

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-14033-2017

Date of Decision: 26.4.2018

Maghi Ram 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. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, 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 action of the respondents in putting the plots to e-auction scheduled for 29.6.2017 (Annexure P-6) without first satisfying the claim of the oustees.

2. The petitioners were owners in possession of the land situated in village Devi Nagar, Tehsil Kalka, District Ambala (now Tehsil and District Panchkula). The said land was acquired by the respondents vide notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894. Government of Haryana framed a policy dated 18.4.1992 for the allotment of residential plots/commercial sites to the oustees whose land

(HUDA). The said policy was amended from time to time vide policies dated 22.10.1997, 28.8.1998, 27.2.2000, 10.7.2002 and 8.12.2003. Some of the landowners filed CWP-20331-2010 and this Court vide order dated 28.5.2012 (Annexure P-1) disposed of the said writ petition in terms of the order dated 25.4.2012 passed in LPA-2096-2011. The petitioners moved the representations dated 6.4.2012 and 11.5.2012 (Annexures P-2 and P-3, respectively) to respondents No.2 and 3 for the allotment of plot under the oustees quota. As per the certificate dated 18.4.2012 (Annexure P-4), the land of the petitioners were acquired. When the claim of the petitioners was not considered by the respondents, they filed CWP-16238-2012 and this Court vide order dated 23.8.2012 disposed of the said writ petition in terms of the order dated 25.4.2012 passed in LPA-2096-2011. In response to the advertisement issued in the year 2013 by the respondents, the petitioners submitted their application (Annexure P-5) for the allotment of a plot under the oustees quota along with the earnest money. Vide e-auction notice dated 10.6.2017 (Annexure P-6), the respondents had invited the application for e-auction of the plots. Accordingly, the petitioners moved a representation dated 20.6.2017 (Annexure P-7) to respondents No.2 and 3 for the allotment of plot under the oustees quota, but no response has been received till date. 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 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No