

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11503-2017

Date of Decision: 1.3.2018

Chander Bhan

...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. Gautam Kailey, Advocate for
Mr. Rajiv Sharma, 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 Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the instructions dated 11.8.2016 (Annexure P-7) vide which it was decided to return the pending applications for the allotment of plots under the oustees quota to the claimants along with already deposited earnest money. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees quota.

2. The petitioner was owner of the land situated within the revenue estate of village Kanhai, Tehsil and District Gurgaon. The said land was acquired by the State of Haryana for the development of Sectors

44 to 46, Gurgaon. The petitioner applied for the allotment of a plot under the oustees quota vide application No.42101 along with an amount of ₹ 1,71,028/-. The respondents formed a committee and held a draw on 23.5.2006. As per the proceedings/recommendations dated 23.5.2006 (Annexure P-1), various plots of different sizes were allotted to a number of persons but no plot was allotted to the petitioner. Respondent No.4 vide letters (Annexure P-2 Colly) informed respondent No.3 that number of plots were lying vacant and the draw could be held for the allotment of the same to the petitioner and others. However, no action was taken thereon. Thereafter, the petitioner made various representations including the representation dated 19.6.2015 (Annexure P-3) to respondent No.3 for the allotment of a plot under the oustees quota. The respondents framed a policy dated 18.3.1992 (Annexure P-4) which was further modified vide policy dated 12.3.1993 (Annexure P-5). As per the list, Annexure P-1, the Screening Committee ordered that a plot of 14 marla be allotted to the petitioner. However no plot was allotted to the petitioner whereas the similar persons were allotted the plots vide allotment letters including the allotment letter dated 23.6.2015 (Annexure P-6). Further, a policy dated 11.8.2016 (Annexure P-7) was framed by the HUDA wherein it was advised to the landowners to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and the earnest money would be refunded along with interest. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claim in the writ petition, the petitioner has moved a representation dated 19.6.2015 (Annexure P-3) to respondent No.3, but no action has so far been

taken thereon. He, however, 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 1, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes