

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-19006-2017

Date of Decision: 24.8.2017

Nakli Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Sanjiv Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 mandamus directing the respondents to consider his claim for the allotment of plot under the oustees quota.

2. The land of the petitioner was acquired by the State of Haryana vide notification dated 17.6.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.12.2003 under Section 6 of the Act for the purpose of Tau Devi Lal Thermal Power Project, Panipat. The award was passed on 21.1.2004 (Annexure P-1). Government of Haryana framed the policies dated 10.9.1987, 20.8.1988, 9.5.1990 and 12.3.1993 (Annexures P-2 to P-5, respectively) for the allotment of plots and commercial sites to the land

Development Authority (HUDA). As per the judgment dated 3.1.2011 (Annexure P-6) passed by the Supreme Court, the landowners be allotted plots under the scheme at the initial price at which the layout/sector plots were first offered for sale after the acquisition. Accordingly, the petitioner moved the representations dated 12.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3 for the allotment of a plot under the oustees 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 the representations dated 12.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3, 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.3 to take a decision on the representation dated 12.7.2017 (Annexure P-8) to respondents No.2 and 3, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 24, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No