

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16109-2017

Date of Decision: 6.3.2018

Vinay Kumar Aggarwal

....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-3) and the order dated 24.7.2017 (Annexure P-2) passed by respondent No.3. 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 was owner of the land to the extent of his share situated within the revenue estate of village Malerna, Tehsil Ballabgarh, District Faridabad which was acquired by the Government of Haryana vide notification dated 8.5.1995 issued under Section 4 of the Land Acquisition Act, 1894 for the purpose of transport communication, commercial,

residential and institutional for Sector 61, Faridabad. The award was passed on 30.4.1998 and the possession of the land was taken. Various policies were framed for the allotment of plots to the landowners whose land was acquired. The petitioner filed CWP-13567-2016 and this Court vide order dated 14.7.2016 (Annexure P-1) disposed of the said writ petition. In compliance therewith, respondent No.3 vide order dated 24.4.2017 (Annexure P-2) disposed of the claim of the petitioner by stating that as and when the applications would be invited, the petitioner can apply. Thereafter, the respondents issued a policy dated 11.8.2016 (Annexure P-3) 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 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 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. 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