

CWP No.8933 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.8933 of 2015
Date of decision: 04.10.2016

Smt. Kaushalya Devi 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. Sanjay Mittal, Advocate, for the petitioners.
Ms. Shubhra Singh, Addl. A.G., Haryana.
Mr. Amar Vivek, Advocate, and
Ms. Ankita Bajaj, Advocate, for respondent No.6.

AJAY KUMAR MITTAL, J. (ORAL)

Petitioners have approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to allot plot/shop to the petitioners in New Fruit and Vegetable Market, Rewari under the oustees quota and further prayer has been made for directing respondent No.2 to frame policy to allot the plots under the oustees quota to the land owners whose land has been acquired.

2. Learned counsel for respondents No.1, 2 and 6 submitted that during the pendency of the writ petition, Haryana Government has notified the policy vide notification dated 20.08.2015 (Annexure R-2) for rehabilitating the oustees whose land was acquired by the Agriculture Department for Haryana State Agricultural Marketing Board during the period from 23.07.1997 to 06.09.2010.

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3. In view of the above, learned counsel for the petitioners submitted that on behalf of petitioners No.1 to 9 and 12 to 17 he may be permitted to withdraw the writ petition with liberty to these petitioners to lay challenge to the said policy by filing a fresh petition on the same cause of action. Learned counsel for the petitioners further submitted that petitioners No.10 and 11 being the legal heirs of Banwari Lal are governed by the policy of 2015 and are entitled for allotment of plot in dispute.

4. In view of above, respondents shall consider the claim of petitioners No.10 and 11 for allotment of plot in accordance with law. However, writ petition qua petitioners No.1 to 9 and 12 to 17 is dismissed as withdrawn with liberty to lay challenge to the policy dated 20.08.2015 by filing a fresh writ petition in accordance with law.

5. Disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

04.10.2016
R.S.

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No