

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22057 of 2016

Date of Decision: 24.10.2016

Shripal Pal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. S.K. Tripathi, 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 plot to him within the area of Sector 37-C, Gurgaon in view of the order dated 16.9.2013 (Annexure P-1) passed in CWP No. 5492 of 2012 whereby the directions have been issued to the respondents to allot the plots to the persons whose land/houses have been acquired for the alignment of proposal 60 meters wide road, off-shooting from 150 meter wide Northern Peripheral Road at village Choma, District Gurgaon issued by the Government of India.

2. The petitioner is owner of plot No. D/1-72, Phase II, measuring 127 square yards situated in village Choma, District Gurgaon which he purchased vide sale deed dated 15.3.2000. The said land was acquired by the respondents vide notification dated 13.1.2010 issued under Section 4 of

the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 25.1.2010 under Section 6 of the Act for the development and utilization of sector roads, Sectors 99 to 115, Gurgaon. Some of the landowners filed CWP No. 5492 of 2012 and this Court vide order dated 16.9.2013 (Annexure P-1) disposed of the said writ petition in terms of the order dated 31.7.2013 passed in CWP No. 9352 of 2012. In pursuance thereto, the petitioner submitted an application for the allotment of plot along with documents. Respondent No.4 vide letter dated 4.12.2015 (Annexure P-2) informed the petitioner that the plots available in Sector 110A, Gurgaon were under litigation pending in this Court but the plots were available in Sector 37-C, Gurgaon and the Haryana Urban Development Authority was ready to allot the plots in Sector 37-C, Gurgaon whose plots/houses were coming in the alignment of Northern Periphery Road and asked the petitioner to give his consent in writing for the allotment of plot through the draw of lots in Sector 37-C, Gurgaon in place of Sector 110A, Gurgaon. The petitioner vide letter dated 16.12.2015 (Annexure P-3) submitted his consent to respondent No.4 that he has no objection if the plot is allotted to him in Sector 37-C, Gurgaon in place of Sector 110-A, Gurgaon. A public notice along with list of persons whose names were put in the draw of lots (Annexure P-4 Colly) was pasted on the notice board in which the name of the petitioner was not mentioned. The petitioner approached the respondents in this regard, but to no effect. Thereafter, the petitioner moved a representation dated 2.9.2016 (Annexure P-5) to respondent No.3 for allotment of plot in view of the order dated 16.9.2013 (Annexure P-1) passed in CWP No. 5492 of 2012, 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 2.9.2016 (Annexure P-5) to respondent No.3, 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 2.9.2016 (Annexure P-5), 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 24, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No