

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 19272 of 2015 (O&M)

Date of Decision: 11.09.2015

Om Parkash

--Petitioner

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. Rohan Sharma, Advocate for
Mr. Vikram Singh, Advocate for
the petitioner.

S.J. VAZIFDAR, A.C.J. (Oral)

The petitioner's application as an oustee was rejected by the impugned order dated 11.5.2015. The petitioner claims to have been the owner of 213 bighas 8 biswas of land. He further claims that 196 bighas and 16 biswas have been acquired. He, therefore, contends that more than 75% of his land having been acquired, he is entitled to a plot as an oustee. The impugned order does not refer to the land of the petitioner being 213 bighas 8 biswas. However, there is nothing on record that indicates that evidence in this regard was placed before the Estate Officer, HUDA, who passed the impugned order. It is not necessary to permit the petitioner to place evidence in this regard in this petition. If, the petitioner did own land to the extent claimed by him and if more than 75% thereof was acquired as also claimed by him, he ought to have produced evidence to that effect before the Estate Officer, HUDA in the first instance.

The petitioner is at liberty to make a fresh application to the Estate Officer, HUDA under the oustee quota after furnishing evidence/additional evidence, if any.

Disposed of.

**(S.J. Vazifdar)
Acting Chief Justice**

**(Tejinder Singh Dhindsa)
Judge**

11.09.2015

lucky