

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11032-2017

Date of Decision: 15.3.2018

Dharambir Bhardwaj and others

....Petitioners.

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 petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Sabharwal, 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 direction to the respondents to allot plots to the petitioners under the oustees policy dated 18.3.1992 (Annexure P-12). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-9) and the speaking orders (Annexures P-7 and P-8, respectively).

2. The petitioners were owners of the land situated in village Tigra, District Gurugram which was acquired by the respondents for the development of residential and commercial, Sector 57, Gurugram vide award dated 21.7.2003. One co-sharer, namely, Shri Rajinder Bhardwaj (deceased) had applied for the allotment of a plot vide application dated

dated 26.4.2004 (Annexure P-2) and the oustees certificate dated 2.11.2010 (Annexure P-3). His claim was rejected by the respondents. Shri Rajinder Bhardwaj filed CWP-5952-2012 and this Court vide order dated 1.11.2012 (Annexure P-4) allowed the said writ petition against which the respondents filed SLP which was dismissed by the Supreme Court vide order dated 13.11.2014 (Annexure P-5). When the plot was not allotted, Shri Rajinder Bhardwaj filed COCP-1092-2015 in which the respondents had filed written statement dated 2.9.2016 (Annexure P-6). As per the proceedings dated 1.9.2016 (Annexure P-7) of the Screening Committee, it was decided that the plots under oustees category would be allotted after inviting applications through advertisement. Further, vide order, Annexure P-8, respondent No.4 disposed of the representation of Shri Rajinder Bhardwaj that as per the policy dated 11.8.2016 (Annexure P-9), the plots under oustees category were to be allotted through draw of lots after receiving application against fresh advertisement. Refund of the earnest money deposited earlier, if any, would be made with interest, as applicable. The contempt petition was disposed of as infructuous by this Court vide order dated 2.9.2016 (Annexure P-10) in view of the reply filed by the respondents. Said Shri Rajinder Kumar had expired on 25.2.2015 which is clear from the death certificate dated 24.3.2017 (Annexure P-11). Government of Haryana framed a policy dated 18.3.1992 (Annexure P-12) for the allotment of a plot to the landowners whose land was acquired by the HUDA. However, no plot has been allotted to the petitioners till date. Hence, the present writ petition.

3. Learned counsel for the petitioners has 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. The petitioners shall be entitled to lead any evidence to substantiate their 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