

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4633 of 2015

Date of Decision: 16.3.2015

Tula Ram

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: None.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a plot to him under the oustee policy. Further prayer has been made to direct the respondent to decide the representation dated 31.1.2015 (Annexure P-1) moved by the petitioner to respondent No.3.

2. The father of the petitioner was owner in possession of land comprised in khewat No. 180/222, rectangle No. 43, killa No. 22 (7-3), rectangle No. 48, killa No. 12/1 (4-13), khatauni No. 423/666, rectangle No. 48, killa No. 2 (7-10), 9/2 (4-8) total measuring 23 kanals 14 marlas situated within the revenue estate of village Mewla Maharajpur, Tehsil and District Faridabad, now Sector 45, Faridabad, out of which the share of the petitioner is 1/4. Government of Haryana vide notification dated 2.8.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in

short "the Act") acquired the above said land for a public purpose for the development and utilization of land as a residential and commercial, Sector 45, Faridabad. The award was passed by the Land Acquisition Collector, Faridabad (respondent No.4) on 7.10.1991. Another land of the petitioner bearing khatauni No. 248/249, khasra/killla Nos. 48//18/2 (0-5), 19/1 (4-0), 19/2(4-0) total land measuring about 8 kanal 5 marlas situated within the revenue estate of village Mewla Maharajpur, Tehsil and District Faridabad, now Sector 46, Faridabad, out of which the share of the petitioner is 1/4. Government of Haryana vide notification dated 22.8.1988 issued under Section 4 of the Act acquired the said land for a public purpose for the development and utilization of land as a residential and commercial, Sector 46, Faridabad. The award was passed by the Land Acquisition Collector, Faridabad (respondent No.4) on 30.3.1990. The petitioner was also owner in possession of another land bearing khasra No. 113/11/2 (1-3), situated within the revenue estate of village Mewla Maharajpur, Tehsil and District Faridabad. The said land was acquired for the purpose of railway. According to the petitioner, neither oustee claim was offered by the Government nor any plot had been allotted to them under the oustee policy. Earlier the land was in the name of father of the petitioner and upon her death, he had inherited the rights of his father being the legal heirs according to his share. The petitioner had not applied earlier for the allotment of the plot under the oustee policy as he and his father had no knowledge about the oustee policy framed by the respondents. He came to know about the oustee policy framed by the respondents in February, 2012 and thereafter moved various applications including the application dated 7.5.2012 to the respondents for allotment of plot under the oustee policy.

However, no action was taken on the said applications. The petitioner also sent a representation dated 31.1.2015 (Annexure P-1) to respondent No.3 for allotment of the plot under the oustee policy but to no effect. Hence, the present writ petition.

3. For the relief claimed in the writ petition, the petitioner has moved a representation 31.1.2015 (Annexure P-1) to respondent No.3, but no action has so far been taken thereon.

4. After 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 representation dated 31.1.2015 (Annexure P-1), 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

March 16, 2015
gbs

(REKHA MITTAL)
JUDGE