

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22553 of 2016

Date of Decision: 27.10.2016

Biranchi Narayan Sahu 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. S.K. Tripathi, 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 the plots to them 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, of-shooting from 150 meter wide Northern Peripheral Road at village Choma, District Gurgaon issued by the Government of India.

2. The petitioners were owner of plot Nos. D/1-67 and B-68, New Palam Vihar, Phase II, Gurgaon measuring 127 square yards each situated in village Choma, District Gurgaon which they purchased vide GPA dated

28.2.2001 and SP dated 21.8.2006, respectively. 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 petitioners submitted the applications for the allotment of plots along with documents. Respondent No.4 vide letter dated 4.12.2015 (Annexure P-2) informed the petitioners 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 petitioners to give their consent in writing for the allotment of plots through the draw of lots in Sector 37-C, Gurgaon in place of Sector 110A, Gurgaon. The petitioners vide letters dated 18.12.2015 and 30.12.2015 (Annexure P-3 Colly) submitted their consent to respondent No.4 that they has no objection if the plots are allotted to them 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 names of the petitioners were not mentioned. The petitioners approached the respondents in this regard, but to no effect. Thereafter, the petitioners moved the representations dated 2.9.2016 (Annexure P-5 Colly) 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 petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representation dated 2.9.2016 (Annexure P-5 Colly) to respondent No.3, but no action has so far been taken thereon.

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.3 to take a decision on the representations dated 2.9.2016 (Annexure P-5 Colly), 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 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No