

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12980-2017

Date of Decision: 24.4.2018

Ram Chander

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Saurabh Mago, 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 policy dated 11.8.2016 (Annexure P-7) and the e-auction notice/advertisement, Annexure P-8. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner in Sectors 11-12, Panipat under the oustees quota.

2. The petitioner was owner in possession of the land situated in village Taraf Afgan, Tehsil and District Panipat. The said land was acquired by the State of Haryana for the development of Sectors 11-12, Panipat. The petitioner moved an application dated 29.9.2010 (Annexure P-1) to respondent No.3 for the allotment of a plot under the oustees quota.

When no action was taken thereon, the petitioner sent a representation dated

under the oustees category. Vide letters dated 6.7.1995 and 31.12.2014 (Annexures P-3 and P-4, respectively), the petitioner was asked to appear before the Land Acquisition Collector along with the documents. Thereafter, the petitioner filed CWP-11121-2015 and this Court vide order dated 28.5.2015 (Annexure P-5) disposed of the said writ petition with a direction to respondent No.3 to decide the representation of the petitioner for allotment of plot under the oustees quota policy within a period of three months. When the respondents failed to comply with the order, Annexure P-5, the petitioner filed COCP-303-2016. The respondents filed the reply dated 12.8.2016 (Annexure P-6) to the said contempt petition and this Court vide order dated 9.9.2016 dismissed the said contempt petition as infructuous. The respondents had framed a policy dated 11.8.2016 (Annexure P-7) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending and to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation. The respondents vide e-auction notice, Annexure P-8, started e-auction of the reserved plots. However, no plot had been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted 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 24, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No