

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

CWP-2124-2016

Date of decision:- 03.02.2016

Balbir Kumar Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Arjun Sheoran, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

Issue notice of motion returnable forthwith.

Service is waived, as Mr. Rahul Dev Singh, learned Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

The petitioner is aggrieved by an order of cancellation in respect of a plot which was allotted to him under the reserved category of ex-servicemen.

2. In *Dharam Singh Yadav Vs State of Haryana*, CRM-M-26292-2013, the Court had directed the authorities to take action against the allottees who had illegally obtained allotment of more than one plot under the reserved category. Accordingly, a show cause notice dated 01.09.2015 was issued to the petitioner. The petitioner by his reply dated 25.09.2015 sought time to respond to the show cause notice on the ground that he was then in the United States of America undergoing treatment. The respondents, however, without acceding to his request by the impugned order dated 23.10.2015 cancelled the allotment of the plot.

3. Admittedly, the petitioner was allotted a plot under the reserved category in the year 1984 at Karnal. He sold the same and applied for the plot which is the subject matter of this writ petition. The plot was allotted. The note appended to the eligibility conditions in respect of persons

applying under the reserved categories expressly stated that the applicant under any reserved category is entitled to avail the benefit of allotment only once in his/her life time in any of the urban estates. Although this clause is reasonably clear, with a view not to leave any scope for grievance, we intend granting the petitioner an opportunity of being heard. Admittedly, the petitioner has not had an opportunity to date of having his case decided by the respondents. The possession of the plot was handed over to the petitioner. It is, however, an open plot with no construction thereon. The petitioner obviously is, therefore, not residing therein.

4. In these circumstances, to ensure compliance with the rules of natural justice, the impugned order dated 23.10.2015 is set aside with the following directions:-

(i) The respondents shall afford the petitioner an opportunity of being heard and take a fresh decision in respect of the show cause notice proposing to cancel the allotment of the plot.

(ii) Till the decision on the show cause notice, the petitioner shall not be entitled to deal with the plot in any manner whatsoever.

(iii) The possession of the plot shall remain only with the respondents.

We do not express any views regarding the correctness or otherwise of the impugned order.

The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.02.2016

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