

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21285 of 2016

Date of Decision: 7.10.2016

Yudhvir Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Radhe Shyam Sharma, 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 the respondents to allot a 6-Marla plot to him as an oustee as he had already completed all the formalities and deposited the earnest money of ₹ 50,000/- vide receipt dated 27.12.2011.

2. The petitioner was owner in possession of the land measuring 15 biswas situated within the revenue estate of Rohtak vide mutation dated 23.7.2015 (Annexure P-1) and the certificate dated 27.12.2011 (Annexure P-2) issued by the Tehsildar, Rohtak, prior to the notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"). The said land was acquired by the State of Haryana vide notification dated 15.12.2006 issued under Section 4 of the Act for the construction of Sector road, Sectors 7-37,

Rohtak. State of Haryana framed a policy dated 10.9.1987 for the allotment

of a plot to the landowner who was owner one year prior to the notification under Section 4 of the Act and whose minimum 75% of land holding was acquired, was held entitled to a plot under oustees quota. Various other policies including policy dated 9.11.2010 (Annexure P-3) were also framed from time to time. The respondents issued a notice for submission of application forms under oustees quota from 1.12.2011 to 31.12.2011. In response thereto, the petitioner submitted his application (Annexure P-4), affidavit (Annexure P-5), earnest money of ₹ 50,000/- vide cheque (Annexure P-6) and receipt (Annexure P-7) all dated 27.12.2011. The petitioner met the officials of respondent No.3 on 21.8.2013 and was informed that the notices have been sent to the owners for the allotment of plots for 2.9.2013 at 9.00 AM and asked the Patwari to hand over the notice to the petitioner. The petitioner received a photo copy of notice dated 13.8.2013 (Annexure P-8) in which his address was wrongly mentioned. Accordingly, the petitioner moved a representation dated 16.9.2015 (Annexure P-9) to respondent No.3 for the allotment of a plot under the oustees quota, but to no effect. Thereafter, the petitioner served a legal notice dated 12.2.2016 (Annexure P-10) upon the respondents, 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 16.9.2015 (Annexure P-9) followed by a legal notice dated 12.2.2016 (Annexure P-10) to the respondents, 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 representation dated 16.9.2015 (Annexure P-9) followed by a legal notice dated 12.2.2016 (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

October 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No