

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.3456 of 2014 (O&M)

Date of decision:27.08.2015

Om Pati

... Petitioner

v.

Haryana State Industrial Infrastructure Development Corporation Ltd. & others

... Respondents

***CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.***

Present: Mr. Ashok Kumar Khubbar, Advocate for the petitioner.

Mr. Aman Bahri, Advocate for respondents No.1 & 2.

Mr. Rahul Dev Singh, DAG, Haryana.

....

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner has challenged the rejection of his claim for allotment of the plot under the oustees quota. The impugned order rejects the claim on the ground that less than 75% of the petitioner's property was acquired.

The petitioner contends that the respondents wrongly took into consideration only one of the acquisitions which was in the year 2002. According to the petitioner, further lands were acquired in the year 1993 and subsequently in the year 2006. He contends that the acquisition taken together has resulted in more than 80% of the property having been acquired.

He placed reliance upon a certificate of the year 2002. Prima facie, it does appear from the report produced by respondent No.3 that the acquisitions had taken place in the years 1993 and 2006 respectively. We do

not wish to express any final view in the matter. It is necessary for the authorities concerned to consider whether the further acquisitions took place or not and if so whether the petitioner would be entitled to the allotment as an oustee.

In these circumstances, the impugned order is set aside. Respondent No.2 shall consider the petitioner's claim under the oustees quota after taking into consideration the records pertaining to the alleged acquisition of all the three years i.e. 1993, 2003 and 2006, respectively.

Disposed of.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

27.08.2015
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