

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9975 of 2015

Date of Decision: 18.5.2015

Sawtantar Kumar and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, 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 respondent No.3 to make allotment of a plot to them under oustees category for which they had already applied.

2. Government of Haryana issued a policy dated 10.9.1987 (Annexure P-1) for the allotment of plots to the landowners whose land has compulsorily been acquired by the Haryana Urban Development Authority (HUDA). The said policy was amended vide policies dated 9.5.1990 (Annexure P-2), dated 18.3.1992 (Annexure P-3) and dated 13.2.1993 (Annexure P-4). Government of Haryana vide notification dated 2.3.1993 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.3.1994 under Section

6 of the Act acquired the land of the petitioners. The award was passed on 28.2.1996. The petitioners received the amount of compensation of the acquired land. Respondent No.4 invited applications for allotment of residential plots to the General Public as well as to the oustees. In pursuance thereto, the petitioners applied under oustees category vide applications No. 56031 and 66024 for the allotment of 10-Marla plot each in Sector 24, Panipat and also deposited 10% amount of the total tentative cost of the plot. Their names were not shown in the list of successful candidates in the draw of lots held by respondents No.3 and 4. On coming to know that their claim being rejected by the committee on the ground of release of their land, the petitioners made a representation to respondents No.2 and 3 to reconsider their claim. The respondents reconsidered the claim of the petitioners and on verification from the record found the petitioners entitled to the allotment of plot under oustees quota in the proceedings dated 9.7.2012 (Annexure P-6). Accordingly, the petitioners were allotted plot No. 1418 measuring 10 marlas vide allotment letter dated 12.9.2013 (Annexure P-7). The petitioners again made a representation dated 16.4.2014 (Annexure P-8) to respondents No.3 and 4 for reconsideration of their claim and to make the allotment of 10 marla plot, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 16.4.2014 (Annexure P-8) to respondents No.3 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.4 to take a decision on the representation dated 16.4.2014 (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

May 18, 2015
gbs

(REKHA MITTAL)
JUDGE