

ENCLOSURE - I

Subject:- Civil Suit titled as Smt. Neha Vs. Durga Builder Pvt. Ltd. and others

On subject cited matter, kindly peruse detailed office note from NP/1 onwards. It is further informed that in para no.5 of procedural order no. 24 dated 05.12.2019 (CP/53) Ld. Arbitrator has mentioned that the State is expected to file an appeal against the judgment dated 02.07.2019 passed by Sh. Mohommad Sagger, HCS, Civil Judge (Junior Division) Faridabad as expeditiously as possible.

The Suit No. CS/1157/2015 is decided by the Civil Court in the favour plaintiff. The operative part of the order dated 02.07.2019 is hereby reproduced:-

"15. Hence, the plaintiffs have been successful to prove their case and to prove that they are owner in possession of the suit land. Therefore, plaintiffs are entitled for the relief of permanent Injunction restraining the defendants to interfere in the peaceful possession and enjoyment of the suit land of the plaintiffs and to stop/demolish their construction or encroaching the suit land of the plaintiffs and to dispossess them from any portion of the suit land illegally and without due course of law.

In view of the above said discussion, issue no. 1 is hereby decided in favour of plaintiffs and against the defendants."

In the above mentioned suit, M/s Durga Builders Pvt. Ltd. i.e. colonizer was defendant no. 1 and District Collector Faridabad and District Town Planner (Enf) Faridabad were respondent no. 2 & 3. It is pertinent to mention here that not a single inch land of this colony is owned by State Govt., even the proceeding as per Haryana Development and Regulation of Urban Areas Act, 1975 and its Rules 1976 against the colonizer i.e. M/s Durga Builders Pvt. Ltd. are not initiated for cancellation of licence. The Hon'ble Apex Court in its order dated 03.10.2019 (CP/58-99) while deciding the Writ Petition (C) No. 876 of 1996 ordered that M/s Durga Builders Pvt. Ltd i.e. colonizer is bound to pay the licence fee towards renewal fee and if this amount is not paid, it is for State to proceed against the colonizer to recover the amount as if it is a land revenue. Further, as per Hon'ble Supreme Court the Department has to undertake the internal and external development works after receiving due amount of



हरियाणा सरकार



₹28,70,00,000/- payable by members of the petitioner association and plot owners. Therefore, any action for filing appeal against the order dated 02.07.2019 passed by the Civil Court Faridabad is to be taken by the affected defendant no. 1 i.e. M/s Durga Builders Pvt. Ltd i.e. colonizer.

Further, as informed by ADA(HQ) on NP/2, the DA Faridabad (CP/19) opined that it is not a fit case for filing an appeal against the judgment and decree dated 02.07.2019 has also to be examined by Ld. LR Haryana and it is Ld. LR Haryana who has to decide as to endorse the opinion of DA Faridabad or to reverse it.

Therefore, if agreed, whether Department has to file any appeal against the Civil Court order dated 02.07.2019 or not, legal opinion of LR Haryana may be obtained.

Submitted please.

STR(EBV) / OL
CTP Hr.

(Vijender Singh)
DTP(HQ)
07.01.2020

~~STR~~

Jitender Sihag
CTP (HR)

~~STR~~

J.
7/1/2020
(Jitender Pandurang)
LR

Ld. LR

9/1/20

439
10-01-2020

19/1/2020

10/1/2020

12-01-2020
D.L. D/S/GA.
L. Officer

L.R & Secretary Haryana
Law Department, Chandigarh
Diary No. 10/1/2020

CFMS
174

Level
LR (H)

9/1/20

428
9-1

LAW AND LEGISLATIVE DEPARTMENT HARYANA

Necessary advice has already been tendered that it is not fit case for filing appeal vide this department memo/endst. No.16514-16/Co.30(95)2019 dated 09.08.2019 and a photocopy thereof is placed at flag 'A' in the AD's file for information and taking necessary action.

[Handwritten Signature]

A.L.R. (Litigation)

for Legal Remembrancer and Administrative Secretary to Govt., Haryana, Chandigarh

[Handwritten] 17/01/20

PS (TCP)

U.O. No. 3178

/Co. 30(95)2019

Dated

20/1/2020

Put up the advice on file

[Handwritten Signature]

*20-1-20
PSTCP*

DCTCP

[Handwritten Signature]

DGTL
20-01-2020

CJP (H)

STP(EW)
DTP(VS)

[Handwritten Signature]
21/1/2020

From

The Legal Remembrancer and Administrative
Government, Haryana, Law and Legislative Department
Room No. 38, 9th Floor, Haryana Civil Secretariat, Sec-12

To

The District Town Planner (Enforcement), Sector-12

Memo No. 16574-16
Dated Chandigarh, the 9/8/19 /Co.30(95)2019

Subject: Civil Suit No.154 of 2015 titled as Smt. Neha W/o Irshad Khan and
another Vs State of Haryana through Collector, Faridabad & others.

Reference undst. No. 3162-64 dated 22.07.2019 from the District
Attorney, Faridabad to your address, on the subject noted above.

Enclosed herewith, please find the certified copy of the judgement and
decree sheet/memo of costs dated 02-07-2019 passed by the Civil Judge (Junior
Division), Faridabad for perusal and taking necessary action.

This department agrees with the views of the District Attorney,
Faridabad that it is not a fit case for filing appeal.

Limitation expired on or about: 12.08.2019.

[Signature]
Superintendent (General)
for Legal Remembrancer and Administrative Secretary
to Govt. Haryana

Undst No. /Co.30(95)2019 Dated

A copy is forwarded to the District Attorney, Faridabad for
information and necessary action with reference to referred as above.

[Signature]
Superintendent (General)
for Legal Remembrancer and Administrative Secretary
to Govt. Haryana

Undst No. /Co.30(95)2019 Dated

A copy is forwarded to the Collector/DC, Faridabad Mini
Secretariat, Sector-12, Faridabad for information and necessary action with
reference to referred as above.

[Signature]
Superintendent (General)
for Legal Remembrancer and Administrative Secretary
to Govt. Haryana

9/8/19