

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12499-2017

Date of Decision: 24.4.2018

Dinesh

....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. Rakesh Nehra, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Sabharwal, Advocate for the respondent-HUDA.

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 instructions dated 11.8.2016 (Annexure P-7) imposing new conditions for the allotment of plot under the oustees quota and the order dated 4.2.2015 (Annexure P-4) passed by respondent No.3 whereby the claim of the petitioner for the allotment of a plot under the oustees quota had been rejected. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees quota.

2. The petitioner was owner of the land to the extent of his share situated within the revenue estate of Bahadurgarh, District Jhajjar as per the jamabandi for the year 1994-95 (Annexure P-1). State of Haryana acquired

the said land for the development of Sectors 2, 9 and 9A, Bahadurgarh. After issuance of notice dated 22.1.1998 (Annexure P-2) under Section 9 of the Land Acquisition Act, 1894 to the petitioner, the award dated 24.4.1998/21.5.1998 was passed. The petitioner made various representations to the respondents for the allotment of plots, but to no effect. Accordingly, the petitioner filed CWP-6549-2012 and this Court vide order dated 27.4.2012 (Annexure P-3) disposed of the said writ petition in terms of order dated 25.4.2012 passed in LPA-2096-2011. Respondent No.3 vide order dated 4.2.2015 (Annexure P-4) rejected the claim of the petitioner. It was mentioned therein that the petitioner was free to apply against the advertisement in future and her claim would be decided accordingly by the Oustees Screening Committee. Even the petitioner had applied in response to the advertisement and had also deposited the earnest money as is clear from the registration certificate, Annexure P-5. As per the reply dated 13.3.2015 (Annexure P-6) given by respondent No.3 to one Shri Satpal Rathee under the Right to Information Act, there are vacant plots in Sectors 2, 9, 9A, 11 and 13, Bahadurgarh. The instructions dated 11.8.2016 (Annexure P-7) were issued by respondent No.2 whereby it was decided to return the pending application of oustees quota to the claimants along with already deposited earnest money. The respondents vide advertisements, Annexure P-8 Colly, have invited the applications for the allotment of plots. 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 24, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No