

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16245 of 2015

Date of Decision: 7.8.2015

Jagdeep Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjiv Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of mandamus directing respondents No.2 to 4 to held the draw of lots and to make allotment of plot to him under the oustees category in Sector 12 or in Sector 25, Part II, Panipat in lieu of his acquired land and in view of policy dated 28.8.1998.

2. The petitioner along with his mother and brother was owner of the land measuring more than 27 kanal 4 marlas to the extent of 1/3rd share, situated within the revenue estate of village Sewah, Tehsil and District Panipat. The Government of Haryana framed oustees policies dated 10.9.1987 (Annexure P-1), dated 9.5.1990 (Annexure P-2) and dated 28.8.1998 (Annexure P-3) that if the land of the landowners was acquired for development of an industrial sector then he would be entitled to allotment of next/adjoining sector of HUDA. Government of

Haryana vide notification dated 12.9.2001 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.4.2002 under Section 6 of the Act acquired the land of the petitioner for the development of Sector 29 Part II, Panipat for an industrial sector. The award was passed on 11.4.2002. Haryana Urban Development Authority (HUDA) invited applications for allotment of residential plot from the oustees/landowners whose land was acquired for development of various sectors of HUDA in Panipat. In pursuance thereto, the petitioner applied for the allotment of a plot of 10-Marla along with 10% amount of the total tentative cost of the plot. The draw of lots was held in the year 2008 and the petitioner could not be held successful due to exceed number of applications of offered plots. Thereafter, HUDA vide advertisement dated 7.12.2011 (Annexure P-5) invited applications from the landowners whose land was acquired for the development of Sector 29 Part II, Panipat. The petitioner again applied and also made an application, Annexure P-6, for the allotment of a 14-Marla plot. However, the draw of lots could not be held by the HUDA. Accordingly, the petitioner served a legal notice dated 12.3.2015 (Annexure P-7) upon respondents No.2 to 4 for conducting draw of lots and to make allotment of plot, but to no effect. Thereafter, he moved a representation dated 22.7.2015 (Annexure P-8) to respondents No.2 to 4, 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 has sent a legal notice dated 12.3.2015 (Annexure P-7) upon respondents No.2 to 4 followed by a representation dated 22.7.2015 (Annexure P-8) 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.3 to take a decision on the legal notice dated 12.3.2015 (Annexure P-7) and the representation dated 22.7.2015 (Annexure P-8), 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

August 7, 2015
gbs

(REKHA MITTAL)
JUDGE