

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12198-2017

Date of Decision: 23.4.2018

Sanjay Singh

....Petitioner.

Versus

The Haryana Urban Development Authority, Panchkula and another
...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Ms. Kamlesh Khatri, Advocate for the petitioner.

Mr. Deepak Sabharwal, Advocate for the respondents.

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 order dated 26.9.2016 (Annexure P-10) passed by respondent No.2 advising to apply for allotment of a plot in fresh advertisement to be issued later and to submit the details of bank etc. for refunding the earnest money along with interest. Further, a writ of mandamus has been sought directing the respondents to make allotment of a plot to the petitioner as per the previous application and the earnest money deposited.

2. The petitioner was owner of the land measuring 6 kanal 2 marlas situated within the revenue estate of village Hasamabad, District Sonapat. The said land was acquired by the respondents vide award dated 5.11.1995 for erecting Sector 3 Commercial, Sonapat. The petitioner applied for the alternative plot vide application dated 4.2.2000 (Annexure P-

(Annexure P-2) was issued to the petitioner under Section 9 of the Land Acquisition Act, 1894. The petitioner vide application dated 16.11.2002 (Annexure P-3) requested respondent No.2 for the allotment of a plot in Sectors 3, 7 and 8, Sonapat. Further, vide application dated 28.7.2005 (Annexure P-4) requested the respondents to allot an alternative plot in Sectors 7 and 8, Sonapat under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-11962-2006 and this Court vide order dated 3.8.2006 (Annexure P-5) disposed of the said writ petition with a direction to respondent No.2 to consider the claim of the petitioner and decide the same within a period of three months. In December, 2010, the respondents vide public notice invited the applications for allotment of plots under the oustees quota for acquisition of land in Sectors 8-19. In response thereto, the petitioner applied vide application dated 31.1.2011 (Annexure P-7) along with earnest money vide draft dated 31.1.2011 (Annexure P-6) and the covering letter dated 3.2.2011 (Annexure P-8). Respondent No.2 vide letter dated 6.12.2013 (Annexure P-9) asked the petitioner to attend the office on 12.12.2013 along with relevant record for finalization of oustees claim in Sectors 9 and 18, Sonapat and the petitioner did so. However, respondent No.2 vide order dated 26.9.2016 (Annexure P-10) asked the petitioner to apply for allotment of a plot in fresh advertisement which would be issued later and to submit the details of bank etc. so that the earnest money deposited would be refunded along with interest. Hence, the present writ petition.

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

(AJAY KUMAR MITTAL)
JUDGE

April 23, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE