

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1379-2018

Date of Decision: 12.2.2018

Desh Raj

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sushil K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
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 petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot in lieu of his acquired land situated within the revenue estate of village Mohammadpur Jharsa, Tehsil and District Gurugram for which he has already moved an application dated 29.8.2016 (Annexure P-2). Further, a direction has been sought to the respondents to fix the prices of the plot in accordance with the policies framed by the respondents in the years 2007 and 2010.

2. The petitioner was owner of the land situated within the revenue estate of village Mohammadpur Jharsa, Tehsil and District

Gurugram as detailed in para 4 of the writ petition. The said land was acquired by the State of Haryana vide notification dated 29.1.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 28.1.2004 issued under Section 6 of the Act for setting up industrial complex for Special Economic Zone. The award was passed on 27.1.2006 (Annexure P-1). The petitioner moved an application dated 29.8.2016 (Annexure P-2) along with the certificate, Annexure P-3, issued by the Land Acquisition Collector and the affidavit dated 29.8.2016 (Annexure P-4) duly signed by the Executive Magistrate for the allotment of a residential plot. As per the policy dated 7.12.2007 (Annexure P-5), the petitioner was entitled to the allotment of a 350 square yard plot. The said policy was superseded by the policy dated 9.11.2010 (Annexure P-6). Further, a policy dated 11.8.2016 (Annexure P-7) was framed by the respondents for the allotment of a plot under the oustees quota. However, no response has been received from the respondents regarding the allotment of a plot under the oustees quota. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 29.8.2016 (Annexure P-2) to respondent No.7, but no action has so far been taken thereon. He, however, prayed 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

February 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes