

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11300-2017

Date of Decision: 21.3.2018

Satya

...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. Hardeep Singh Dhillon, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.

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 Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 21.11.2016 (Annexure P-3) and the Policy dated 11.8.2016 (Annexure P-4). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner for the allotment of plot under the oustees quota in lieu of acquisition of the land.

2. The petitioner was owner of the land measuring 3 kanal 2 marla which was acquired by the State of Haryana for the development and utilization of land for Sectors 9, 32 and 33, Karnal. On 12.1.2011, the petitioner submitted an application for the allotment of a plot under the

oustees quota and respondent No.3 informed the petitioner that when the plots would be floated, the application would be considered. 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. The petitioner filed CWP-4269-2011 and this Court vide order dated 6.1.2012 (Annexure P-1) disposed of the said writ petition with a direction to the respondents to advertise the plots including the plots for the oustees in Sectors 32 and 33, Karnal and to consider the applications of the oustees as per their entitlement and eligibility. The petitioner had received a letter dated 6.12.2016 (Annexure P-2) along with a copy of order dated 21.11.2016 (Annexure P-3) that she had to apply as and when any advertisement was issued in future inviting claims from the oustees as per reservation in sectors. The respondents had framed a policy dated 11.8.2016 (Annexure P-4) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. However, no plot had been allotted to the petitioner till date. Hence, the present writ petition.

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

(AJAY KUMAR MITTAL)
JUDGE

March 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No