

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13058 of 2015

Date of Decision: 3.7.2015

C.M. Sachdeva 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. Ashwani Bakshi, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 the plot (s) to them as per the policies dated 10.9.1987 (Annexure P-5) and dated 27.3.2000 (Annexure P-6).

2. State of Haryana acquired several acres of land situated in village Mewai, Tehsil Ballabgarh, District Faridabad owned by the petitioners' mother in the years 1978 and 1992 for the development and utilization of land as residential, commercial and roads etc. vide notification dated 7.12.1992 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"). The award was passed by the Land Acquisition Collector and the reference filed by the petitioners was decided by the Additional District Judge, Faridabad vide award dated 8.9.1998 (Annexure P-4). Haryana Urban Development Authority (HUDA) framed policies dated 10.9.1987 (Annexure P-5) and dated 27.3.2000 (Annexure P-6) holding the landowners entitled to the allotment of plots whose land was acquired prior to 10.9.1987 subject to the condition that the plots were still available. Various landowners

including the mother of the petitioners filed CWP No. 13675 of 1989 challenging the decision of the HUDA for the allotment of plots only to those landowners whose land was acquired prior to 10.9.1987. This Court vide order dated 5.10.2011 allowed the said writ petition holding that in view of policy dated 27.3.2000 (Annexure P-6), the right of the petitioners for the allotment of plots as oustees would have to be reconsidered. In pursuance thereto, the petitioners submitted a representation dated 5.7.2012 (Annexure P-8) to respondents No.2 and 3 for allotment of a plot, but to no effect. Thereafter, a reminder dated 10.4.2013 (Annexure P-9) was sent to respondents No.2 and 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 5.7.2012 (Annexure P-8) followed by reminder dated 10.4.2013 (Annexure P-8) to respondents No.2 and 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.2 to take a decision on the representation dated 5.7.2012 (Annexure P-8) followed by reminder dated 10.4.2013 (Annexure P-9), 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

July 3, 2015
gbs

(REKHA MITTAL)
JUDGE