

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24580 of 2016

Date of Decision: 30.11.2016

Gurudwara Manji Sahib, Manimajra, UT, Chandigarh

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

PRESENT: Mr. Amit Jhanji, 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 certiorari for quashing the order dated 13.4.2015 (Annexure P-5) passed by respondent No.3 for rejecting its claim for the allotment of a plot measuring 10 marlas under the oustees quota. Further, a writ of mandamus has been sought directing the respondents to allot a 10-Marla residential plot to the petitioner under the oustees quota in pursuance to the acquired land.

2. The petitioner was the owner of the land measuring 5 kanal 4 marlas situated in village Juddian, Tehsil and District Panchkula. The said land was acquired by the respondents in the years 1984 and 1985. The Land Acquisition Collector vide award dated 14.8.1985 assessed the market value of the land @ ₹ 65,600/- per acre. Against the said award, the landowners, i.e. Gurudwara Prabhandhak Committee filed reference under Section 18 of

the Land Acquisition Act, 1894. The lower Court had assessed the market

value of the acquired land at ₹ 1,50,000/- per acre against which the State as well as the landowners filed RFA Nos. 1459 of 1992 and 1502 of 1992, respectively. This Court vide judgment dated 19.8.2010 (Annexure P-1 Colly) disposed of the said appeals. As per the policy of the Haryana Urban Development Authority, the oustees were entitled to the allotment of a plot whose land was acquired. The petitioner applied for the allotment of 10 Marla plot as per its entitlement under the oustee quota in Sector 6, MDC, Panchkula vide application dated 26.4.2012 (Annexure P-2). Along with the application, the petitioner had also submitted the certificate Annexure No.2 (Annexure P-3) issued by the District Town Planner, Panchkula. In pursuance to the application filed by the petitioner, respondent No.3 vide letter dated 7.8.2014 (Annexure P-4) asked the petitioner to appear before the Screening Committee along with the relevant documents for consideration of the claim for the allotment of a plot. As such, the petitioner appeared before the Screening Committee and submitted all the requisite documents. However, the respondents refused to allot the plot to the petitioner and refunded their earnest money vide letter dated 13.4.2015 (Annexure P-5) on the ground that as per the report of the Land Acquisition Officer, 100% of the land of the petitioner was acquired vide award dated 14.8.1985 but as per the report of the District Town Planner, Panchkula, the said land had already been released. The petitioner moved a representation dated 22.4.2015 (Annexure P-6) to respondent No.3 that the land in question had not been released and requested for the allotment of a plot. Thereafter, the petitioner vide letter dated 7.8.2015 (Annexure P-7) requested the Land Acquisition Officer, Panchkula to look into the matter and sent the correct report to respondent No.3 regarding the acquisition of

100% land of the petitioner. The District Town Planner, Panchkula vide letter dated 14.8.2015 (Annexure P-8) sought clarification from respondent No.3 regarding the acquisition of the land of the petitioner. The petitioner sent a reminder dated 22.9.2015 (Annexure P-9) to respondent No.3 for the allotment of a plot under oustee quota, but to no effect. Thereafter, the petitioner moved a representation dated 20.12.2015 (Annexure P-10) to respondent No.3 for the allotment of a plot in Sectors 2 and 6, MDC, Panchkula under the oustee quota, 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 20.12.2015 (Annexure P-10) to respondent No.3, but no action has so far been taken thereon. Reliance has been placed upon the order (Annexure P-11) passed by this Court and the policy dated 11.8.2016 (Annexure P-12).

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 20.12.2015 (Annexure P-10), 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

November 30, 2016
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No