

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14768 of 2016

Date of Decision: 27.7.2016

Shri Subhash Chand Saini and others

....Petitioners.

Versus

The Chief Administrator, Haryana Urban Development Authority,
Panchkula

...Respondent.

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

PRESENT: Mr. Amar Nath Saini, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondent to allot plot(s) to them under the oustees policies including the policies dated 10.9.1987, 9.5.1990, 18.3.1992, 12.3.1993 and 27.3.2000 (Annexure P-7 Colly) framed by the Haryana Urban Development Authority (HUDA).

2. The father of the petitioners had four brothers who were the owners of land situated at Patti Musalmanan No.174, Sonapat which was acquired in two phases. The first acquisition was made in the year 1984 in which the land measuring 22 bigha, i.e. 4 acre 2 bigha (21,296 square yards) having 1/5th share of the petitioners' father situated within the revenue estate of Patti Musalmanan No. 174, Sonapat was acquired vide notification dated

20.4.1982 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 16.5.1984 under Section 6 of the Act. The award was passed on 7.12.1984. Against the said award, reference under Section 18 of the Act was filed and the Additional District Judge, Sonapat vide award dated 30.1.1989 (Annexure P-1) enhanced the compensation. The second acquisition was made in the year 1994 wherein 1/5th share of the petitioners of the land measuring 4 bigha 16 biswas, i.e. 4647 square yards situated within the revenue estate of Patti Musalmanan No. 174, Sonapat was acquired vide notification dated 6.5.1992 issued under Section 4 of the Act followed by notification dated 5.5.1993 under Section 6 of the Act. The award of the said acquisition was passed on 17.11.1994. Against the award dated 17.11.1994, the reference under Section 18 of the Act was made before the Additional District Judge, Sonapat who vide award dated 20.9.2000 (Annexure P-2) enhanced the amount of compensation. In response to the representation dated 16.5.2007 made by the father of the petitioners, a letter dated 15.10.2007 (Annexure P-3) was sent to him to attend the Lok Adalat on 18.10.2007 at HUDA Office, Sector 15, Sonapat, but despite that no plot was allotted to the petitioners or their father. Again the father of the petitioners moved a representation dated 24.8.2015 (Annexure P-4) to the respondent for allotment of plot under the oustee policies, but to no effect. However, unfortunately, the father of the petitioners expired on 30.8.2015 as per death certificate dated 8.9.2015 (Annexure P-5) leaving behind the petitioners as his legal heirs. Thereafter, the petitioners sent a representation dated 5.10.2015 (Annexure P-6) to the respondent for allotment of plot under oustee quota, 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 the representations dated 24.8.2015 (Annexure P-4) and dated 5.10.2015 (Annexure P-6) to the respondent, 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 the respondent to take a decision on the representations dated 24.8.2015 and 5.10.2015 (Annexures P-4 and P-6, respectively), 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

July 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No