

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11268-2017

Date of Decision: 25.4.2018

Krishan Kumar 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. Aditya Pratap Singh, Advocate for
Mr. S.S. Khurana, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the orders/letters dated 20/28.9.2016 (Annexure P-5 Colly) and the Policy dated 11.8.2016 (Annexure P-6) vide which it was decided to refund the cheque amount deposited by the petitioners under the oustees quota for the allotment of plots. Further, a writ of mandamus has been sought directing the respondents to allot the plots to the petitioners under the oustees quota in lieu of acquisition of the land.

2. The petitioners were owners in possession of the land situated within the revenue estate of village Dhaliawas, Tehsil and District Rewari.

State of Haryana vide notification dated 27.1.2003 issued under Section 4 of

the Land Acquisition Act, 1894 (in short “the Act”) followed by the notification dated 23.1.2004 under Section 6 of the Act acquired the said land for the development and utilization of land for residential and commercial Sectors 18, 19 and 20 Part at Rewari. The award was passed on 20.1.2006 (Annexure P-1). In response to the applications invited by the respondents for the allotment of plots under the oustees quota, the petitioners submitted their respective applications along with earnest money of ₹ 50,000/- vide receipts (Annexure P-2 Colly). Respondent No.3 issued a letter to the petitioners for submitting the documents for the allotment of plots under oustees quota. The petitioners submitted their applications dated 6.2.2013 (Annexure P-3 Colly) along with all the relevant documents. Again the petitioners submitted their applications dated 27/29/30.7.2015 (Annexure P-4 Colly) along with all relevant documents with respondent No.3. 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, 7.12.2007 and 9.11.2010. Respondent No.3 vide letters/orders dated 20/28.9.2016 (Annexure P-5 Colly) advised the petitioners to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and their earnest money would be refunded along with interest. In this regard, the respondents also framed a policy dated 11.8.2016 (Annexure P-6). However, no plot had been allotted to the petitioners till date. 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