

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13220 of 2016

Date of Decision: 11.7.2016

Vilayti Ram

....Petitioner.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of mandamus directing the respondents to allot him the plot under the R&R Policy dated 7.12.2007 (Annexure P-1) in a time bound manner as per the assurance given vide letter dated 22.9.2015 (Annexure P-5).

2. The petitioner along with co-sharer Smt. Shimla Devi was owner in possession of the land measuring 2.5 bigha situated in kasba Karnal. The said land was acquired by the respondents vide notification dated 27.4.2006 issued under Section 6 of the Land Acquisition Act, 1894.

The award was passed on 23.4.2009. This Court awarded compensation to

the petitioner at the rate of ₹ 1607/- per square yard. The petitioner purchased the said land for residential purposes. He filed CWP No. 14616 of 2008 for release of the land in question. The respondents floated R&R Policy dated 7.12.2007 (Annexure P-1) for rehabilitation of the land loser. As per the said policy, the petitioner along with co-sharer Shimla Devi was entitled to allotment of a 3-Marla plot. Accordingly, he submitted an application for allotment of a 3-Marla plot. The petitioner sent a letter dated 5.8.2013 to the Deputy General Manager, HSIIDC, Karnal which was replied by respondent No.2 on 18.11.2013 by accepting that 75% of the total land of the petitioner had been acquired and his claim was rejected due to pendency of court case. Since the petitioner filed CWP No. 14616 of 2008 for release of the land in question, therefore, his case was not considered for the allotment of a plot under the R&R Policy. Thereafter, the petitioner filed CWP No. 1392 of 2014 praying therein that he is ready for withdrawal of CWP No. 14616 of 2008 and his case be considered for allotment of plot under oustees quota. The said writ petition was allowed by this Court vide order dated 11.11.2014 (Annexure P-2) read with order dated 13.2.2015 (Annexure P-3). CWP No. 14616 of 2008 was dismissed as withdrawn by this Court vide order dated 21.11.2014 (Annexure P-4). The petitioner sent a representation to the respondents for allotment of a plot under oustees quota, but to no effect. Accordingly, he filed COCP No. 2255 of 2015. During the pendency of the said COCP, respondent No.3 sent a letter dated 22.9.2015 (Annexure P-5) that the petitioner along with Shimla Devi was entitled to a 3-Marla plot. Thereafter, the petitioner moved representations dated 12.10.2015 (Annexure P-6 Colly) to respondents No.1 and 2 for allotment of a plot under the R&R Policy dated 7.12.2007 (Annexure P-1),

but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent representations dated 12.10.2015 (Annexure P-6 Colly) to respondents No.1 and 2, 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 representations dated 12.10.2015 (Annexure P-6 Colly), 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

July 11, 2016
gbs

(RAMENDRA JAIN)
JUDGE