

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10399-2018

Date of Decision: 30.4.2018

Hoshiar Singh 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. Sandeep Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a direction to the respondents to allot plots to the petitioners under the oustees policy dated 9.11.2010 (Annexure P-8). Further, a writ of certiorari has been sought for quashing the order dated 8.9.2017 (Annexure P-7).

2. The petitioners were owners of the land situated in village Daultabad, District Gurugram. The said land was acquired by the respondents vide award dated 31.3.2010 for the development of sector road 99 to 115, Urban Estate, Gurugram. The petitioners filed CWP-18980-2013 and this Court vide order dated 30.8.2013 (Annexure P-1) disposed of the said writ petition with a direction to the respondents to decide the representation of the petitioners. Thereafter, the respondents issued a public notice dated 6.10.2013 inviting the applications from the oustees whose

land was acquired for the development of sector road 99 to 115 and in response thereto, the petitioners applied for the allotment of plots vide applications dated 23.10.2013 (Annexures P-2 and P-3, respectively) along with earnest money. As per the certificates dated 25.2.2014 (Annexures P-4 and P-5, respectively), issued by respondent No.4, the petitioners were found eligible for the allotment of plots under the oustees policy. In compliance with the order, Annexure P-1, passed by this Court, respondents No.3 and 4 vide orders dated 30.10.2013 and 8.9.2017 (Annexures P-6 and P-7, respectively) disposed of the claim of the petitioners with liberty to the petitioners that that as and when the HUDA would invite the applications for the oustees claim through advertisement, they would apply for the allotment of plots under the oustees category. As per the policy dated 9.11.2010 (Annexure P-8), the petitioners were entitled to the allotment of plots under the oustees category. However, no plot had been allotted to them till date. Hence, the present writ petition.

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

(AJAY KUMAR MITTAL)
JUDGE

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No