

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13421-2017

Date of Decision: 25.4.2018

Rohtas 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. Rakesh Nehra, Advocate for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, 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-5) imposing new conditions for the allotment of plot under the oustees quota and the order dated 4.2.2015 (Annexure P-3) passed by respondent No.3 whereby the claim of the petitioners 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 petitioners under the oustees quota.

2. The petitioners were owners of the land to the extent of their shares situated within the revenue estate of Bahadurgarh, District Jhajjar as

per the jamabandis for the year 1994-95 (Annexure P-1 Colly). State of Haryana acquired the said land for the development of Sector 2, Bahadurgarh. The award dated 24.4.1998/21.5.1998 was passed. The petitioners made various representations to the respondents for the allotment of plots, but to no effect. Accordingly, the petitioners filed CWP-13414-2012 and this Court vide order dated 19.7.2012 (Annexure P-2) 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-3) rejected the claim of the petitioner. It was mentioned therein that the petitioners was free to apply against the advertisement in future and her claim would be decided accordingly by the Oustees Screening Committee. As per the reply dated 13.3.2015 (Annexure P-4) 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-5) 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-6 Colly, have invited the applications for the allotment of plots. Hence, the present writ petition.

3. Learned counsel for the petitioners 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 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 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 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No