

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

CWP-1516-2016

Date of decision:- 25.01.2016

Gurpinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Vikram Singh, Advocate,  
for the petitioners.

\* \* \* \*

**S.J. VAZIFDAR, A.C.J. (ORAL)**

The petitioners have challenged an order dated 14.12.2015 by which the respondents had rejected their application for being allotted a plot under the oustees quota.

2. The petitioners claim under their father. The order records that the petitioners' father's land was acquired. The impugned order records that the land in question admeasured only 04 kanals and 05 marlas and being less than an acre, the petitioners were not entitled to the benefit of the scheme. The petitioners, however, contend that the holding of the entire family ought to be considered as upon the death of their paternal grand-father, the heirs took the property as co-owners. Such land admeasured 10 kanals and 16 marlas i.e. more than an acre.

3. We do not find the details of these contentions on record. Various factual aspects would have to be considered including whether upon the death of the grand-father the petitioners took the land as co-owners or whether they took their respective shares separately and/or partitioned the same.

4. The petitioners are at liberty to make a fresh representation after setting out all the facts regarding the extent of the holding and more important

the nature of such holding. In the event of the petitioners making such an application, the respondents shall decide the same in accordance with law.

The writ petition is accordingly disposed of.

**(S.J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**25.01.2016**  
Amodh