

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7503 of 2015

Date of Decision: 23.4.2015

Suresh Jain and another

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ajit Malik, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondents No.2 to 4 to allot a plot to them under the oustees category in Sector 12, Sonapat in lieu of their land having been acquired.

2. Government of Haryana vide notification dated 17.5.1990 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 12.5.1993 under Section 6 of the Act acquired the land of the petitioners for the development and utilization of land for Sector 12, Sonapat. On being sought information under the Right to Information Act, 2005 by one Randhir Singh, respondent No.4 vide letter dated 16.5.2011 (Annexure P-6) informed that there are number of plots vacant in various sectors of Haryana Urban Development Authority (HUDA) including Sector 12, HUDA Sonapat. On

coming to know about the policies for the allotment of plot to the land owners whose had has been compulsorily acquired by the HUDA, the petitioners approached respondent No.4 for the allotment of a plot under oustees quota but they were told that they were not entitled to the same as they had not applied when the sector was floated for sale to the General Public as well as for the oustees. Thereafter, the petitioners sent a legal notice dated 22.1.2015 (Annexure P-8) to respondents No.1, 2 and 4 for the allotment of a plot under the oustees quota but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 22.1.2015 (Annexure P-8) to respondents No.1, 2 and 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.1 to take a decision on the legal notice dated 22.1.2015 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 23, 2015
gbs

(REKHA MITTAL)
JUDGE