

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11837-2016

Date of Decision: 25.4.2018

Ramanand and others

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Amit Sheoran, Advocate for the petitioner.

Ms. Shubhra Singh, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the order dated 29.12.2015 (Annexure P-7) passed by respondent No.1. Further, a writ of mandamus has been sought directing the respondents to allot a plot of 14-Marla to the petitioners under the oustees quota.

2. Government of Haryana vide notification dated 10.8.1996 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by the notification under Section 6 of the Act acquired the land of the petitioners for the public purpose, namely, residential, commercial and institutional for development of Sectors 9 and 9-A, Bahadurgarh. The respondents framed a policy dated 10.9.1987 for the

allotment of a plot under the oustees quota. The said policy had been

amended vide policies dated 9.5.1990, 18.3.1992 and 28.8.1998. The HUDA invited the applications for the allotment of plots to the oustees. In response thereto, the father of the petitioner had applied for the allotment of a plot vide application dated 22.3.2006 (Annexure P-1/A) along with 10% earnest money. However, no action was taken thereon. The father of the petitioners had expired on 1.2.2009 and after his death, the petitioners requested respondents No.3 for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioners filed CWP-13414-2012 and this Court vide order dated 19.7.2012 disposed of the said writ petition in terms of the order dated 25.4.2012 passed in LPA-2096-2011. Thereafter, the petitioners moved a representation dated 24.7.2014 (Annexure P-1) to respondent No.3 for the allotment of a plot under the oustees quota. Respondent No.3 vide letter dated 7.11.2014 (Annexure P-2) asked the petitioners to submit the required documents along with the complete record. In response thereto, the petitioners vide letter dated 20.11.2014 (Annexure P-3) submitted all the requisite documents. As per the Screening Committee Proceedings dated 28.8.2015 (Annexure P-4), the petitioners were held entitled to the allotment of a plot under the oustees category. After the finalization of the proceedings for allotment, respondent No.2 vide letter dated 7.9.2015 (Annexure P-5) sought final approval of respondent No.1 who vide letter dated 30.9.2015 (Annexure P-6) asked respondent No.2 to take necessary action in the matter as per the existing HUDA policy. The petitioners again approached respondent No.2 for the allotment of a plot under the oustees quota who vide letter dated 3.10.2015 asked respondent No.1 for approval of a plot measuring 14 marlas in Sector 9/9-A, Bahadurgarh. However, respondent No.1 vide letter dated

29.12.2015 (Annexure P-7) informed respondent No.2 that the legal heirs (the petitioners herein) were not eligible to apply with regard to the application which had already been rejected and, therefore, the allotment of plot cannot be approved. However, the liberty was granted to the petitioner to make application in further advertisement. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that after the Full Bench judgment of this Court in **CWP-22252-2016 (Rajiv Manchanda and others v. Haryana Urban Development Authority, Panchkula and others)** decided on 22.11.2017, the matter is required to be revisited by the authorities. Accordingly, it was prayed that liberty be granted to the petitioners to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of six months from the date of receipt of the

representation keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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