

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

CWP No.3389 of 2015
Date of decision:25.2.2015

Ashi @ Asha Jairath

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Keshav Partap Singh, Advocate for
Mr. Ajit Malik, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to a communication dated 23.07.2014 declining the claim of the petitioner for allotment of a plot in view of the speaking order dated 03.11.2010.

Since similar matters have been decided by this Court, we find that without issuing notice of motion, the writ petition can be disposed of by setting aside the aforesaid order in view of the Division Bench judgment of this Court in LPA No.2096 of 2011 titled as Haryana Urban Development Authority and others v. Sandeep and others, decided on 25.4.2012, whereby the claim of the land owner for allotment of a plot as a process of rehabilitation could not be rejected merely because an oustee does not apply in response to a particular advertisement.

Consequently, the writ petition is allowed. The orders dated 23.07.2014 (Annexure P-13) and 03.11.2010 (Annexure P-8) are set aside with a direction to respondents to consider the claim of the petitioner in the light of the judgment in Sandeep's case (supra).

(HEMANT GUPTA)
JUDGE

FEBRUARY 25, 2015
'D. Gulati'

(HARI PAL VERMA)
JUDGE