

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25843 of 2017.

Date of Decision: November 14, 2017

Rajesh Kumar Bharti

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Ankit Joshi, Advocate, for the petitioner.

Mr.Kapil Tiwari, Senior DAG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Kapil Tiwari, Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let three copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage as no order prejudicial to their interest is being passed.

The petitioner is stated to be a resident of village Teha, Tehsil Ganaur, District Sonapat. His grievance is against non-allotment of a 100 square yard plot to him by the Gram Panchayat of his village in terms of the Government Policy dated 01.02.2008 which has been formulated to give effect to 'Mahatma Gandhi Gramin Basti Yojna'.

Shorn of the details, the claim of the petitioner for allotment of above-mentioned plot was turned down by the Deputy Commissioner, Sonapat vide order dated 31.08.2012. The petitioner challenged that order before this Court in CWP No.5547 of 2013 which was disposed of on 18.03.2013 granting him liberty to avail the remedy of appeal before the Divisional Commissioner. The petitioner then filed an appeal before the Commissioner, Rohtak Division, Rohtak and the order dated 15.05.2015 (issued on 18.05.2015) passed by the Appellate Authority reveals that the Deputy Commissioner, Sonapat had turned down the claim of the petitioner for allotment of a plot only on the ground that he was not found residing in village Teha during the survey conducted in the year 2007 and he admittedly used to work in Delhi where he was residing and got the ration card and voter card prepared which were though later on got cancelled after he left Delhi. The Appellate Authority, namely, the Commissioner, Rohtak Division after going through the documents relied upon by the petitioner has observed that the petitioner went to Delhi in search of job where he got voter card and ration card prepared which he later on got cancelled as he came back to his village Teha and in the light of this factual background, the matter requires reconsideration. Consequently, the Appellate Authority remanded the case to the Deputy Commissioner, Sonapat for reconsideration.

One of the grievance of the petitioner in the instant writ petition is that more than two years have passed but no final decision has been taken on his case by the Deputy Commissioner, Sonapat.

We have heard learned counsel for the parties and gone through various documents relied upon by the petitioner including the certificates

issued by the Tehsildar, Ganaur; payment receipt of Chulha Tax issued by the Gram Panchayat of village Teha; revenue record for the year 2004-05; certificate issued by the Sarpanch of Gram Panchayat of village Teha; senior citizen identity card etc. etc.

In our considered view, it is imperative upon the Deputy Commissioner, Sonapat to re-determine the petitioner's status and his entitlement for allotment of a 100 square yard plot in the light of the above-mentioned documents. Consequently, the writ petition is disposed of with a direction to the Deputy Commissioner, Sonapat to verify these documents; hear the petitioner in person and determine his above-mentioned claim within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

November 14, 2017
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No