

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1045-2010

Date of Decision: September 04, 2018

Rachni Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.S.P.Khatri, Advocate for the petitioner.
Ms.Shubhra Singh, Addl.AG, Haryana.
Mr.Deepak Balyan, Advocate for HUDA.

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SURYA KANT, J.(ORAL)

The precise claim of the petitioner is that the land measuring 09K 17M, out of Khewat No.481, Khatoni No.627 situated within the revenue estate of village Ram Garh, Tehsil and District Panchkula, which was exclusively owned by her, was acquired by State of Haryana vide Award No.6, dated 17.06.1992 for the development of residential and commercial Sectors 25 to 28, Panchkula. On this premise, the petitioner submits that she being an 'Oustee' in her own right, is entitled to be considered for allotment of a plot in lieu of her acquired land without mixing her claim with her other co-sharers. It is clarified that the petitioner was also a co-sharer in a separate parcel of land, which too was acquired for the same public purpose. The instant writ petition is, however, confined only in respect of petitioner's land measuring 09K 17M, referred to above. The petitioner submits that she is entitled to allotment of a plot exclusively in her own name under the 'Oustees Policy'.

[2] Written statement filed by the respondents unfortunately does not enlighten as to whether or not the land which was exclusively owned by the petitioner was also acquired and if so, why her claim as an 'Oustee' has not been considered in lieu thereof. The writ petition is, thus, disposed of with the following directions to the respondents:-

- (i) it shall be ascertained whether land of the petitioner measuring 09K 17M out of Khewat No.481, Khatoni No.627 within the revenue estate of village Ram Garh was acquired vide Award No.6 dated 17.06.1992?
- (ii) If so, whether the said land was exclusively owned by the petitioner?
- (iii) If so, whether the petitioner is entitled to allotment of a plot in her name alone in lieu of the above-stated acquired land?
- (iv) Whether Plot No.334-P, Sector 27, Panchkula, measuring 01 kanal was allotted to the petitioner under the 'Oustees Category' and if so, why that allotment has not be regularised or possession not handed over to her?
- (v) If the questions formulated above are answered in affirmative, let an appropriate decision to allot a plot in favour of the petitioner be taken.

[3] The above-stated directions shall be complied with within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

September 04, 2018
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(SUDIP AHLUWALIA)
JUDGE

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

Yes/No
Yes/No