

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13065 of 2015

Date of Decision: 3.7.2015

Sumer Singh

....Petitioner.

Versus

State Haryana and others

...Respondents.

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

PRESENT: Mr. Arun Yadav, 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 Mandamus directing the respondents to allot him a plot under the oustees policy as per his entitlement to all the co-sharer as per policy dated 18.3.1992 (Annexure P-1) and notifications dated 7.12.2007 (Annexure P-2) and dated 9.11.2010 (Annexure P-3).

2. The petitioner was owner in possession of the land to the extent of 1/3rd share situated within the revenue estate of village Gokal Garh, Tehsil and District Rewari vide registered sale deed dated 4.3.2002. Government of Haryana vide notification dated 15.11.2006 issued under Section 6 of the Land Acquisition Act, 1894 (in short "the Act"), acquired 58.93 acres of land including the land of the petitioner for the construction and development of outer ring road and for constructing green belt. The petitioner filed objections under Section 5-A of the Act.

The award was announced. Respondent No.1 issued a policy dated 18.3.1992 (Annexure P-1) for the allotment of residential/commercial plots to the oustees in various urban estates set up by the Haryana Urban Development Authority (HUDA). The respondents issued amended policy vide notification dated 7.12.2007 (Annexure P-2). Thereafter, the respondents amended the policy dated 18.3.1992 (Annexure P-1) vide notification dated 9.11.2010 (Annexure P-3). As per the said policies, the petitioner was entitled to a plot under the oustee quota in HUDA, Rewari. Accordingly, the petitioner sent a representation dated 12.1.2014 (Annexure P-4) to respondents No.2 to 4 for the allotment of a plot under the oustee quota, but no response has been received. 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 12.1.2014 (Annexure P-4) to respondents No.2 to 4, 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.2 to take a decision on the representation dated 12.1.2014 (Annexure P-4), 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

July 3, 2015
gbs

(REKHA MITTAL)
JUDGE