

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-14255-2017

Date of Decision: 13.3.2018

Balwinder Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Sharma, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Sabharwal, 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 mandamus directing the respondents to allot plots to the petitioners under the oustees policy dated 18.3.1992 (Annexure P-6). Further, a writ of certiorari has been sought for quashing the auction notice dated 29.6.2017 (Annexure P-16).

2. The petitioners were owners of the land as per the oustees certificates dated 8.3.2006 and 10.8.2006 (Annexures P-1 and P-2, respectively) which was acquired by the respondents for the development of

Institutional and commercial), Sector 20 (Group Housing) and Industrial Sector Phase 2, Panchkula. Vide letter dated 17.10.2016 (Annexure P-3), one Shri Sanjeev Kumar was informed under the Right to Information Act, 2005 that khasra numbers of village Rally, Sector 12-A, Panchkula and village Majri, Sector 4, Panchkula had been developed. As per jamabandi for the years 1999-2000 (Annexure P-4) and 1973-74 (Annexure P-5), the fathers of petitioners No.1 and 4 were owners in possession of the land which was acquired for Sector 20 (Group Housing Society) and Sector 4, Panchkula. Government of Haryana framed the policies dated 18.3.1992, 28.8.1998 and 27.3.2000 (Annexures P-6 to P-8, respectively) and as per the said policies, the petitioners were entitled to the allotment of plot under the oustees category. The HUDA vide rate list dated 26.6.2013 (Annexure P-9) had fixed the rates of residential plots in various Urban Estates of HUDA for the year 2013-14. Thereafter, the petitioners served legal notices dated 28.6.2017 (Annexures P-10 to P-15) upon the respondents for cancellation of public auction of the plot and to allot plots to them, but no response has been received till date. The respondents had started e-auction of plots in Sectors 4, 12, 17 and 21, Panchkula vide public notice dated 29.6.2017 (Annexure P-16). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners had sent legal notices dated 28.6.2017 (Annexures P-10 to P-15, respectively) to the respondents, but no action has so far been taken thereon. He, however, has 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. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No