

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10559-2018

Date of Decision: 30.4.2018

Krishan Kumar

....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. Rajiv Sharma, Advocate for the petitioner.

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 mandamus directing the respondents to allot a plot to the petitioner under the oustees quota. Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-6) issued by respondent No.2 vide which it was decided to return the pending applications to the claimants of the oustees quota plots along with already deposited earnest money.

2. The petitioner was owner of the land measuring 23 kanal 10 marla situated within the revenue estate of village Harsaru, Tehsil and District Gurgaon. The said land was acquired by the State of Haryana vide notification dated 18.3.2008 issued under Section 6 of the Land Acquisition Act, 1894 (in short "the Act") for 150 meter road in the pherapheri from

P-1) under Section 9 of the Act to the petitioner, the award was passed on 26.9.2008. The petitioner applied for the allotment of a plot under the oustees quota vide application dated 3.4.2013/23.7.2015 (Annexure P-2) along with the earnest money of ₹ 50,000/- vide cheque dated 4.10.2013 (Annexure P-3). The respondents framed a policy dated 18.3.1992 (Annexure P-4) for the allotment of plots to the persons whose land had been acquired by the HUDA. The said policy was amended vide policy dated 12.3.1993 (Annexure P-5) wherein it was decided to allot only one plot according to the size of holding irrespective of number of co-sharers. Thereafter, a policy dated 11.8.2016 (Annexure P-6) was framed wherein it was decided that the claimants 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. 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 petitioner, 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 his 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