

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16404-2016

Date of Decision: 17.4.2018

Major Kulwant Singh (Retd)

....Petitioner.

Versus

The Haryana Urban Development Authority and another

...Respondents.

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

PRESENT: Mr. Pawan Kumar Mutneja, Advocate with
Ms. Nitika Garg, Advocate for the petitioner.

Mr. Saurabh Mago, 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 decision dated 1.9.2014 (Annexure P-10). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the policy dated 18.3.1992 (Annexure P-3).

2. The petitioner was owner in possession of 1/3rd share of the land measuring 9 bigha 14 biswas situated in Patti Insar, Tehsil and District Panipat. The said land was acquired by the respondents vide notification dated 23.2.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by the notification dated 22.2.1990 (Annexure

advertisement dated 25.11.1992 (Annexure P-2), the respondents invited the applications for the allotment of plots to the persons whose land was acquired. In response thereto, the petitioner applied for the allotment of a plot. As per the policy dated 18.3.1992 (Annexure P-3), the petitioner was entitled to the allotment of a plot measuring 250 square yards. The said policy was amended vide policy dated 12.3.1993 (Annexure P-4) wherein the benefit was restricted to one plot according to size of the holding irrespective of the number of shareholders. Respondent No.2 vide letter dated 7.6.1999 (Annexure P-5) directed the petitioner to submit a revised affidavit and the petitioner submitted his affidavit dated 29.6.1999 (Annexure P-6). Vide letter dated 28.11.2006 (Annexure P-7), respondent No.2 allotted one kanal plot in the name of the petitioner along with six other shareholders. Further, vide letter dated 1.5.2007 (Annexure P-8), the petitioner was informed that plot No.505, Sector 13-17, Panipat measuring 420 square yards had been allotted to him along with his brother Jarnail Singh. However, no allotment letter was issued to the petitioner. Thereafter, the petitioner moved an application, Annexure P-9, under the Right to Information Act, 2005 to respondent No.2 regarding status of plot No.505. Respondent No.2 vide reply dated 19.2014 (Annexure P-10) informed the petitioner that in future if any advertisement was to be issued for the allotment of plots, the petitioner had to apply afresh. 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 his 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