

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6227 of 2015

Date of Decision: 6.4.2015

Rajinder Singh

...Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Yash Dev Kaushik, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot plot to him under the oustee policy. Further, a writ of mandamus has also been sought directing the respondents to decide the representation dated 28.11.2013 (Annexure P-1).

2. The father of the petitioner was owner in possession of the land measuring about 222 kanal 13 marlas, as detailed in para 2 of the writ petition, situated within the revenue estate of Mewla Mehraipur, Tehsil and District Faridabad. Upon the death of his father, the petitioner has inherited the rights of his father being legal heirs according to his share. Government of Haryana acquired the said land of the petitioner vide notification dated 10.11.1976 issued under Section 4 of the Land

Acquisition Act, 1894 for a public purpose, namely, for the development and utilization of residential and commercial of land as Sector 3, Faridabad. The award was passed on 30.11.1981. Neither the petitioner nor his father had knowledge about the oustee policy framed by the respondents and, therefore, they could not apply earlier for the allotment of the plots under the said policy. On coming to know about the oustee policy in November, 2013, the petitioner moved various representations including representation dated 28.11.2013 (Annexure P-1) to respondent No.3 for the allotment of plot under the oustee policy in lieu of his acquired land. However, no response has been received from the said respondent. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 28.11.2013 (Annexure P-1) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 28.11.2013 (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 four months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE