

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15713 of 2016

Date of Decision: 5.8.2016

Lalit Parkash and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Sharma, 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 respondents to allot them the plots as per the settlement dated 18.5.2015 (Annexure P-5).

2. The petitioners purchased the land as mentioned in para 2 of the writ petition situated in village Chauma, District Gurgaon vide sale deeds dated 16.7.1999 (Annexure P-1) and dated 14.8.1997 (Annexure P-2) prior to the issuance of notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"). The said land was acquired by the State of Haryana for the development of NPR Dwarka Road Connecting to NH-8, Near Kherikidaula, Urban Estate, Gurgaon. The award was passed on 23.12.2009. The respondents framed oustees policy dated 9.11.2010

(Annexure P-3) providing that the plots would be allotted to the land owners

who were owners prior to the issuance of notification under Section 4 of the Act. The petitioners have filed CWP No. 8697 of 2008 and this Court vide order dated 20.5.2015 (Annexure P-4) disposed of the said writ petition in view of the settlement dated 18.5.2015 (Annexure P-5) between the petitioners and the Haryana Urban Development Authority. As per said settlement, Annexure P-5, the respondents have offered plots to the petitioners against their acquired land in Sector 110-A, Gurgaon. The respondents have issued a public notice (Annexure P-6) inviting oustees claims from the land owners whose land had been acquired. Further, vide public notice (Annexure P-7), it was informed that the draw of lots of plots in Sector 110-A, Gurgaon would be held on 31.7.2016 at 11.00 AM. As per the proceedings dated 18.5.2015 (Annexure P-5), the respondents have no objection to allot the plot to the GPA/SPA/Agreement to Sell/Will holders in Sectors 110A and 37C, Gurgaon and were ready to allot plots to approximately 250 ineligible oustees. The petitioners were declared eligible for the allotment of plots. Later on, their applications were not considered for the allotment of plots. Accordingly, the petitioners moved a representation dated 1.8.2016 (Annexure P-8) to respondents No.1 to 3 for allotment of plots to them as per the settlement dated 18.5.2015 (Annexure P-5), 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 1.8.2016 (Annexure P-8) to respondents No.1 to 3, 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 1.8.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 5, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No