

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

**CWP No.7540 of 2015
Date of decision: 21.5.2015**

Asha Rani and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

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

Present: Mr. Sanjiv Gupta Advocate,
for the petitioners.

Mr. Sudeep Mahajan, Addl.A.G.Haryana.

Mr. Deepak Balyan, Advocate for HUDA.

Ajay Kumar Mittal,J.

1. The petitioners seek a writ in the nature of mandamus directing respondent Nos.2 to 4 to hold draw of lots and make allotment of plots to them under Oustees category in Sector 25, Part II, Panipat for which they had already applied through their respective applications in response to the advertisement issued on 30.11.2011.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The Government of Haryana acquired land of the petitioners situated within the revenue estate of Village Sarai Pilkhan, Tehsil and District Panipat for a public purpose namely for development of Sector 25, Part II, Panipat in the years 1987 and

1991. The Government framed policy dated 10.9.1987 for allotment of residential plots as well as commercial sites to the land owners whose land was compulsorily acquired by the Haryana Urban Development Authority (HUDA). The said policy was amended by HUDA time and again on 9.5.1990 and 18.3.1992. The HUDA invited applications for allotment of residential plots from the oustees/landowners whose land was acquired for development of Sector 25, Part II Panipat. The last date for submission of application forms was 30.11.2011. It was also mentioned in the advertisement that the applicant was to submit his application form alongwith 10% amount of the total tentative cost of the plot. The petitioners being oustees applied for allotment of plots through their respective applications dated 26.11.2011 and also deposited required amount of 10% i.e. ₹ 2,82,854/- but the draw was not held for a long time. Ultimately, the petitioners filed representation dated 17.10.2013 before respondent No.4 but no action was taken. According to the petitioners, as per guidelines of HUDA, the draw should have been conducted within reasonable time i.e. six months from the last date for submission of application forms but in the present case, no draw was held. Hence the instant writ petition.

4. We have heard learned counsel for the parties.

5. The only grievance made by learned counsel for the petitioners is that the respondent-authorities are not holding draw for the oustees category for allotment of plots inspite of the fact that a period of about four years has elapsed whereas the forms had been accepted in the year 2011.

6. Admittedly, the land of the petitioners was acquired in the years 1987 and 1991 for development of Sector 25, Part II, Panipat. The award was announced by the Land Acquisition Collector on 10.12.1987 and

25.3.1991 The petitioners received the compensation. In accordance with the policy dated 10.9.1987 framed by the Government of Haryana, applications for allotment of residential plots from the osutees were invited and last date for submission of application forms was 30.11.2011. The petitioners had applied through their respective applications dated 26.11.2011. A period of about four years has elapsed but the draw has not been held by the respondents. In spite of the fact that the petitioners have approached the respondents several times and even served legal notice, nothing has been done by the respondents. No satisfactory explanation has been given by the respondents for not holding the draw. The petitioners have been made to suffer for no fault of theirs. Thus, the action of the respondents in not holding draw of lots for the last about four years does not appear to be legal and valid. Accordingly, in the facts and circumstances of the case, a direction is required to be issued to the respondent authorities to hold draw of lots on or before 31.8.2015. Ordered accordingly. The writ petition stands disposed of.

(Ajay Kumar Mittal)
Judge

May 21, 2015
'gs'

(Rekha Mittal)
Judge