

**BEFORE JUSTICE (RETD.) VIKRAMAJIT SEN
THE SPECIAL COMMITTEE**

In the matter of:

Okhla Enclave Plot Holders Welfare Association & Ors. Petitioners

Versus

Union of India & Ors. Respondents

Present:

Shri Sanjay Jain Advocate with Shri Kishori Lal, General Secretary of Durga Builders Plot Holders Welfare Association (Regd.).

Shri Piyush Sharma, Advocate with Shri M.P. Pandey, General Secretary of Okhla Enclave Plot Owners Welfare Association (Regd.).

Shri Ranbir Yadav, Advocate with Shri Murali Lal, Member of the Okhla Enclave Joint Action Committee

Shri Rajat Agnihotri, Advocate for Ms. Usha Khatter & Ors. (80 applicants)

Shri Vikrant Yadav, Advocate for 12 Applicants

Shri Keshav Hegde, Advocate for Durga Builders Plot Booking Holders Forum

Shri Rahul Malhotra and Shri R K Sharma, Advocates for Durga General Plot Holders Welfare Association.

Shri Shivom Garg Advocate for Shri JK Kalra & Ors.

Shri Sajan Narain, Advocate for Okhla Enclave Plot Holders (Allottee) Forum

Dr. Monika Gusain, Advocate on Record, for the State of Haryana with Shri Ravi Sinha, STP Faridabad and Ms. Renuka Chauhan DTP (P) Faridabad

PROCEDURAL ORDER NO. 24
DATED 5th DECEMBER 2019

1. In compliance of the last Order, the following vakalatnamas/ Authorizations have been handed over –
 - a. List of 950 members has been submitted by Mr. Kishori Lal on behalf of Durga Builders Plot Holders Welfare Association (Regd.) along with the Vakalatnama in favour of Shri Sanjay Jain, Advocate
 - b. List of 265 members has been submitted by Mr. M. P. Pandey Okhla Enclave Plot Owners Welfare Association (Regd.)
 - c. List of 20 members has been submitted by Mr. Manjit Singh on behalf Durga Builders Plot Booking Holders Forum along with the vakalatnama in favour Shri Keshav V Hegde, Advocate
 - d. List of 15 Applicants (Shri Bansi Lal Kanwar & Ors.) have been submitted with a vakalatnama in favour of Shri Prem Prakash Kanwer, Advocate (*Vakalatnama is not signed by all concerned*)
 - e. List of “74 plot holders who are included in 492 Petitioners in I.A. no. 113 of 1996” has been submitted by Okhla Enclave.
 - f. List of 136 Shop Owners has been submitted by Mr. Kishori Lal on behalf of Durga Builders Plot Holders Welfare Association (Regd.), which will be represented by this Association.

2. It is noted that there are still some Associations which have not furnished list of members and/or authorizations in favour of the Counsels appearing before the Committee. Last opportunity is granted to furnish such details, which shall be so done before the next date of hearing. It is reiterated that an Association shall be granted the right of audience before the Committee only upon receipt of the authenticated List of Members (along with the contact details).

3. A list of recommendations dated 5th December 2019 has been filed by the District Town Planner, Faridabad ('DTP'). It has been informed that 47 acres of the licensed area is under encroachment. It has been further informed that approximately 51.0 acres of the licensed area is under litigation in various Civil Suits, which partly falls under encroachment and partly in vacant available land. Since the aks/tatima of the individual petitioner's land involved in the litigation is not available, the entire killa/Khasra nos. mentioned in the respective complaints have been counted by the State. In one of such litigations, a case titled *Smt. Neha and Sh. Phithvipal Singh vs. Durga Builders Pvt. Ltd. & Ors.* (State of Haryana) being CS/117/2015 has been decreed in favour of the Plaintiff on 2nd July 2019 by the Court of Sh. Mohommad Sageer, HCS, Civil Judge (Jr. Division), Faridabad. A copy of the Judgment dated 2nd July 2019 has also been handed over along with the recommendations.
4. The State has also handed over Layout Plans of the licensed colony on which the area under encroachment, area under litigation and the 492 plots have been marked. On the basis of the aforesaid, the available plots as per the existing layout plan have been worked out by the State, which has been filed along with the recommendations. The State has also examined the Report of the Scrutiny Committee *vis-a-vis* the size of the plot. A category wise list of Claimants as per the size of plots has also been handed over.
5. The Ld. Counsel appearing for the Plot Holders' Associations have raised objections that the State failed to inform the Parties before the Hon'ble Supreme Court about the pendency of the litigations or that a matter has been decided. They have vehemently submitted that had this information being provided by the State before, due remedy could have been taken against it at the relevant time since it directly affects the rights and interests

of the Claimants before this Committee. Dr. Gusain appearing for the State of Haryana has disputed this submission and has submitted that such details were present in the Affidavit dated 19th August 2019 filed by the Director, Town & Country Planning, Haryana before the Hon'ble Supreme Court. Be that is may. The State is expected to file an appeal against the Judgment dated 2nd July 2019 as expeditiously as possible.

6. The Ld. Counsels appearing for the Plot Holder's Association have also suggested that the Committee shall direct the State to first ascertain the number of available plots and only then should the Committee proceed to adjudicate on the entitlement of the Claimants. In the opinion of the Committee, such course of action shall stall the process. The Hon'ble Supreme Court has categorically directed the Committee to draw up the final list of eligible plot holders as soon as possible. As far as the issue of carving of plots is concerned, the State is directed to make efforts to develop a new layout plan, with plots of 80 square yards in the NPNL category, to accommodate as many claimants as possible. The concerned parties had submitted to the Committee in its earlier proceedings that they would agree that the size of the plots may be uniformly restricted to 80 yards and each family would be entitled to only one plot, and this submission has been reiterated. The new Layout plan be presented at the next date of hearing.
7. It is clarified that the Committee shall adjudicate on the Scrutiny Report of the NPNL category as well the entitlement of plots in the NPNL category at the next date of hearing. All concerned are directed to file their submissions/comments/objections etc. in this regard by 10th January 2020. All filings shall be accompanied with an index and endorsement.

8. The Ld. Counsels appearing for the various Plot Holders' Associations have also expressed their anguish at the non-action of the State against the Colonizer. The Ld. STP (P) and Ld. DTP present in the hearing today have assured the Committee that due intimation in this regard has been sent to the Head Office in Panchkula. If timely action is not taken in this context, on the lines indicated by the Hon'ble Supreme Court, the Committee will have no alternative than to require the presence of the Director before it.
9. The State of Haryana shall pay Rs. 50,000/- per hearing to the Committee. The remaining Rs. 1,50,000/- shall be apportioned equally amongst the Claimants appearing before the Committee. The State of Haryana has still not cleared its previous dues to the Committee and if it fails to do so before the next hearing the Committee shall be constrained to bring this to the notice of the Hon'ble Supreme Court.
10. The Tribunal shall next convene on 17th January 2020 at 3 PM. The venue be arranged and intimated to the Committee within 15 days.



Justice Vikramajit Sen (Retd.)