

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11552-2017

Date of Decision: 23.4.2018

Gurjit Singh

....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. Dharander Sharma, Advocate for
Mr. Sanjeev Kodan, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Balyan, 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 policy dated 11.8.2016 (Annexure P-4) and the order dated 9.12.2016 (Annexure P-5). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner under the oustees quota for the allotment of a plot.

2. The petitioner was co-owner of the land measuring 60 kanals 15 marlas to the extent of 1/6th share situated within the revenue estate of village Saketri, Tehsil and District Panchkula. The said land was acquired by the Haryana Urban Development Authority (HUDA) for the development

of Sectors 1, 2 and 7, MDC, Panchkula. State of Haryana framed the policies dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010 for the allotment of plots to the landowners whose land was acquired by the HUDA. Respondent No.3 vide public notice dated 3.3.2012, invited the applications for the allotment of plots under the oustees quota from the landowners whose land was acquired for the development of Sectors 1, 2 and 7, MDC, Panchkula. In response thereto, the petitioner submitted the application dated 26.4.2012 (Annexure P-1) along with requisite documents and the earnest money. The petitioner moved the representations dated 12.8.2014 and 7.8.2015 (Annexure P-2) to respondent No.1 and the Principal Secretary, Government of Haryana, Town & Country Planning Department, Chandigarh for the allotment of a plot under the oustees quota. However, respondent No.3 vide notices dated 1.5.2015 and 14.5.2015 asked the petitioner to submit the documents/NOC from the other co-sharer. In response thereto, the petitioner submitted the reply dated 3.11.2014 along with an affidavit duly attested from the Executive Magistrate. Again vide notice dated 15.6.2015, the petitioner was asked to submit the documents. When no action was taken thereon, the petitioner filed CWP-20984-2015 and this Court vide order dated 2.6.2016 (Annexure P-3) disposed of the said writ petition in terms of the order dated 4.4.2016 passed in CWP-6684-2014 (Annexure P-3). The respondents framed a policy dated 11.8.2016 (Annexure P-4) wherein it was decided to return the earnest money deposited by the claimants and fresh applications would be invited in future as per new policy. Respondent No.3 vide order dated 9.12.2016 (Annexure P-5) disposed of the claim of the petitioner with liberty to make an application as per his entitlement and in terms of the advertisement and

ordered for refund of the earnest money deposited by the petitioner along with interest. Accordingly, the petitioner moved a representation dated 13.3.2017 (Annexure P-6) to respondent No.2 for the allotment of a plot under the oustees quota, but no response has been received till date. As per the letter dated 11.8.2016 (Annexure P-7) issued by respondent No.2, the auction would be held for the left out plots. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 13.3.2017 (Annexure P-6) to respondent No.2, but no action has so far been taken thereon.

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 directing respondent No.2 to take a decision on the representation dated 13.3.2017 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 23, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No