

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 18468 of 2016

DATE OF DECISION : 18.10.2016

Pushp Lata

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

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

HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ram Avtar Yadav, Advocate,
for the petitioner.

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RAMENDRA JAIN, J.

1. Vide notification dated 25.09.1989 issued under Section 4 of the Land Acquisition Act, 1894, total agricultural land measuring 4 Kanals 7 Marlas, situated within the revenue estate of village Patti Kasth, Kaithal, owned by Bal Kishan (husband of the petitioner) was acquired by the State of Haryana for public purposes, i.e. for development and utilization of Sector 20, Kaithal. However, in lieu thereof, neither any residential plot was allotted in his favour out of the oustee quota, nor the acquired land was released. On 29.01.2007, in the Lok Adalat, constituted by the Chief Administrator, HUDA, Panchkula, with a view to settle all the claims of oustees, pending in any Court or the Forum, husband of the petitioner was found eligible. Accordingly, vide order dated 29.01.2007 (Annexure P-1) passed by the Oustees Adalat-cum-Estate Officer, HUDA, Kaithal (respondent No.3), husband of the petitioner was allotted 250 square yards

plot under the oustee policy dated 18.03.1992 of HUDA. Accordingly, in the draw of lots held on 30.05.2008, the petitioner was allotted plot measuring 10 marlas, bearing No. 364, Sector 20, Kaithal. However, respondent No.3 filed an appeal against the aforesaid order dated 29.01.2007 before the Apex Appellate Body Administrator, Headquarter, HUDA (respondent No.2). Therefore, despite submission of representation dated 14.01.2010 (Annexure P-4) by husband of the petitioner, the allotment letter was not issued in his favour. In the meanwhile, unfortunately, husband of the petitioner died. Thereafter, son of the petitioner submitted representation dated 09.12.2014 (Annexure P-6) to respondent No.2 requesting him to decide the appeal. But when the appeal was still not decided, the petitioner served a legal notice dated 10.6.2016 (Annexure P-8) requesting respondents No.2 and 3 to decide the appeal pending before respondent No.2 against the allotment of plot under the oustees quota in favour of husband of the petitioner. But to no avail.

2. Hence, by way of present writ petition, the petitioner has prayed for issuance of a writ of mandamus directing the respondents to decide the legal notice dated 10.06.2016 (Annexure P-8) and to issue allotment letter of plot No. 364 in Sector 20, Kaithal, measuring 10 Marlas, in favour of the petitioner, besides direction to respondent No.2 to decide the appeal filed by respondent No.3, which is pending since 2008.

3. Admittedly, agricultural land of husband of the petitioner was acquired way back in the year 1989 and he was allotted plot No. 364 in Sector 20, Kaithal, on 17.04.2008, in pursuance of the order dated 29.01.2007 (Annexure P-1) passed by the Oustees Adalat. Appeal against

the said order filed by respondent No.3 is pending before respondent No.2 since the year 2008. In the meanwhile, unfortunately, husband of the petitioner expired. Now, due to pendency of the aforesaid appeal filed by respondent No.3, the petitioner is still waiting for allotment of the plot.

4. In view of the above, respondent No.2 is directed to decide the appeal filed by respondent No.3 against the order dated 29.01.2007 (Annexure P-1), and the legal notice dated 10.06.2016 (Annexure P-8) got served by the petitioner, expeditiously, in accordance with law, preferably within a period of three months from the date of receipt of a certified copy of this order.

5. Petition is disposed of accordingly.

**(RAMENDRA JAIN)
JUDGE**

October 18, 2016
ndj

**(AJAY KUMAR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No