

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17852 of 2016

Date of Decision: 31.8.2016

Shri Dharmender Rathee

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ivneet Singh Pabla, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 Haryana Urban Development Authority (HUDA) to allot a residential plot/commercial site in Urban Estate, Bahadurgarh or any other fully development Sector to him as per his entitlement in terms of the oustees policy in lieu of his acquired land.

2. The petitioner was owner in possession of the land situated within the revenue estate of Bahadurgarh, District Jhajjar. His land was acquired by the respondents for the development and utilization of land as residential and commercial area, Sectors 9 and 9-A, Bahadurgarh vide notification dated 12.5.1995 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 10.5.1996 under Section 6 of the Act. The petitioner along with other co-sharers

whose land had been acquired was entitled to the separate plot as per their entitlement in oustees policy. This Court vide order dated 26.4.2012 (Annexure P-1) passed in CWP No. 10941 of 2010 while disposing of the writ petition of the similarly situated co-sharers had directed the respondents to consider the claim of each of the co-sharers for allotment of plot keeping in view his land holding. Accordingly, the petitioner moved a representation dated 7.4.2016 (Annexure P-2) to respondent No.4 for the allotment of a plot under oustees quota, 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 7.4.2016 (Annexure P-2) 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.4 to take a decision on the a representation dated 7.4.2016 (Annexure P-2), 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 31, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No