

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13382 of 2015

Date of Decision: 8.7.2015

Rajinder

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. SKS Bedi, 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 respondent No.2 to decide the legal notice dated 8.4.2015 (Annexure P-1) and to allot plot No. 158-A, Sector 40, Gurgaon to him at the rate prevalent in the year 1994 after adjusting ₹ 10,425/- already deposited with the respondents by Shri Ram Phal predecessor-in-interest of the petitioner.

2. The father of the petitioner, namely, Ram Phal, was owner of agriculture land situated in village Jharsa, District Gurgaon which was acquired by the Government of Haryana for establishment of Sectors 39, 40 and 46, Gurgaon. Since the land of said Ram Phal was acquired, therefore, he became entitled to the allotment of a plot under oustees quota. respondents No.2 to 4 directed said Ram Phal to deposit ₹ 10,425/- which he did vide draft dated 1.8.1994 along with application

No. 038883 on 1.8.1994. On the basis of said deposit and other documents, it was decided to allot plot No. 158-A, Sector 40, Gurgaon to the petitioner on free hold basis and allotment letter in Form 'C' was prepared by respondent No.4. As per terms of the oustees policies dated 18.3.1992 and 12.3.1993, the petitioner was entitled to a 1 kanal plot whereas he was allotted a 4-Marla plot only. Accordingly, the petitioner sent a legal notice dated 8.4.2015 (Annexure P-1) to the respondents for the allotment of plot No. 158-A, Sector 40, Gurgaon, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner sent a legal notice dated 8.4.2015 (Annexure P-1) to the respondents, 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 legal notice dated 8.4.2015 (Annexure P-1), 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 8, 2015
gbs

(REKHA MITTAL)
JUDGE