

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7292 of 2015

Date of Decision: 22.4.2015

Ahmad Khan

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Monisha Lamba, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the 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 oustees category in lieu of his land having been acquired acquired.

2. The petitioner is co-owner in possession of the land situated at village Mauja Badkhal, Tehsil and District Faridabad as fully detailed in para 2 of the petition. The land of the petitioner was acquired by the Government of Haryana vide notification dated 20.4.1987 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 20.4.1988 under Section 6 of the Act for Sector 48, Faridabad. The awards were passed on 29.3.1989 and 6.4.1989. The petitioner is a poor villager and has no knowledge about the oustee policy framed by the respondent and, therefore, he has not applied for the allotment of the plot under the said policy. On coming to know about

the oustee policy, the petitioner moved an application dated 10.4.2013 to respondent No.3 for the allotment of a plot under the oustee policy. Since the said application was misplaced by respondent No.3, another representation dated 21.8.2014 (Annexure P-1) along with the necessary format was sent to respondent No.3, but no response has been received. 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 21.8.2014 (Annexure P-1) to respondent No.3, but no action has so far been taken thereon. Reliance was also placed on the order dated 14.8.2014 (Annexure P-2) passed by the Division Bench of this Court in **CWP No. 16268 of 2014** titled as **Jafrudeen v. State of Haryana and others**.

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 21.8.2014 (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

April 22, 2015
gbs

(REKHA MITTAL)
JUDGE