

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21826 of 2016

Date of Decision: 21.10.2016

Mukesh Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjiv Gupta, 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 respondents No.2 to 4 to hold the draw of lots qua the adjoining Sector 25, Part II and to allot a plot to him in Sector 25, Part II, Panipat being the adjoining and next Sector allotted by the Haryana Urban Development Authority (HUDA) to Sector 29, Part II (Industrial), Panipat for which the land of the petitioner was acquired.

2. The petitioner was owner in possession of the land measuring 8 kanals situated within the revenue estate of village Patti Taraf Afgan. The said land was acquired by the State of Haryana vide notification dated 12.9.2001 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.4.2002 under Section 6 of the Act for the development of Sector 29, Part II, Panipat. The award was

announced on 11.4.2002. The respondents invited applications for the allotment of plot of various sizes to the landowners/oustees whose land was acquired by the HUDA. The petitioner submitted his application along with 10% earnest money. The name of the petitioner was placed at Sr. No. 1 in the list of oustees by the Oustees Screening Committee and the draw of lots was to be held on 17.3.2016. On coming to know that his name has not been put in the draw of lots, the petitioner made an enquiry from the Oustees Screening Committee which rejected his claim vide proceedings dated 24.2.2016 (Annexure P-1) on the ground that his land was less than 75%. The petitioner made a request dated 3.5.2016 (Annexure P-2) to respondent No.4 with a copy to respondent No.3 for allotment of a plot in Sector 25, Part II, Panipat under oustees quota. On the said application, the Tehsildar made a report dated 3.5.2016 (Annexure P-3) that the acquired area of the petitioner was more than 75%. Accordingly, the petitioner served a legal notice dated 6.6.2016 (Annexure P-4) upon respondents No.2 to 4 for the allotment of a plot under the oustees quota, but no response has been received till date. State of Haryana framed an oustees policy dated 10.9.1987 (Annexure P-5) for the allotment of residential plots as well as commercial sites to the landowners whose land was compulsorily acquired by the HUDA. The said policy was amended vide policies dated 9.5.1990 (Annexure P-6) and dated 28.8.1998 (Annexure P-7). Vide advertisement dated 7.12.2011 (Annexure P-8), the applications were invited from the landowners whose land had been acquired for Industrial Sector 29, Part II, Panipat. The petitioner applied for a plot and deposited the requisite amount of 10%. After the submission of the application form, the draw was not held. In a similar matter, this Court vide order dated 21.5.2015 (Annexure

P-9) passed in CWP No. 7540 of 2015 directed the respondents to conduct the draw of lots on or before 31.8.2015. One similarly situated landowner, namely, Rajreb Singh filed CWP No. 16297 of 2015 and this Court vide order dated 13.8.2015 (Annexure P-10) disposed of the said writ petition with a direction to the respondents to consider the claim of the petitioner therein by 30.11.2015. Till date, the draw of lots had not been held. 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 legal notice dated 6.6.2016 (Annexure P-4) to respondents No.2 to 4, 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.4 to take a decision on the legal notice dated 6.6.2016 (Annexure P-4), 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 the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No