

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.14123 of 2014
Date of Decision:-10.02.2015**

Chet Ram and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

Mr. P.K. Jangra, Additional Advocate General, Haryana
For respondents No.1 and 4.

Mr. Ajay Nara, Advocate
for respondents No.2 and 3.

HEMANT GUPTA J.(Oral)

The land of the petitioners measuring 62 Kanals and 14 Marlas was acquired in respect of which Award No.8 dated 29.3.1989 was announced. The respondents issued a public advertisement in the year 2006 inviting claims from the land owners such as the petitioner for allotment of plots but the petitioners did not apply. In view of the said fact, the claim of the petitioners for allotments of plot has been declined by the respondents vide order (Annexure P-9) dated 19.6.2013.

A Division Bench judgment of this Court in LPA No. 2096 of 2011, titled as Haryana Urban Development Authority and others Versus Sandeep and others, decided on 25.4.2012, has held that the land owners, whose land was acquired, forms a distinct category who are entitled to allotment of plot as and when, the plots earmarked for oustees are

identified and are advertised for allotment. It has been specifically held, while deciding question No. 5 that the right of the oustee for claim of the allotment of plot cannot be said to be frustrated since the petitioner could not apply for a plot in the advertisement issued or that he was not successful in draw of lots in pursuance of the said advertisement. The findings recorded on question No.5 reads as under:-

“Since the oustees form a separate and distinct category, failure to apply in response to an advertisement will not dis-entitle an oustee from submitting application at a subsequent stage as and when advertisement is again issued inviting applications for allotment of plots. The failure to apply in response to one or more advertisements does not deprive the oustees of their rights of rehabilitation or their status as that of an oustee. The advertisements inviting applications for allotment of plots are to be issued after determining the plots available in each sector for reserved categories including that of oustees. HUDA is expected to invite applications in respect of such plots in each sector. Therefore, the failure to apply in response to an advertisement at one stage will not dis-entitle an oustee to apply for a plot at a subsequent stage.”

Thus the claim of the land owners does not stand extinguished only for the reason that it has not applied for allotment of plot in response to particular advertisement. The land owner has a right to apply as and when public advertisements are issued inviting applications of the land owners.

In view of the said fact, that part of the order, whereby claim of the petitioners for allotment of plots as an oustee was rejected is set aside. However, as and when the respondents publish any advertisement for allotment of plots for the land owners, whose land stand acquired, it shall be open to the petitioner to apply for allotment in accordance with terms of

advertisement.

The writ petition stands disposed of.

(HEMANT GUPTA)
JUDGE

February 10, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE

CWP No.14123 of 2014

Reply on behalf of respondent No.4 has been filed in the Court. The same is taken on record.