

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10657 of 2015

Date of Decision: 25.5.2015

Akash

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Pankaj Middha, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the action of the respondents in not allotting the plot to him under policy dated 28.4.2008 (Annexure P-18) for rehabilitation and resettlement of land owners, land acquisition oustees.

2. The respondents issued a notification dated 9.9.2002 under Section 4 of the Land Acquisition Act for acquisition of land for the development of residential and commercial sites in Sectors 6 to 9 at District Jind. The land of the petitioners measuring 9 kanal 15 marlas was acquired and the award was passed on 6.9.2005. The compensation was paid vide certificate dated 16.1.2006 (Annexure P-1). The petitioner being eligible under the oustees policy applied for the plot by depositing earnest money. Respondent No.4 vide letter dated 16.1.2009 (Annexure P-4) along with cheque of ₹ 1603/- dated 9.1.2009

refunded the earnest money along with 5.5% interest per annum to the petitioner. The petitioner sent a legal notice dated 3.2.2011 (Annexure P-5) to respondents No.2, 4 and 5 but to no avail. Accordingly, he filed CWP No. 9463 of 2011 which was allowed vide order dated 27.3.2012 (Annexure P-6) in terms of LPA No. 2096 of 2011 decided on 25.4.2012. Thereafter, the petitioner sent a representation dated 6.9.2012 (Annexure P-7) to the respondents giving all the details about the vacant plots lying in the Sectors of HUDA at Jind upon which respondent No.5 vide letter dated 23.10.2012 (Annexure P-8) recommended to respondent No.4 for allotment of a plot to the petitioner under oustees policy. Since, no plot was allotted to the petitioner after the recommendation made by respondent No.5, he served a legal notice dated 28.2.2013 (Annexure P-9) upon the respondents but to no effect. In the year 2013, the respondents vide advertisement invited fresh applications along with earnest money of ₹ 50,000/- for the allotment of plot. In pursuance thereto, the petitioner applied for 8-Marla plot by depositing ₹ 50,000/- vide draft dated 9.10.2013 (Annexure P-10). The respondents deposited the earnest money of ₹ 50,000/- deposited by the petitioner as earnest money in his account through NEFT on 11.11.2014. On coming to know about the deposit of earnest money in his bank account by the respondents, the petitioner moved a representation dated 10.3.2015 (Annexure -17) to the respondents for the allotment of plot under oustees quota, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 10.3.2015 (Annexure P-17) to the respondents, but

no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representation dated 10.3.2015 (Annexure P-17), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 25, 2015
gbs

(REKHA MITTAL)
JUDGE