

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14268 of 2016

Date of Decision: 21.7.2016

Rana @ Ravinder Nath Kapoor and another

....Petitioners.

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. Sanjiv Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition 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 and 3 to make allotment of SCO site against the advertisement dated 15.7.2016 (Annexure P-10) as per their entitlement in view of policies (Annexures P-1 to P-4, respectively) and for which they have already made a representation dated 16.7.2016 (Annexure P-11) which is scheduled to be held on 28.7.2016 by way of E-Auction.

2. Government of Haryana framed a oustees policy dated 10.9.1987 (Annexure P-1) for allotment of residential plots as well as commercial sites/SCOs to the oustees whose land had compulsorily been

acquired by the Haryana Urban Development Authority (HUDA) for development of residential sectors. The said policy was amended by the respondents from time to time vide policies, Annexures P-2 to P-4, respectively. The petitioners were owners of more than 10 marlas of land out of the land measuring 64 kanal 10 marlas situated within the revenue estate of village Makhdoom Jadgan, Tehsil and District Panipat, as per jamabandi for the year 1994-95 (Annexure P-5). Government of Haryana vide notification dated 23.2.1989 (Annexure P-6) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 22.2.1990 (Annexure P-7) under Section 6 of the Act acquired the land in question for the development of Sectors 13-17, Panipat. The award was passed on 21.2.1992. As per said policies, the land owners whose land had been acquired by HUDA, would be entitled for allotment of commercial sites/SCO as and when the same put to auction by making a representation. This Court vide order dated 26.4.2012 (Annexure P-8) passed in CWP No. 10941 of 2010 directed the HUDA to make allotment of a plot to each and every co-sharers according to their entitlement. Against the order, Annexure P-8, the State of Haryana filed SLP No. 13375 of 2013 which was dismissed by the Apex Court vide order dated 24.11.2015. The similar issue also came up before this Court in CWP No. 6684 of 2014 and this Court vide order dated 4.4.2016 (Annexure P-9) directed the respondents to re-consider the claim of the petitioners therein strictly in terms of the order dated 26.4.2012 (Annexure P-8) and the policies issued by the HUDA. Respondent No.3 issued a advertisement dated 15.7.2016 (Annexure P-10) for open e-auction of certain SCOs in Sectors 13-17, Panipat scheduled to be held on 28.7.2016. Accordingly, the petitioners moved a representation

dated 16.7.2016 (Annexure P-11) to respondent No.4 for allotment of SCO site in lieu of their acquired land prior to the auction to be held on 28.7.2016, 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 sent a representation dated 16.7.2016 (Annexure P-11) to respondent No.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.3 to take a decision on the representation dated 16.7.2016 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE