

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.13062 of 2015

DATE OF DECISION: SEPTEMBER 03, 2015

Umed Singh son of Late Sh.DayachandPetitioner

Versus

State of Haryana and othersRespondents

**CORAM:- HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA**

Present: Mr.Ravinder Hooda, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Petitioner assails the order dated 27.4.2012 whereby his claim for allotment of a plot as an oustee has been declined. Perusal of the impugned order dated 27.4.2012 at Annexure P3 would reveal that a duly constituted Committee chaired by the Administrator, HUDA, Gurgaon had called for a report from the Land Acquisition Officer, Gurgaon and in pursuance thereto, a report had been furnished that in pursuance to three separate acquisition proceedings, 71% of the total land holding of the petitioner had been acquired.

2. Learned counsel for the petitioner does not dispute that under the relevant Policy applicable to the petitioner, plots would be offered to an oustee if the land proposed to be acquired is under the ownership of the oustee on the date of publication of the notification under Section 4 of the Land Acquisition Act and if

75% or more of the total land owned by the oustees in that urban estate is acquired.

3. Concededly, the land of the petitioner that has been acquired by the State Government is to the extent of 71% of his total land holding. Under such circumstances, there would be no warrant for this Court to issue directions for allotment of a plot in favour of the petitioner under the oustees category and which run counter to the policy framed by the State Government on the subject.

4. Confronted with such situation, learned counsel for the petitioner would submit that the balance 29% of the land that has not been acquired is also located adjoining the Ammunition Depot and which cannot be utilized and as such, would raise an alternative prayer for the State Government to even acquire such land so as to satisfy the eligibility condition of more than 75% of the total land holding to have been acquired as per policy. We are unable to even accept such prayer in exercise of our jurisdiction under Article 226 of the Constitution of India. Liberty, however, is granted to the petitioner to raise such contention and prayer before the appropriate authority and who, in turn, would be obligated to consider the same in accordance with law.

5. Petition is, accordingly, disposed of.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

SEPTEMBER 03, 2015
SRM

Note: *Whether referred to Reporter? (Yes/No)*