

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10984 of 2015

Date of Decision: 27.5.2015

Suresh Chand and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ram Bilas Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a plot to them under the oustee policy. A writ of mandamus has also been sought directing the respondents to decide representation dated 27.4.2015 (Annexure P-1) sent by the petitioners.

2. The father of the petitioners was owner in possession of the land measuring 23 kanal 14 marlas to the extent of 1/4 share situated within the revenue estate of village Mewla Maharajpur, Tehsil and District Faridabad, now Sector 45, Faridabad. Government of Haryana acquired the land of Mewla Maharajpur, Tehsil and District Faridabad including the land of the petitioners for public purpose for the development and

utilization of land as residential and commercial, Sector 45, Faridabad vide notification dated 2.8.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"). The award was passed on 7.10.1991. Another land of the petitioners measuring 8 kanal 5 marlas having 1/4th share of their father situated within the same area was acquired vide notification dated 22.8.1988 issued under Section 4 of the Act for the development and utilization of land as residential and commercial, Sector 46, Faridabad. The award of the said land was passed on 30.3.1990. The other land of the petitioners situated within the revenue estate of village Mewla Meharajpur, Tehsil Ballabgarh, District Faridabad was also acquired for the purpose of Railway. On the death of their father, the petitioners have inherited the rights of their father being the legal heirs according to their respective shares. The petitioners on coming to know about the oustee policy framed by the respondents in February, 2012, moved various applications including the application dated 11.6.2013 for the allotment of plot under the oustee policy but to no effect. Accordingly, the petitioners sent a representation dated 27.4.2015 (Annexure P-1) to respondent No.3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 27.4.2015 (Annexure P-1) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.3 to take a decision on the representation dated 27.4.2015

(Annexure P-1), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2015
gbs

(REKHA MITTAL)
JUDGE