

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17493 of 2016

Date of Decision: 27.8.2016

Rajesh Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ajit Malik, 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 respondents No.2 to 4 to allot a plot to him in Sector 11-12, Panipat in view of the order dated 25.4.2016 (Annexure P-6) passed in LPA No. 2096 of 2011 for which the petitioner had already sent a legal notice dated 20.6.2016 (Annexure P-10).

2. As per the oustee certificate dated 30.12.2015 (Annexure P-1), the father of the petitioner was having share in the land measuring 2 kanal 6 marlas situated in village Taraf Afgan, Tehsil and District Panipat. Government of Haryana acquired the land of the petitioner for the development and utilization of land as residential/commercial and industrial Sector 11-12, Panipat vide award dated 14.2.1979. State of Haryana framed policies dated 10.9.1987 (Annexure P-2), dated 9.5.1990 (Annexure P-3),

dated 18.3.1992 (Annexure P-4) and dated 12.3.1993 (Annexure P-5). This Court vide order dated 25.4.2012 (Annexure P-6) in LPA No. 2096 of 2011 directed the authorities to make allotment of plot/commercial sites to the land owners whose land was acquired by HUDA and other acquiring authorities. The petitioner moved representations dated 7.6.2012 (Annexure P-7), dated 31.12.2013 (Annexure P-7/A), dated 30.10.2014 (Annexure P-7/B) and dated 17.3.2016 (Annexure P-7/C) to respondent No.4 for the allotment of plot under oustee quota, but to no effect. On coming to know that in the adjoining sectors the landowners whose land was acquired prior to the framing of the policy dated 10.9.1987, have been allotted the residential plots under oustee quota, the petitioner moved an application dated 7.4.2016 (Annexure P-8) to respondent No.4 along with demand draft of ₹ 50,000/- for the allotment of plot. However, the respondents did not consider the claim of the petitioner and refunded the said amount vide letter dated 2.5.2016 (Annexure P-9). Thereafter, the petitioner served a legal notice dated 20.6.2016 (Annexure P-10) upon respondents No.2 to 4 for the allotment of plot in oustee category, 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 legal notice dated 20.6.2016 (Annexure P-10) to respondents No.2 to 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 legal notice dated 20.6.2016 (Annexure P-10), 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 27, 2016**  
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**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**