

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12025-2017

Date of Decision: 17.4.2018

Rajesh 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. Minderjeet Yadav, 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 letter dated 28.9.2016 (Annexure P-9) and the Policy dated 11.8.2016 (Annexure P-10) vide which it was decided to refund the cheque amount deposited by the petitioners under oustee quota for the allotment of a plot. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioners in lieu of acquisition of the land.

2. The petitioners were owner in possession of the land measuring 3 kanal 14 marlas situated within the revenue estate of village Dhaliawas, Tehsil and District Rewari. State of Haryana vide notification dated

short “the Act”) followed by a notification dated 23.1.2004 under Section 6 of the Act acquired the said land for the public purpose and utilization of land for residential, commercial Sectors 18, 19 and 20 Part at Rewari. The award was passed on 20.1.2006 (Annexure P-1). The respondents invited applications for the allotment of plots under oustee quota. In response thereto, the petitioners submitted the application dated 3.7.2013 (Annexure P-2) along with the affidavit dated 4.7.2013 (Annexure P-3) and the demand draft dated 22.6.2013 (Annexure P-4) amounting to ₹ 50,000/-. Respondent No.2 vide letter dated 22.7.2013 (Annexure P-5) informed respondent No.3 that the petitioners had submitted their application for the allotment of a plot under the oustees quota along with all requisite documents and a demand draft of ₹ 50,000/- and recommended that the necessary action be taken thereon as per the HUDA Policy for the allotment of a plot. Further, respondent No.3 vide letter dated 29.8.2013 (Annexure P-6) directed respondent No.4 to take necessary action as per the HUDA policy regarding the allotment of plot under the oustees policy. Respondent No.4 had also issued a receipt dated 3.9.2013 (Annexure P-7) mentioning about Sectors 18 and 19, Rewari along with receipt of demand draft dated 22.6.2013 as a receipt of earnest money from the petitioners. Again the applications were invited and the petitioners submitted the application dated 22.7.2015 (Annexure P-8) for the allotment of residential plot under oustees quota. Respondent No.4 vide letter dated 28.9.2016 (Annexure P-9) advised the petitioners 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. In this regard, the respondents also framed a policy dated 11.8.2016 (Annexure P-10). 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 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 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No