

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21389 of 2016

Date of Decision: 17.10.2016

Sukhwinder Singh Gill 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. Abhimanyu Singh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ 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 respondents to allot them the residential plots as per their entitlement in terms of the policy dated 9.11.2010 (Annexure P-2) and in view of the judgment in **State of UP v. Pista Devi with Meerut Development Authority and others, AIR 1986 SC 2025** and the directions issued by this Court vide order dated 18.7.2013 (Annexure P-1) wherein petitioners No.1 and 2 were being allotted the plots of lesser size and petitioners No.3 and 4 were being discriminated in implementation of policy, Annexure P-2, for the allotment of residential plots and their cases were not being considered and decided by the respondents.

2. The houses/vacant plots of the petitioners were acquired by the

State of Haryana vide notification dated 25.1.2008 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 18.3.2008 under Section 6 of the Act for the development and utilization of land for 150 meters wide periphery road linking Dwarka Township Delhi from Haryana Boundary to National Highway No.8 near village Kherki Daula at Gurgaon. The award was passed. The petitioners challenged the said notifications by filing CWP No. 4753 of 2013. The said writ petition was disposed of by this Court vide order dated 18.7.2013 (Annexure P-1) in terms of CWP No. 792 of 2013. As per policy dated 9.11.2010 (Annexure P-2) issued by State of Haryana, the petitioners were entitled to the plots measuring 14-Marla, 14-Marla, 4-Marla and 6-Marla, respectively. The petitioners filed SLP (C) No. 36306 of 2013 against the order, Annexure P-1, and the Supreme Court vide order dated 9.12.2013 disposed of the said SLP with permission to the petitioners to apply for review of the judgment and order, Annexure P-1, and this Court was to consider it on its own merits, in accordance with law. In pursuance thereto, the petitioners filed RA-56-CWP-2014 before this Court and this Court vide order dated 16.10.2015 (Annexure P-3) disposed of the said review application by recording that if there is any impediment against granting the benefits of policy decision dated 9.11.2010 or if the authorities had shown any reluctance in giving effect to those directions, there shall be liberty to the review applicants to raise such issues before an appropriate forum including the writ Court, if so advised. Thereafter, the petitioners moved various representations including the representation dated 22.8.2016 (Annexure P-4) to respondent No.3 for the allotment of plots, but to no effect. In the draw of lots held on 29.8.2016 (Annexure P-5), petitioners

No.1 and 2 were allotted lesser size plots of 8 marla whereas the names of petitioners No.3 and 4 were not considered. The petitioners again submitted a representation dated 29.8.2016 (Annexure P-6) to respondent No.3 for the allotment of plots as per their entitlement, 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 various representations including the representations dated 22.8.2016 (Annexure P-4) and dated 29.8.2016 (Annexure P-6) to respondent No.3, but no action has so far been taken thereon. Reliance has been placed upon the orders (Annexures P-7 to P-9, respectively).

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 representations dated 22.8.2016 (Annexure P-4) and dated 29.8.2016 (Annexure P-6), 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

October 17, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No