

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11027-2017

Date of Decision: 15.3.2018

Ravinder

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Saurabh Mago, 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 petitioner has prayed for issuance of a direction to the respondents to allot a plot to the petitioner under the oustees policy dated 18.3.1992 (Annexure P-1). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-9).

2. The father of the petitioner was owner of the land situated in village Tigra, District Gurugram which was acquired by the State of Haryana for the development of residential and commercial Sector 57, Gurugram vide award dated 21.7.2003. As per the policy dated 18.3.1992 (Annexure P-1), the petitioner was entitled to the allotment of a plot under

the oustees category. Respondent No.3 invited the applications for the allotment of plot under oustees category from the landowners whose land was acquired. In response thereto, the petitioner applied for the allotment of plot vide receipt dated 30.4.2004 (Annexure P-2). Respondent No.4 vide letter dated 6.3.2006 (Annexure P-3) asked the father of the petitioner to supply the documents. Further, vide letter dated 21.9.2006 (Annexure P-4), respondent No.4 rejected the claim and refunded the earnest money deposited by the father of petitioner vide cheque dated 6.6.2006 (Annexure P-5). Feeling aggrieved, the father of the petitioner filed CWP-14977-2011 which was disposed of by this Court vide order dated 28.5.2012 (Annexure P-6) with a direction to the respondents to consider the claim of the petitioner for allotment of plot as an oustee in terms of the advertisement already issued in light of the directions of this Court in Bhagwan Singh's case (supra). When no action was taken thereon, COCP-3133-2012 was filed and this Court vide order dated 22.9.2016 (Annexure P-7) disposed of the said contempt petition as infructuous. The father of the petitioner had expired on 8.1.2016 as is clear from the death certificate dated 29.1.2016 (Annexure P-8). Further, the respondents had decided to refund the earnest money vide policy dated 11.8.2016 (Annexure P-9). However, no plot has been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner has prayed that liberty be granted to the petitioner 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 petitioner 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 petitioner 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 petitioner within a period of six months from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No