

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15787 of 2016

Date of Decision: 8.8.2016

Veena Kapoor

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to make allotment of SCO site under oustees quota against the advertisement dated 15.7.2016 (Annexure P-10) as per her entitlement in view of policies (Annexures P-1 to P-4, respectively) and for which he has already made a representation dated 22.7.2016 (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 husband of the petitioner was owner 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 petitioner moved a representation dated 22.7.2016 (Annexure P-11) to respondent No.4 for allotment of SCO site in lieu of his 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 petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 22.7.2016 (Annexure P-11) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the 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 22.7.2016 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 8, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No