IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13174-2017

Date of Decision: 24.4.2018

Gopal Singh Rathee and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ashok Kumar, Advocate for
Mr. Tushar Sharma, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

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 petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the instructions dated 11.8.2016 (Annexure P-8), the proceedings dated 4.10.2016 (Annexure P-6) imposing certain new conditions for the allotment of plot to the oustees and the decision as contained in the advertisement (Annexure P-9 Colly). Further, a writ of mandamus has been sought directing the respondents to allot plots to the petitioners in view of their entitlement and the policies dated 18.3.1992 and 12.3.1993 (Annexure P-1 Colly).

2. The land of the petitioners situated within the revenue estate of Bahadurgarh, District Jhajjar was acquired by the State of Haryana for the

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development of residential Sectors 2 and 9/9A, Bahadurgarh. As per the policies dated 18.3.1992 and 12.3.1993 (Annexure P-1 Colly), the petitioners were entitled to the allotment of plots of different sizes in accordance with the area of their land acquired. Vide brochure dated 5.1.2006 (Annexure P-2), the respondents invited the applications for the allotment of residential plots in Sectors 2 and 9-A, Bahadurgarh from the general public as well as from the oustees whose land was acquired. In response thereto, the petitioners applied for the allotment of plots along with 10% earnest money. When their claim was not considered by the respondents, the petitioners along with others filed writ petitions and this Court vide order dated 29.11.2016 relegated all the matters to the HUDA for taking appropriate action after affording reasonable opportunity of hearing to the aggrieved parties. However, no action was taken thereon. Thereafter, the petitioner filed CWP-14439-2011 and CWP-7360-2012. This Court vide order dated 14.5.2012 disposed of the said writ petitions in terms of the order dated 25.4.2012 (Annexure P-3 Colly) passed in LPA-2096-2011. The SLP filed by the HUDA against the order, Annexure P-3, was also dismissed by the Supreme Court vide order dated 24.11.2015. Thereafter, the oustees filed various representations (Annexure P-4 Colly) to the respondents for the allotment of plots under the oustees quota. The respondents vide instructions dated 4.12.2015 (Annexure P-5) and the consequential proceedings dated 4.10.2016 (Annexure P-6) made a reservation of 12% and 10% for the oustees for above 8 marla category and upto 8 marla category, respectively and only earmarked/reserved 44 plots out of 400 balance plots in Sectors 9 and 9A, Bahadurgarh. As per the information dated 30.7.2012 (Annexure P-7) supplied under the Right to

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Information Act, 2007, very few plots were available for allotment in Sectors 2, 9 and 9-A, Bahadurgarh. The respondents had framed a policy dated 11.8.2016 (Annexure P-8) 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 HUDA vide advertisement (Annexure P-9 Colly) had invited the applications from oustees of Sector 9 and 9-A, Bahadurgarh as well as from the general public for the allotment of plots. The HUDA had kept the reserved price of the plots to be offered to the oustees at the rate from ₹ 30,150/- per squre meter for 6 marla plot, ₹ 33,500/- per square meter for the plots above 6 marlas i.e. 10 and 14 marla which is on the higher side as is clear from the collector rate for the years 2006-2015 (Annexure P-10 Colly). Further, in the year 2016 itself, the HUDA had offered residential plots in the adjoining Sector 10, Bahadurgarh at the rate of ₹ 14,000/- to 19,000/- per square meter as is clear from the brochure dated 21.9.2016 (Annexure P-11) issued by the HUDA for the allotment of plots in Sector 10, Bahadurgarh. However, no plot had been allotted to the petitioners till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that liberty be granted to the petitioners 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 petitioners, perusing the

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present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioners 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 petitioners 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 petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 24, 2018 **(ANUPINDER SINGH GREWAL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes/No**

Whether Reportable **Yes/No**

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