

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.**

C.W.P. NO.19086 of 2017
and other connected matters

Ravinder Singh Dhull

-----Petitioner

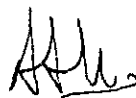
Versus

State of Haryana and others

-----Respondents

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Deponent
(Anand Mohan Sharan)
Principal Secretary to Govt. Haryana
Urban Local Bodies Department.

Place: Chandigarh

Dated: 06.02.2018

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Status report by way of affidavit of
Anand Mohan Sharan, Principal
Secretary to Government Haryana,
Urban Local Bodies Department,
Chandigarh.

I the above deponent do hereby solemnly affirms and declare as
under:-

1. That this Hon'ble High Court was pleased to make the following
observation in para no.4 of the interim order dated 20.12.2017 relating to
the regularization of massive constructions raised in Dera premises:-

"As regard to regularization of massive constructions
raised in Dera premises, learned Advocate General, Haryana
seeks more time to file status report. Let the Principal
Secretaries of Town and Country Planning Department as
well as Local Govt. Department file their respective status
reports explaining:-

- i. The nature of buildings constructed in the Dera premises;*
- ii. Whether the area under construction falls within or outside
the Municipal limits?*
- iii. Whether prior permission was required to be obtained for
raising such construction?*

- iv. *If the area was beyond the Municipal limits, whether any change of land permission under the provisions of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963 (as applicable to State of Haryana) was obtained?*
- v. *If not, whether any notice to stop the ongoing construction was ever issued, and (if not, who were the officers responsible and obligated to take such action and who failed to perform their duties and what action has been taken against them?*
- vi. *Whether there is any violation of Haryana Urban Development Act, 1975?*
- vii. *Under which provision of law, the exemptions have been granted? If any such exemption(s) has been granted by way of a reasoned order, let the same be placed on record.*
- viii. *In the event of any exemption, it shall be further explained whether such exemption was granted to any other person or institute, and if so, let details of such exemption (s) be also brought on record."*

2. That the office of the Advocate General, Haryana, Chandigarh vide its letter dated 10.01.2018 informed about the aforesaid directions passed by this Hon'ble High Court. Thereafter, requisite directions have been given to the Deputy Commissioner, Sirsa as well as Executive Officer, Municipal Council, Sirsa to send the report in compliance of aforesaid interim order passed by this Hon'ble Court. The Executive Officer, Municipal Council, Sirsa vide Memo No.676 dated 04.02.2018 sent the point wise report on the issues raised in the aforesaid interim order. The same is attached as **Annexure-A1** for kind reference of this Hon'ble Court.

3. That department has examined the report sent by Executive Officer, Municipal Council, Sirsa. The para wise reply on the aforesaid issues is submitted as under:-

i. The nature of buildings constructed in the Dera premises

As per the informations provided by the Executive Officer, Municipal Council, Sirsa, there are two dera premises situated on the Begu Road Sirsa. Out of the two, first one is old Dera Sacha Sauda and another one is new Dera Sacha Sauda premises. Initially, the areas of both the Deras were falling outside the Limits of Municipal Council, Sirsa. The limits of Municipal Council, Sirsa was extended vide Haryana Government Notification No.18/1/94-3C-1 dated 22.01.1997. Thereafter, the premises of old Dera Sacha Sauda has been included within the extended limits of Municipal Council, Sirsa. It is pertinent to mention here that new Dera Sacha Sauda premises is approximately 7 kilometers away from the Municipal limit. The department of the deponent has no jurisdiction outside the municipal limits.

As per the official record provided, there are three property units belonging to Dera Sacha Sauda falling within the Municipal Limits. The first unit is recorded in the name of Shah Satnam Ji Research and Development Foundation Trust, Abhijeet Bhagat (Shah Satnam Ji Girls School)-educational institute. The total area of the said unit is 52870 Sq.yard (approximately). The nature of the premises is educational institute. School and hostel buildings (three to four stories), playground and vacant area are situated In the said unit.

The second property unit is recorded in the name of Dera Sacha Sauda-Dr. P.R.Nain Insan. The total area falling under the said

unit is 28830 Sq.yard (approximately) on ground and first floor. In this unit, the central part is an open space which is surrounded by double storey rooms on three sides. There is a residence on southern side of this open space and a kitchen on northern side behind the double storey rooms.

The third one is recorded in the name of Dera Sacha Sauda having area of 15600 Sq.yard (approximately). The nature of this premises is horticulture and there is a water tank in Southern-East corner of this area which is used for irrigation purposes. The details of the nature of construction of buildings mentioned above are marked on Google Earth Image provided by the Municipal Council, Sirsa. The same is attached as **Annexure A-2** for kind reference of this Hon'ble High Court.

As per the official record provided, the total area of all the above three units is 97300 Sq.yards (approximately) in old Dera premises falling within the Municipal Limits, Sirsa. It is pertinent to mention here that no new construction was made in this area after its inclusion in the Municipal Council limits since 22.01.1997. All the constructions in the old dera premises were made prior to the area falling in the extended limits of Municipal Council, Sirsa.

ii. Whether the area under construction falls within or outside the Municipal limits?

As per the information provided by Municipal Council, Sirsa, the properties mentioned in serial no.1 above had already been constructed before it came in the municipal limits on 22.01.1997 i.e. the date of notification issued by the Government of Haryana. At present, there is no area which is under construction

in the old Dera premises falling within the municipal limits of Sirsa.

iii. Whether prior permission was required to be obtained for raising such construction?

Yes, Dera management and individual person owning land in the Dera Sacha Sauda was required to seek prior permission of the competent authority i.e. Director, Town and Country Planning for Change of Land Use permission for raising any construction on the land falling within the Controlled Area limits declared under section 4 of the Act No.41 of 1963. It is pertinent to mention here that the old Dera premise was already constructed when it was included in the municipal limits of Sirsa on 22.01.1997. Before that this premises was falling under the jurisdiction of Town and Country Planning Department. As per the report received from District Town Planner, Sirsa vide Memo no.307 dated 04.02.2018, no such permission was granted by the Town and Country Planning Department in this regard. A copy of the said letter is attached as **Annexure A-3** for kind reference of this Court.

iv. If the area was beyond the Municipal limits, whether any change of land permission under the provisions of the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963 (as applicable to State of Haryana) was obtained?

As mentioned para above, the old Dera falls within the municipal limits since 22.01.1997. The permission regarding Change of Land Use in this area was under the purview of Department of

Town and Country Planning till 07.01.2015 i.e. Date of issuance of instructions regarding the procedure to be followed for processing the CLU cases within the limits of Municipal Corporations/Councils/Committees. As per the record received from District Town Planner, Sirsa vide memo no.307 dated 04.02.2018, no such permission was granted by the Town and Country Planning Department in this regard. Beside, it as per the report of Municipal Council, Sirsa, no application regarding any CLU/Compounding of Buildings was ever received in the office of Municipal Council, Sirsa.

- v. **If not, whether any notice to stop the ongoing construction was ever issued, and (if not, who were the officers responsible and obligated to take such action and who failed to perform their duties and what action has been taken against them?**

As already mentioned in serial no. i of this para, no new construction was made in this area after its inclusion in the municipal council limits since 22.01.1997. The office of District Town Planner, Sirsa has never handed over any record regarding CLU permission granted/rejected to Municipal Council, Sirsa and other matters connected therewith. It is pertinent to mention here that the Department is going to issue the directions to the Municipal Council, Sirsa for collecting the record pertaining to aforesaid Dera premises from the office of District Town Planner, Sirsa and to initiate the necessary legal action in case of detecting any contravention of any provisions of Haryana Municipal Act, 1973 and rules made there under.

vi. **Whether there is any violation of Haryana Urban Development Act, 1975?**

Haryana Urban Development Act, 1975 is implemented by the Town and Country Planning Department and not by the Department of Urban Local Bodies, therefore, the issue pertains to the Town and Country Planning Department.

vii. **Under which provision of law, the exemptions have been granted? If any such exemption(s) has been granted by way of a reasoned order, let the same be placed on record?**

No such exemption was ever granted by the office of Municipal Council, Sirsa as well as the Urban Local Bodies Department.

viii. **In the event of any exemption, it shall be further explained whether such exemption was granted to any other person or institute, and if so, let details of such exemption (s) be also brought on record.**

No such exemption was granted to Dera Sacha Sauda or any other person or any institute by the office of Municipal Council, Sirsa as well as the Urban Local Bodies Department.

4. That the deponent seeks the permission of this Hon'ble Court to permit the deponent to place the aforesaid affidavit on the record of this case in the interest of justice and for proper appreciation of the facts of this case.




Deponent
(Anand Mohan Sharan)
Principal Secretary to Govt. Haryana
Urban Local Bodies Department.

Place: Chandigarh
Dated: 06.02.2018

VERIFICATION:

Verified that the contents of paras No. 1 to 4 of my above affidavit are true and correct on the information provided to me by the office of Municipal Council, Sirsa and believed to be correct. No part of it is false and nothing material has been concealed therein.



Deponent
(Anand Mohan Sharan)
Principal Secretary to Govt. Haryana
Urban Local Bodies Department.

Place: Chandigarh
Dated: 06.02.2018

Annexure A-1

From

Executive Officer,
Municipal Council, Sirsa

To,

The Principal Secretary to Govt. Haryana,
Urban Local Bodies Department, Chandigarh.

Memo No. 676 _____ Dated 04-02-2018

Subject:- **CWP No. 19086 of 2017-Ravinder Singh Dhull Vs. State of Haryana & Ors.**

In reference to your office memo no. 8/1/2018-4CII dated 17-01-2018 on the subject cited above the point wise requisite report is as under:-

Sr. No.	Issues	Report
(i)	The nature of buildings constructed in the Dera premises;	<p>As per physical inspection and office record, there are two Dera premises on Begu Road Sirsa. Out of the two, first one is old Dera Sachcha Sauda which falls within the extended limits of Municipal Council Sirsa since the year 1996-97 as per Haryana Govt. notification no. 18/1/94-3C-1 dated 22-01-1997 (Copy enclosed). The other one i.e. new Dera Sachcha Sauda premises is approximately 7k.m. away from the Municipal limit.</p> <p>As per House Tax assessment record of year 1996-97 the House Tax unit no. 11/1081, 11/1082 stands in the name of School Dera Sachcha Sauda and Old Dera Sachcha Sauda respectively. As per new property tax survey of year 2014-15 which was conducted on the basis of land use, following three types of properties have been</p>

recorded instead of earlier two types.

The 1st one is Property tax ID No. SRS/B11/8394/1 is recorded in the name of Shah Satnam Ji Research and Development Foundation Trust, Abhijeet Bhagat (Shah Satnam Ji Girls School)-educational institute, having area 52870Sq.yard. The nature of this premise is educational institute. In this area school and hostels building (Three to Four stories), play ground and vacant area are situated.

The 2nd one is Property tax ID No. SRS/B11/8394 is recorded in the name of Dera Sachcha Sauda-Dr. P.R. Nain Insan, having area 28830Sq.yard on ground and 1st floor. The nature of this premise is religious. In this area the central part is an open space. This open space is surrounded by double story rooms in three sides. There is a residence in southern side of this open space. There is a kitchen in Northern side behind the double story rooms.

The 3rd one is Property tax ID No. SRS/B11/8393 is recorded in the name of Dera Sachcha Sauda having area 15600 Sq.yards. The nature of this premise is horticultural. There is water tank in Southern-East corner of this area which is used for irrigation purpose.

Details of nature of buildings constructed are marked on map enclosed

		<p>herewith.</p> <p>As per office record total area of all above three premises is 97300Sq.Yard in old Dera premise falling in limit of Municipal Council, Sirsa. There is no new construction in this area after its inclusion in Municipal limit. As per record received from Revenue Department old Dera was constructed on dated 12-01-1955. The old Dera site is falling in the revenue estates of village Shahpur Begu and village Khaja Khera having total area 25 Acres which falls in limit of Municipal Council, Sirsa.</p>
(ii)	Whether the area under construction falls within or outside the Municipal limits?	<p>As per the office record the properties mentioned in Sr.No. 1 above already constructed before it came in the Municipal limits in the year 1996-97. At present there is no area which is under construction in old Dera premise falling under Municipal limits of Sirsa.</p>
(iii)	Whether prior permission was required to be obtained for raising such construction?	<p>The old Dera premise was already constructed when it was included in the Municipal limits in the year 1997. Before that this premise falls under the jurisdiction of Town and Country Planning department. As per the report received from Distt. Town Planner, Sirsa office vide memo no. 307 dated 04-02-2018, no such permission was granted by Town and Country Planning department in this regard (copy enclosed). No such permission ever granted by</p>

		Municipal Council, Sirsa after notification dated 01-04-2014. No notice issued as no ongoing construction is detected at present.
(iv)	If the area was beyond the Municipal limits, whether any change of land use permission under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (as applicable to State of Haryana) was obtained?	The old Dera falls within the Municipal limit since 1996-97. The permission regarding change of land use in this area was come under the department of Town and Country Planning department till 01-04-2014. After 01-04-2014 the power to grant CLU in extended limit of Municipal Council, Sirsa comes under the department of Urban Local Bodies. As per office record no application regarding any CLU received in Municipal Council, Sirsa.
(v)	If not, whether any notice to stop the ongoing construction was ever issued, and if not, who were the officers responsible and obligated to take such action and who failed to perform their duties and what action has been taken against them?	As already mentioned above, no new construction is presently detected in this area.
(vi)	Whether there is any violation of Haryana Urban Development Act, 1975?	This issue pertains to Town and Country Planning department.
(vii)	Under which provision of law, the exemptions have been granted? If any such exemption(s) has been granted by way of a reasoned order, let the same be placed on record.	No such exemption ever granted by Municipal Council, Sirsa.

(viii)	In the event of any exemption, it shall be further explained whether such exemption was granted to any other person or institute, and if so, let details of such exemption(s) be also brought on record.	No such exemption was granted to Dera Sachcha Sauda, any other person or any institute by Municipal Council, Sirsa.
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DA:- As above.

Sd/-
Executive Officer,
Municipal Council, Sirsa.

Endst.No. 677-678

Dated 04-02-2018

A copy is forwarded to following for information and necessary action please:-

1. Director, Urban Local Bodies, Haryana, Panchkula in reference to memo no. DULB/TP/A2/2018/ 510-11 dated 02-02-2018 and memo no. DULB/CTP/A2/2018/ 514 dated 03-02-2018.
2. Deputy Commissioner, Sirsa

Sd/-
Executive Officer,
Municipal Council, Sirsa

TRUE COPY



Annexure A-3

From

District Town Planner,

Sirsa.

To

The Executive Officer,
Municipal Council, Sirsa.

Memo No.307

Dated:-04.02.2018

Subject:- CWP of 19086 of 2017-Ravinder Singh Dhull Vs State of Haryana and others.

Reference: Letter memo no.DULB/CTP/A2/2018/514 dated 03.02.2018 issued by Director, Urban Local Bodies, Haryana, Panchkula and memo no.Spl-1/ME dated 03.02.2018 issued by your office.

In reference to subject noted matter, it is informed that there are two complexes of Dera Sacha Sauda situated on the Begu Road within the controlled area of Sirsa, one complex is recognized in the name of old Dera and second complex is recognized in the name of new Dera. Old Dera Complex has been fallen within the extended limits of Municipal Council, Sirsa in the year 1997. As per the official record, this office has not granted any CLU or any kind of the permission to the old Dera complex falling within the extended limits of Municipal Council, Sirsa.

Sd/-
District Town Planner,
Sirsa.

Endst. No.308-309

Dated:-04.02.2018

A copy is forwarded to the following for information and necessary action:-

1. Director, Urban Local Bodies, Haryana, Panchkula.
2. Deputy Commissioner, Sirsa.

Sd/-
District Town Planner,
Sirsa.

TRUE TRANSLATED COPY

प्रेषक

जिला नगर योजनाकार,
सिरसा।

सेवा में,

कार्यकारी अधिकारी,
नगर परिषद, सिरसा।

यादि क्रमांक 307

दिनांक 04.02.2018

विषय: CWP of 19086 of 2017-Raviner Singh Dhull Vs. State of Haryana and others.

हवाला: निदेशक, शहरी स्थानीय निकाय, हरियाणा, पंचकूला के यादि क्रमांक DULB/CTP/A2/2018/514 दिनांक 03.02.2018 एवं आपके कार्यालय के यादि क्रमांक Spl-1/ME दिनांक 03.02.2018 के संदर्भ में।

कृपया हवालाधीन मामले में सूचित है कि सिरसा नियंत्रित क्षेत्र में बेगु रोड़ पर डेरा सच्चा सौदा के दो कॉम्पलैक्स है, एक कॉम्पलैक्स को पुराना डेरा के नाम से व दूसरे कॉम्पलैक्स को नये डेरे के नाम से जाना जाता है। पुराना डेरा कॉम्पलैक्स वर्ष 1997 में बढी हुई सिरसा नगरपालिका की सीमा के अन्दर आ चुका है। पुराना डेरा कॉम्पलैक्स जो वर्तमान में बढी हुई सिरसा नगरपालिका की सीमा के अन्दर है, के एरिया में इस कार्यालय अभिलेख अनुसार इस विभाग द्वारा कोई CLU या अन्य किसी प्रकार की अनुमति नहीं दी गई है।

हस्ता/
जिला नगर योजनाकार,
सिरसा।

पृ0 क्रमांक 308-309

दिनांक 04.02.2018

प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यावाही हेतु प्रेषित है:-

1. निदेशक, शहरी स्थानीय निकाय विभाग, हरियाणा, पंचकूला।
2. उपायुक्त, सिरसा।

हस्ता/
जिला नगर योजनाकार,
सिरसा।