

....

Dharam Singh Yadav vs. State of Haryana and others

Present: Mr. Narender Singh, Advocate for the petitioner.

Mr. Pawan Girdhar, Addl. A.G., Haryana.

Mr. Deepak Manchanda, Advocate
for HUDA assisted by
Mr. Brijender Singh, Chief Administrator, HUDA.

Mr. Harmanjit Singh Sethi, Advocate for the applicant
in CRM Nos.21596, 23396, 29153 & 29156 of 2015.

Mr. K.C. Gupta, Advocate for the applicant.

Mr. Kamal Sehgal, Advocate for respondent No.3.

Mr. S.S. Nara, Advocate for the applicant.

Mr. Dinesh Sharma, Advocate for the applicant
in Crl. Misc. No.34565 of 2015.

Mr. Teevar Sharma Dumerkha, Advocate
for respondent No.6.

Mr. S. K. Sharma-complainant in person.

Crl. Misc. No.36336 of 2015

This is an application for placing on record an affidavit of Chief Administrator, HUDA with regard to show cause notice issued by this Court for non-appearance on 09.09.2015. He has also tendered an unconditional apology and assured to be careful in future.

His request is accepted. Application is allowed.

Affidavit of Chief Administrator, HUDA is taken on record.

Crl. Misc. No.36338 of 2015

This is an application for placing on record the reply of Chief

Criminal Misc. No.M-26292 of 2013(O&M)**2**

....

Administrator, HUDA in Crl. Misc. No.21596 of 2015.

Application is allowed.

Reply of Chief Administrator, HUDA is taken on record.

Crl. Misc. No.36334 of 2015

This is an application for placing on record short reply of Chief Administrator, HUDA in Crl. Misc. No.29156 of 2015.

Application is allowed.

Short Reply of Chief Administrator, HUDA is taken on record.

Crl. Misc. No.36105 of 2015

Notice in the application.

On the asking of the Court, Mr. Pawan Girdhar, Addl. A.G., Haryana and Mr. Deepak Manchanda, Advocate who are present in the Court accepts notice on behalf of State of Haryana as well as HUDA respectively who seeks time to file reply.

Learned counsel for the applicant is directed to supply copy of the application to learned State counsel as well as learned counsel appearing for HUDA.

Crl. Misc. No.17490 of 2015

This application has been moved by applicant, namely, Dinesh Kumar for impleading him as respondent No.9.

Notice in the application was issued on 29.10.2015.

Reply to the application on behalf of State has already been filed and the same is on record.

....

The only objection raised in the reply is that there is no scope of putting appearance before the Court in the bail application filed by one of the accused whereas neither it has been mentioned therein as to how the applicant is not a necessary party nor any serious objection has been raised in allowing the applicant as party-respondent in this case.

Application is allowed.

Applicant, Dinesh Kumar is impleaded as party-respondent No.9.

Crl. Misc. No.21596 of 2015

This application has been moved by applicant Raghbir Singh as respondent No.10.

Notice in the application.

Reply to the application on behalf of State has already been filed and the same is on record.

Having no serious objection from the other side and as per grounds mentioned in the application, the same is allowed.

Applicant, namely, Raghbir Singh is impleaded as party-respondent No.10.

Crl. Misc. No.M-26292 of 2013

As per order passed by this Court on 09.09.2015, State of Haryana was directed to further investigate the matter after considering the facts as mentioned in the order. It was also mentioned that this exercise be done before filing of final report or even after filing of the

....

final report before the trial Court by seeking permission for further investigation after adopting proper procedure.

Mr. Pawan Girdhar, learned State counsel submits that efforts are being made in this regard to comply with the order passed by this Court on 09.09.2015 but nothing has been brought to the notice of the Court as to what efforts have been made. Even no such application has been moved before the trial Court for seeking permission for further investigation inspite of issuing specific direction by this Court.

The Court is not satisfied with the stand taken by the State of Haryana in not complying with the order passed by this Court.

Advocate General, Haryana is directed to remain present in the Court on the next date of hearing alongwith status report to show as to what efforts have been made with regard to moving of an application before the trial Court for further investigation.

Mr. Manchanda, learned counsel appearing for HUDA submits that in compliance of order dated 09.09.2015, status report has been prepared but the same could not be placed on record as certain objections have been raised by the Registry. Learned counsel has brought to the notice of this Court that a list of the Officers/officials of HUDA to whom multiple plots have been allotted has been prepared.

It was observed in the earlier order passed by this Court that neither HUDA authority nor State of Haryana is serious about the case and the case has been adjourned on various occasions but still names of certain allottees, figures in the application moved by certain applicants

....

have not been mentioned in the status report. The Court is unable to understand as to whether the allotments were made in accordance with the policy framed by HUDA applicable at the time of the allotment or not. It appears that the policies have been amended from time to time as per the requirement of certain allottees. Even, it has not been clarified whether plot in the reserved category can be allotted to all family members or to dependents including spouse. On perusal of the policy pointed out by Mr. H.S.Sethi and Mr. Narender Singh, Advocates, it is clear that the allotment in reserved category can be made once in the lifetime whereas in some of the cases, plots have been allotted to two family members including spouse which is contrary to the policy framed by HUDA. It has also been pointed out that at the time of allotment, the allottee was not having any plot as earlier plot was disposed of/sold out or transferred in the name of other person. An affidavit was furnished by stating that at that particular date the allottee was not having any plot. Not only the language of the affidavit has been twisted but affidavits have also been furnished in some of the cases by adding or omitting some of the conditions as per the convenience of the allottees which is contrary to the policy.

Some suggestions have come from the Advocates that State may frame any scheme/policy by compounding of the offence in case the current price of the plot is paid by the allottees of the plots which have subsequently been transferred to other persons.

Mr. Brijender Singh, Chief Administrator, HUDA seeks time

....

to discuss this issue with the State Government as to whether any such policy can be framed or not.

Learned counsel appearing for the applicants submits that action is being taken against some of the allottees and they are being harassed by the investigating agency whereas an undertaking has been given by the Advocate General, Haryana that no coercive method will be adopted by the investigating agency.

Mr. Pawan Girdhar, learned State Counsel undertakes to move an application for further investigation before the trial Court within a period of two weeks.

Since an undertaking has been given by learned State counsel for moving an application for further investigation, the trial Court is directed not to proceed till the application for further investigation is filed.

Adjourned to 20.01.2016.

November 04, 2015

sonia g.

(DAYA CHAUDHARY)
JUDGE