

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22400 of 2016

Date of Decision: 27.10.2016

Mahabir Singh Malik

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajesh Lamba, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 under the oustee policy. Further, a prayer has been sought directing the respondents to decide the representation dated 2.8.2016 (Annexure P-5).

2. The petitioner purchased two plots measuring 67 square yards each having dimensions East to West 15 feet, North to South 40 feet and East to West 15 feet and North to South 40 feet situated within the revenue estate of village Garhi Brahamana, Sonapat vide sale deed dated 20.10.1986 and agreement dated 7.1.1993, respectively from Bhagwan Dass and Vidyawati. The petitioner constructed the residential house thereon. State of Haryana acquired the said house vide notification dated 16.12.1988

Act”) followed by notification dated 13.12.1989 under Section 6 of the Act. The award was passed on 28.3.1990. In March 2003, the house of the petitioner was broken for constructing a road for Sector 23, HUDA, Sonapat against which the petitioner moved a representation dated 22.7.2008 (Annexure P-1) to respondent No.3. Respondent No.2 vide letter dated 10.3.2008 (Annexure P-2) directed respondents No.3 and 4 to look into the said representation, Annexure P-1. However, the petitioner was not allotted any plot of equivalent size as per the oustee policy framed by the State of Haryana. The petitioner submitted a representation dated 29.12.2014 to the Chief Minister, Haryana. The said representation is pending with respondent No.2 as is discernible from the grievance status (Annexure P-3) of CM Grievance Redressal System. The petitioner moved another representation dated 29.12.2014 (Annexure P-4) to respondent No.5 regarding breaking of his house in Sector 23, Sonapat, but to no effect. Thereafter, the petitioner moved representation dated 2.8.2016 (Annexure P-5) to respondents No.1 to 4 for providing the residential accommodation/plot and other subsequent benefits, but no response has been received till date. The petitioner had also filed a civil suit with regard to the land measuring 67 square yard for agreement to sell and the said suit was decided in his favour vide judgment and decree dated 12.7.2016 (Annexure P-6). 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 2.8.2016 (Annexure P-5) to respondents No.1 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.2 to take a decision on the representation dated 2.8.2016 (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 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No