vested with the respondent-Haryana Shehri Vikas Pradhikaran (HSVP), it is the discretion of the Haryana Shehri Vikas Pradhikaran (HSVP), to put the said land to the maximum utilization.

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

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

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

03.05.2025
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No