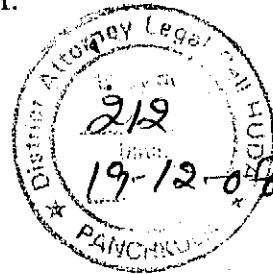


For -

W-10

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

To



90

1. Haryana Urban Development Authority through its Chief Administrator, Sector 6, Panchkula.
2. Estate Officer, Haryana Urban Development Authority, Panipat.

LR J
S
18/12/08

NOTEDS)
REC-2 (PL)

Subject: -

Civil Writ No. 3224 of 2008

-----Petitioner.

Ranjali
Versus

State of Haryana/Punjab/ UT Chandigarh Admn./ HUDA/HOT etc.
-----Respondent.

Sir,

In continuation of this Court's orders dated -

I am directed to forward a copy of Order, dated 22-10-08 passed by the Hon'ble High Court in the above noted Civil Writ Petition for immediate strict compliance.

Given under my hand and the seal of this Court on this 6th Day of November 2008.

BY ORDER OF HIGH COURT OF PUNJAB AND HARYANA

Superintendent (Writ)
ASSISTANT REGISTRAR (Writ)

[Signature]

REFILED TODAY
10/26 0.000
Dealing Assistant
17/9/88

6
FILED TODAY
No.
17/9/88
FEB 2008
219
READER TO
JOINT REGISTER

IN THE HIGH COURT OF
HARYANA AT CHANDIGARH.

91

C.W.P. No. 3224 of 2008.

Ramkali widow of late Shri Rattan Singh,
resident of House No.327, Sector 11, HUDA,
Panipat.

...Petitioner

Versus

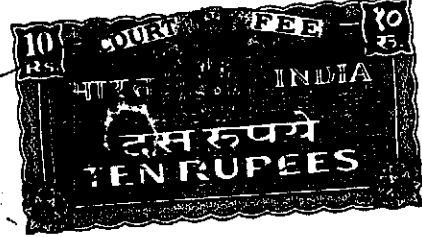
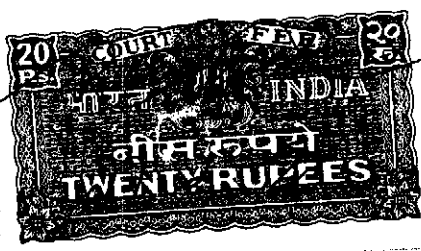
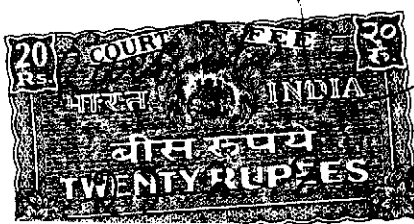
1. Haryana Urban Development Authority
through its Chief Administrator, Sector 6,
Panchkula.
2. Estate Officer, Haryana Urban
Development Authority, Panipat.

...Respondents

MAHESH WADHAWA
Special Stamp Vendor
Panjab & Haryana High Court,
CHANDIGARH.
I Certified that Stamp Paper
worth Rs. 20/- is not available.

Civil Writ Petition under Article
226 of the Constitution of India
praying for issuance of a writ in
the nature of mandamus for
directing respondents to allot
surplus area measuring 49.82 sq.
meters behind the plot owned by
the petitioner as has been
allotted in case of other similarly
situated plot holders vide letters
dated 14.5.1992 (Annexure P-9)
and dated 30.9.1986 (Annexure
P-10);

Or



Any other Writ, order or direction which this Hon'ble Court may deem fit and appropriate may kindly be granted in the facts and circumstances of the present case.

gr

Respectfully showeth:

1. That the petitioner is permanent resident of State of Haryana and thus, being citizen of India is competent to invoke the extra ordinary jurisdiction of this Hon'ble Court under Articles 226 of the Constitution of India.

2. That the respondents have carved out Sectors 11 and 12, HUDA, Panipat. While carving out plots, at the back of plots No.323, 328, 329, some vacant land was left in order to make cemetery of the plots and the said vacant land was of no use for HUDA as behind this land, there is property owned by other private persons and as such this land is lying vacant since the carving out of the sector.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 3224 of 2008

DATE OF DECISION: October 22, 2008

93

Ramkali

...Petitioner

Versus

Haryana Urban Development Authority and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE JORA SINGH

Present: None for the petitioner.

Mr. Ajay Nara, Advocate, for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

M.M. KUMAR, J.

The petitioner has approached this Court for issuance of direction to the respondents to allot surplus area measuring 49.82 Sq. Mtrs. at the back of the plot owned by her, as has been allotted to other similarly situated plot holders by letters dated 14.5.1992 (P-9) and 30.9.1986 (P-10).

In the written statement filed by respondent Nos. 1 and 2 it has been asserted that the petitioner is resident of House No. 327, Sector 11, Panipat. Some land was left vacant behind Plot Nos. 323, 328 and 329 in order to make symmetry. The petitioner, who is

PUNJAB & HARYANA HIGH COURT

allottee of Plot No. 327 and at the back of this plot there is Plot No. 1900, which has already been allotted to some other person. The aforementioned plot was lying vacant and taking advantage of the situation, the petitioner has un-authorisedly and illegally encroached upon 18 Sq. Mtrs area of Plot No. 1900 and has also encroached upon un-authorisedly 31.82 Sq. Mtrs of HUDA land situated at the back site of the plot of the petitioner. The aforementioned encroachment is reflected in the site plan Annexure R-1. Despite issuance of notice on 25.1.2008 (P-7), the petitioner has not removed the encroachment and has preferred the instant petition.

After hearing learned counsel for the respondents we are of the view that no relief deserve to be given to the petitioner who is herself an encroacher on the land belonging to the allottee of Plot No. 1900 and the HUDA land. She cannot seek any direction for allotment of 49.82 Sq. Mtrs of land. It is well settled that whosoever comes for equity must do equity himself. An encroacher cannot be granted equitable relief. Moreover, there is no legal right clothing the petitioner with a corresponding duty cast on the respondents. The writ petition is wholly frivolous and the same is dismissed.

Sd/- M. M. Kumar
Judge

Sd/- Jora Singh
Judge

True Copy

Survey
Examiner 27/11/08

October 22, 2008
Pkapoor

PUNJAB & HARYANA HIGH COURT

DP Added
20/11/08
Inu ed on ket
SW
8/11/08
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