

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

(1) COCP No. 1005 of 2017 (O&M)
Date of Decision: 03.12.2018

Harjeet Singh

.....Petitioner

Versus

Vikas Gupta, Chief Administrator and others

.....Respondents

(2) COCP No. 1076 of 2017 (O&M)

Harwinder Singh

.....Petitioner

Versus

Vikas Gupta, Chief Administrator and others

.....Respondents

(3) COCP No. 1093 of 2017 (O&M)

Surjeet Singh

.....Petitioner

Versus

Vikas Gupta, Chief Administrator and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Advocate
for the respondent in COCP No.1005-2017 and 1076-2017.

Ms. Chhavi Sharma, Advocate
for the respondent in COCP-1093-2017.

NIRMALJIT KAUR, J. (ORAL)

All the contempt petitions shall be disposed of by this common order. The contempt petitions have been filed for non-compliance of the order dated 25.04.2012 vide which the following directions were issued :

- “(i) That date of notification under Section 4 of the Land Acquisition Act, 1894 is relevant to determine the eligibility of a land-owner for allotment of a residential plot, even if the acquisition is for the purposes of commercial, industrial or institutional;
- (ii) That the entitlement of the size of the plot and the procedure for allotment shall be as on the date of allotment in pursuance of an advertisement issued inviting application from the oustees;
- (iii) That the HUDA or such other authority can reserve plots up to 50% of the total plots available for all reserved categories including that of oustees. As to what extent there would be reservation for the oustees, is required to be decided by the State Government and/or by HUDA or any other authority, who is entitled to acquire land;
- (iv) That the oustees are entitled to apply for allotment of plot along-with earnest money in pursuance of public advertisement issued may be inviting applications from the general public and the oustees through one advertisement. If an oustee is not successful, he/she can apply again and again till such time, the plots are available for the oustees in the sector for which land was acquired for residential/commercial purposes or in the adjoining sector, if the land acquired was for institutional and industrial purposes etc. The plots to the oustees shall be allotted only by public advertisement and not on the basis of any application submitted by an oustee;
- (v) That the price to be charged from an allottee shall be the price mentioned in the public advertisement in pursuance of which, the plot is allotted and not when the sector is floated for sale for the first time;
- (vi) That the State Government or the acquiring authority shall not advertise any residential plot for sale without conducting an exercise in respect of plots ear-marked for reserved categories and after identification of the plots available for the oustees in each sector. Thereafter, the State Government or the acquiring authority shall publish an advertisement inviting applications from such oustees to apply for allotment of plots in accordance with law: and
- (vii) If in any sector, more than 50% plots have been allotted by way of reservation including to the oustees, then such allotment shall not be cancelled or reviewed in view of the judgment of this court.”

The said order was upheld by the Full Bench vide order dated 22.11.2017 passed in CWP No.22252-2016 and others connected writ petitions.

Reply has been filed. As per the reply, in pursuance to the

online applications have been invited from the land owners whose lands were acquired in the past with a request to the outstees to apply along with an amount of ₹50,000/- as application money. The last date for applying is 19.12.2018.

It is apparent from the above that the process for allotment of the plots to the oustees in terms of the judgment has commenced.

The arguments of learned counsel for the petitioner that the stipulation of depositing of ₹50,000/- along with application form is arbitrary and not as per the above directions cannot be sustained in view of the above statement made by learned counsel for the respondents that as per the policy dated 11.08.2016 which was also a subject-matter before the Full Bench and upheld by the Full Bench, the respondents shall reimburse the amount so deposited by the outstees at an earlier point of time when they had applied for the plots.

Thus, the petitioners who had deposited the earnest money amounting to ₹1,14,000/- way back in the year 2003 should not have any grievance, as the same is to be reimbursed.

In view of the above, this Court finds that the order stands complied. No contempt is made out. Dismissed accordingly.

Rule against the respondents stands discharged.

(NIRMALJIT KAUR)
JUDGE

03.12.2018
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No