

**CM-8394-2016 in/and
CWP-6659-2011 (O&M)**

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

**CM-8394-2016 in/and
CWP-6659-2011 (O&M)
Date of Decision: February 16, 2017**

Rattan Singh Yadav (Retd. Major)

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|-----------|--|----------------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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**Present: Mr.P.R.Yadav, Advocate
for the petitioner.**

Mr.Vijesh Sharma, DAG, Haryana.

**Ms.Geeta Sharma, Advocate
for respondent Nos.2 to 4.**

**Mr.Bhavna Grewal, Advocate for
Mr.S.K.Yadav, Advocate
for respondent No.5**

Mr.Vikrant Rana, Advocate for respondent No.18

Mr.Rambir Singh, Advocate for respondent No.20

**Ms.Kamalpreet Kaur, Advocate for
Mr.Ashok Kumar Verma, Advocate
for respondent Nos.6 & 22.**

**Mr.Vivek Khatri, Advocate
for respondent Nos.10,13, 28 and 30**

**Mr.Malkiat Singh Hundal, Advocate for
Mr.R.S.Bains, Advocate
for respondent Nos.33**

**Mr.Arun Yadav, Advocate
for respondent Nos.24 & 34.**

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SURYA KANT, J.

CM-8394-2016

With the consent of learned counsel for the parties, main case is taken up on Board.

CM stands disposed of.

CWP-6659-2011

The petitioner is an ex-serviceman of Indian Army. He applied for allotment of a 14 Marla Plot reserved for Defence Category in Sector 18, Urban Estate, Rewari. The petitioner was unfortunately unsuccessful in draw of lots and thus, could not be allotted the plot. He has filed the instant writ petition challenging the allotments in favour of respondent Nos.5 to 36 contending, *inter alia*, that these respondents were ineligible as per HUDA policy to apply for allotment of plot measuring 14 marla in size. The above-stated plea was based on the HUDA policy according to which Army personnel who held the rank of Lieutenant to Lieutenant Colonel alone were eligible to apply for the plots measuring 10 Marla or 14 Marla plots whereas non commissioned officers could apply for the smaller size plots only. The private respondents held the ranks below Lieutenant in the Army hence, the petitioner contended that they were ineligible to apply 14 marla size plot.

The above stated controversy has been settled by this Court in favour of the respondents in CWP No.13630 of 2012, decided on 10.10.2012 (Chander Bhan Sharma Vs Haryana Urban Development Authority and others) against which SLP has been dismissed by the Hon'ble Supreme Court vide order dated 08.02.2013.

In this view of the matter the allotments made in favour of the respondents merely because their rank in the Army was below Lieutenant cannot be set aside.

Learned counsel for the petitioner points out that some of the private respondents do not belong to defence services, rather they are from Paramilitary Forces. Learned counsel for such respondents states that they had applied only in the category of Paramilitary Forces, namely, a separate reserved category provided for them.

Learned counsel for the petitioner further submits that some open category persons not belonging to Defence or Paramilitary Forces categories have also been included in the draw of lots.

Since the plea taken by the petitioner is essentially a question of fact, we dispose of this writ petition with a direction to the Administrator, HUDA and Estate Officer, HUDA Rewari to verify the same and wherever it is found that plots have been allotted to ineligible persons, necessary correctional measures be taken within a period of three months from the date of receipt of a certified copy of this order.

However, if the private respondents are found eligible and entitled to, the possession of plots shall be delivered to them without further delay.

**(SURYA KANT)
JUDGE**

February 16, 2017

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**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**