IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11780-2017

Date of Decision: 23.4.2018

Sohan Lal 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. Sarvjit Singh Khurana, Advocate for the petitioners.

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 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 dated 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 oustees quota for the allotment of plots. Further, a writ of mandamus has been sought directing the respondents to allot plots to the petitioners under the oustees quota.

2. The petitioners were owners of the land situated within the revenue estate of village Padianwas, 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

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dated 23.1.2004 under Section 6 of the Act acquired the said land for the utilization of land for residential, commercial Sectors 18, 19, 20 Part and commercial Sector 17 Part, Rewari. The award was passed on 20.1.2006 (Annexure P-1). The respondents invited the applications for the allotment of plots under the oustees quota from the land owners. In response thereto, the petitioners submitted their respective applications along with bank draft of ₹ 50,000/- each vide receipts 27.7.2012/30.7.2015 (Annexure P-2 Colly). Respondent No.3 issued a letter asking the petitioners to submit the documents for the allotment of plots under the oustees quota. In pursuance thereto, the petitioners again submitted their applications along with affidavits dated 6.2.2013 (Annexure P-3 Colly). The petitioners again submitted the applications dated 29.7.2015/30.7.2015 (Annexure P-4 Colly) to respondent No.3 for the allotment of plots under the oustees quota. The respondents framed the policies dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010 for the allotment of plots under the oustees category. However, respondent No.3 vide orders dated 28.9.2016 (Annexure P-5 Colly) informed the petitioners that as per the policy dated 11.8.2016 (Annexure P-6), they may apply for allotment of plots in fresh advertisement which would be issued after determination of reservation and their earnest money would be refunded along with interest and asked the petitioners to submit their bank details for refunding the earnest money deposited by them. Hence, the present writ petition.

3. Learned counsel for the petitioners 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

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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

April 23, 2018 **(ANUPINDER SINGH GREWAL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes/No**

Whether Reportable **Yes/No**

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