

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15193 of 2016

Date of Decision: 9.8.2016

Deepak Seth

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Amit Aggarwal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allow him to apply for the allotment of plot under oustee scheme in view of advertisement dated 19.10.2015 (Annexure P-1) and dated 21.12.2015 (Annexure P-2) inviting applications for allotment of freehold residential plots in Sectors 77 and 78, Faridabad under the oustee category.

2. The respondents vide advertisements dated 19.10.2015 (Annexure P-1) and dated 21.12.2015 (Annexure P-2) invited applications for allotment of freehold residential plots in Sectors 77 and 78, Faridabad. The father of the petitioner was owner of the land which was acquired by the State of Haryana vide notification dated 4.1.1974 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”)

followed by notification dated 1.10.1976 under Section 6 of the Act. The award was passed on 29.9.1978. The landowners filed references under Section 18 of the Act which were decided by the District Judge, Faridabad vide award dated 28.10.1982 by enhancing the amount of compensation. The father of the petitioner made a representation dated 16.11.1973 (Annexure P-4) to the Land Acquisition Collector that he has no other land to live except the acquired land so the land in question be released and he be not dispossessed from his ancestral land. Even after the acquisition of the land, the father of the petitioner made the representations dated 5.10.1978 and 10.10.1978 for release of his land. The said representations were duly replied by respondent No.1 vide letter dated 4.12.1978 that it was not possible to release the acquired land but his case can be considered for the allotment of a residential plot on priority basis in view of the dispossession for which the petitioner had to approach the Director, Urban and Town Planning, Faridabad. The father of the petitioner sent a letter dated 3.6.1981 (Annexure P-6) to the Director, Urban and Town Planning, Faridabad for the allotment of a plot under oustees scheme. The father of the petitioner died on 6.1.1986. After his death, the petitioner received a letter dated 13.1.1986 (Annexure P-7) that his claim for release of land had been rejected and so far as his claim for allotment of plot under oustee scheme was concerned, the same was to be considered by the Chief Administrator, Haryana Urban Development Authority. Again the petitioner received a letter dated 30.1.1986 (Annexure P-8) that his situated situated in Sector 28, Faridabad had been acquired vide award dated 21.9.1978 and directed to vacate the said house within a week. The petitioner made a representation dated 17.2.1986 (Annexure P-9) to the Chief Minister, Haryana for release

of the house in question. Thereafter, the petitioner filed CWP No. 12097 of 2014 which was dismissed by this Court vide order dated 7.10.2014 (Annexure P-10). The said order was passed in terms of the order dated 25.4.2012 (Annexure P-11) in LPA No. 2096 of 2011. Thereafter, the petitioner moved a representation dated 11.11.2014 (Annexure P-12) to respondents No.2 and 3 for the allotment of plot in oustee scheme in view of order dated 7.10.2014 passed in CWP No. 12097 of 2014, 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 a representation dated 11.11.2014 (Annexure P-12) to respondents No.2 and 3, 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 representation dated 11.11.2014 (Annexure P-12), 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

August 9, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No