

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16515-2017

Date of Decision: 6.3.2018

Ram Chander

....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. Jasmer Singh Rozera, 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. 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 certiorari for quashing the policy dated 11.8.2016 (Annexure P-5). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner under the oustees quota for the allotment of a plot in lieu of his acquired land.

2. The petitioner was owner of the land measuring 12 kanal 5 marlas situated within the revenue estate of villages Jharsa and Fatehpur, Tehsil and District Gurugram. The said land was acquired by the Government of Haryana for the development of Sectors 38, 39, 32 and 47, HUDA, Gurugram for residential purposes. State of Haryana framed the

policies dated 10.9.1987, 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010 for the allotment of plots to the landowners whose land was acquired by the Haryana Urban Development Authority (HUDA). The petitioner requested the respondents for the allotment of a plot under the oustees policy, but to no effect. Accordingly, the petitioner filed CWP-8199-2012 which was disposed of vide order dated 3.5.2012 (Annexure P-1) in terms of the order dated 25.4.2012 (Annexure P-2) passed in LPA-2096-2011. The petitioner along with others filed SLP-27256-27264-2012 and HUDA also challenged the order, Annexure P-2, and the Supreme Court vide order dated 6.3.2014 (Annexure P-3) disposed of the SLPs with a direction to reconsider while answering question oustees policy was not considered inspite of submitting the specific application dated 13.7.2015 (Annexure P-4) for the plot under the oustee category along with the demand draft of ₹ 50,000/- as had been paid by the petitioner as per the instructions of the HUDA. Thereafter, the respondents issued a policy dated 11.8.2016 (Annexure P-5) and as per the said policy, the landowner has 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 had moved an application dated 13.7.2015 (Annexure P-4), but no action has so far been taken thereon. Reliance was placed upon 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.

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 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

Whether Reportable

Yes