

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16102-2017

Date of Decision: 6.3.2018

Sham Dev Mudgil

....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. Johan Kumar, Advocate for the petitioner.

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

Mr. Deepak Sabharwal, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the policy dated 11.8.2016 (Annexure P-9). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner under the Oustees Quota.

2. The petitioner along with his brother was owner in possession of the land situated within the revenue estate of village Sihi, Tehsil Ballabgarh, District Faridabad, as per the jamabandi for the year 1983-84 (Annexure P-2). The said land was acquired by the Government of Haryana vide notifications dated 10.11.1976 and 9.11.1979 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 for the development of Sector 3,

Faridabad. The allotment committee in its meeting held on 9.9.2009 (Annexure P-1) recommended to allot a 14-Marla plot to the brother of the petitioner only which was allotted vide allotment letter dated 15.2.2010. Various policies were framed for the allotment of plots to the landowners whose land was acquired. The petitioner filed CWP-7767-2012 and this Court vide order dated 27.4.2012 (Annexure P-3) disposed of the said writ petition in terms of the order dated 25.4.2012 (Annexure P-4) passed in LPA-2096-2011. When the case of the petitioner was not considered at the time of allotment, the petitioner moved the representations dated 3.8.2012, 9.1.2013 and 26.2.2013 (Annexure P-5 to P-7, respectively) to respondent No.3 for the allotment of a plot under the oustees quota. However, respondent No.3 vide letter dated 15.7.2013 (Annexure P-8) informed the petitioner that the SLP against the order of this Court was to be filed before the Supreme Court. Thereafter, the respondents issued a policy dated 11.8.2016 (Annexure P-9) and as per the said policy, the landowner to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and their earnest money would be refunded along with interest from the date of deposit till date of payment. 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 the representations dated 3.8.2012, 9.1.2013 and 26.2.2013 (Annexure P-5 to P-7, respectively) to respondent No.3, 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

March 6, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No