

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18033 of 2016

Date of Decision: 1.9.2016

Rai Singh and others

....Petitioners.

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 petitioners have 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 developed Sector to them as per their entitlement in terms of the oustees policy in lieu of their acquired land.

2. The petitioners were owners in possession of the land situated within the revenue estate of Bahadurgarh, District Jhajjar. Their 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 petitioners along with other co-sharers

whose land had been acquired were entitled to the separate plots 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 petitioners 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 petitioners submitted that for the relief claimed in the writ petition, the petitioners have 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 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.4 to take a decision on the 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 petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 1, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No