

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

**CWP No.25952 of 2014
Date of decision: 21.5.2015**

Rajbir and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

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

Present: Mr. Sanjiv Gupta and Mr. Ajit Malik, Advocates
for the petitioners.

Mr. Saurabha Goel, Advocate for respondent Nos.2 to 4-
HUDA.

Ajay Kumar Mittal,J.

1. The petitioners seek a writ in the nature of mandamus directing respondent Nos.2 to 4 to hold draw of lots and make allotment of plots to them under Oustees category in Rajiv Gandhi Education City, Sonapat for which they had already applied through their respective applications in response to the advertisement issued more than four years back.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The Government of Haryana issued notification under Section 4 of the Act on 17.11.2005, Annexure P.1 for acquisition of land of the petitioners for establishment of Rajiv Gandhi Education City, Sonapat. Notification under Section 6 of the Act was issued on 7.2.2006, Annexure P.1/A. The Land Acquisition

Collector, Rohtak announced the award dated 2.3.2006. The petitioners received the compensation. The Government of Haryana framed policy dated 7.12.2007, Annexure P.2 and in view thereof invited applications for allotment of residential plots especially from the oustees whose land was acquired for the development of Rajiv Gandhi Education City. The last date for submission of application forms was 25.7.2010. The petitioners applied for allotment of plots under Ousteers category through their respective applications dated 14.7.2010, Annexures P.3 to P.3/B and also deposited required amount i.e. ₹ 50,000/-. When the petitioners did not receive any response for a long time, they approached the respondent authorities. Son of petitioner No.5 moved application dated 15.2.2013, Annexure P.4 under Section 6 of the Right to Information Act, 2005 to know the status of the case. Respondent No.4 replied that the matter was under process. The petitioners served legal notice dated 5.7.2013, Annexure P.5 upon the respondents. Having received no response, they filed the instant writ petition.

3. Written statement on behalf of respondent Nos. 2 to 4 has been filed by Estate Officer, HUDA, Sonapat in Court today and the same is taken on record. It has been inter alia stated that the petitioners have a right to be considered for allotment but they cannot seek direction from this Court for allotment of plot.

4. We have heard learned counsel for the parties.

5. The only grievance made by learned counsel for the petitioners is that the respondent-authorities are not holding draw for the oustees category for allotment of plots inspite of the fact that a period of four years has elapsed whereas the forms had been accepted in the year 2010.

6. Admittedly, the land of the petitioners was acquired ten years back for establishment of Rajiv Gandhi Education City, Sonapat. The award was announced by the Land Acquisition Collector on 2.3.2006. The petitioners received the compensation. In accordance with the policy dated 7.12.2007 framed by the Government of Haryana, applications for allotment of residential plots from the osutees were invited and last date for submission of application forms was 25.7.2010. The petitioners had applied through their respective applications dated 14.7.2010. A period of four years has elapsed but the draw has not been held by the respondents. Inspite of the fact that the petitioners have approached the respondents several times and even served legal notice, nothing has been done by the respondents. No satisfactory explanation has been given by the respondents for not holding the draw. The petitioners have been made to suffer for no fault of theirs. Thus, the action of the respondents in not holding draw of lots for the last four years does not appear to be legal and valid. Accordingly, in the facts and circumstances of the case, a direction is required to be issued to the respondent authorities to hold draw of lots on or before 31.8.2015. Ordered accordingly. The writ petition stands disposed of.

(Ajay Kumar Mittal)
Judge

May 21, 2015
'gs'

(Rekha Mittal)
Judge