

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16835 of 2016

Date of Decision: 22.8.2016

Om Parkash

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Jasmer Singh, Advocate for
Mr. Johan Kumar, 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 allot a plot to him under the oustees quota.

2. The petitioner was owner of the land situated within the revenue estate of village Barkhtabad, Tehsil Bahadurgarh, District Jhajjar. His land along with the land of his brother and sisters was acquired by the State Government vide notifications dated 17.4.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 10.4.2003 under Section 6 of the Act for the purpose of residential and industrial Sector 13, Bahadurgarh, District Jhajjar. The award was passed on 25.6.2004 and the possession of the land in question was taken by the

Haryana Urban Development Authority. State of Haryana framed an

oustees policy dated 10.9.1987 (Annexure P-1). Thereafter, policies dated 9.5.1990 (Annexure P-2) and dated 18.3.1992 (Annexure P-3) were framed. As per Clause (iii) of the Policy, Annexure P-3, each of the co-sharers in the land was entitled to allotment of a plot individually as per his entitlement, i.e. share in the joint holding and only in a case where the acquired land of the co-sharer was less than one acre, then one plot of 250 square yards was to be allotted in the joint name of the co-sharers. The said policy was modified vide letter/instruction dated 12.3.1993 (Annexure P-4) vide which the right for applying for allotment of plots under the oustees category was restricted to the extent of only one plot to all the co-sharers. The petitioner submitted various representations to the Haryana Urban Development Authority for allotment of plot under the oustees quota, but to no effect. Thereafter, the petitioner served a legal notice dated 16.9.2015 (Annexure P-5) upon respondent No.3 for the allotment of a plot under oustees quota, but no response has been received till date. Further, the case of the petitioner was covered under the Policy dated 28.8.1998 and a rehabilitation policy dated 7.12.2007 (Annexure P-6). 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 legal notice dated 16.9.2015 (Annexure P-5) to respondent No. 3, but no action has so far been taken thereon. Reliance was also placed upon the order dated 2.9.2013 (Annexure P-7) passed by this Court.

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 legal notice dated 16.9.2015 (Annexure P-5), 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 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No