

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12237-2017

Date of Decision: 17.4.2018

Sunita Devi

....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. Minderjeet Yadav, 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 Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 17.8.2016 (Annexure P-6) and the Policy dated 11.8.2016 (Annexure P-7) vide which it was decided to refund the cheque amount deposited by the petitioner 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 petitioner in lieu of acquisition of the land.

2. The petitioner was owner in possession of the land measuring 7 marla situated within the revenue estate of village Dhaliawas, Tehsil and District Rewari which was purchased from Dilbagh Raj and Vijay Kumar vide sale deed dated 15.4.1998. 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 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 petitioner submitted the application dated 31.10.2013 (Annexure P-2) along with demand draft dated 31.10.2013 (Annexure P-2) amounting to ₹ 50,000/-. Respondent No.4 issued a receipt dated 31.10.2013 (Annexure P-4) of ₹ 50,000/- mentioning about Sectors 18 and 19, Rewari along with receipt of demand draft dated 31.10.2013 as a receipt of earnest money from the petitioner. Again the applications were invited and the petitioner submitted the application dated 22.7.2015 (Annexure P-5) for the allotment of residential plot under oustees quota. Respondent No.4 vide letter dated 17.8.2016 (Annexure P-6) advised the petitioner 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-7). Hence, the present writ petition.

3. Learned counsel for the petitioner 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. The petitioner shall be entitled to lead any evidence to substantiate her 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