

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11008 of 2015
Date of decision: 27-05-2015

Ramesh Kumar

....Petitioner

State of Haryana and others

....Respondents

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

Present: Mr. Navmohit Singh, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner seeks quashing of order dated 4.5.2015, Annexure P.3, passed by respondent No.3 – Estate Officer, Haryana Urban Development Authority, Yamuna Nagar (Jagadhri), whereby his claim for allotment of a plot under Oustee Scheme for Sector 17, Part II, Jagadhri has been rejected.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner was tenant at will (*Gair marusi*) of land to the extent of 8 kanals 19 marlas *chahi* in Khasra No.311 out of total land measuring 23 kanals 18 marlas situated within the revenue estate of Hadbast No.408, Village Garhi Mundo, Tehsil Jagadhri, District Yamuna Nagar. The State of Haryana vide notification dated 28.1.2002 issued under Section 4 of the Land Acquisition

Act, 1894 (in short, “the Act”) acquired 44.76 acres of land in Village Garhi Mundo, Hadbast No.408, Tehsil Jagadhri, District Yamuna Nagar for a public purpose, namely, for the development and utilization of land as residential and commercial area of Sector 17 Part (Pocket) in Urban Estate, Jagadhri. Notification under Section 6 of the Act was issued on 23.3.2003. Award was announced by the Land Acquisition Collector on 20.1.2005. According to the petitioner, as per oustee policy, if more than 75% of the total land is acquired, the land owner is entitled for allotment of a residential plot. Accordingly, the petitioner made representation dated 31.3.2015, Annexure P.2 to the respondent authorities for allotment of a plot. Respondent No.3 vide memo dated 4.5.2015, Annexure P.3 intimated the petitioner that oustee scheme for development of Sector 17 Part II, Jagadhri was advertised in the month of December 2006 and the last date for receipt of applications was 31.12.2006. As the petitioner did not apply within the stipulated period, vide impugned order dated 4.5.2015, his claim was rejected. However, he was directed to apply for the same as and when the advertisement was again made under the oustee scheme. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. A perusal of the impugned order dated 4.5.2015, Annexure P.3 shows that claim of the petitioner for allotment of a residential plot under the oustee scheme was declined by the respondent authorities on the ground that he had not applied for the same before 31.12.2006 which was the last date for receipt of applications. However, liberty had been granted to the petitioner to apply for allotment of plot under oustee scheme as and when

applications for the same are invited. Learned counsel for the petitioner was unable to give any satisfactory explanation for the delay in applying for the plot within the stipulated period. Thus, we do not find any error in the impugned order passed by respondent No.3, which may call for interference by this Court. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 27, 2015
'gs'

(Rekha Mittal)
Judge