

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16609-2017

Date of Decision: 17.4.2018

Paramjit Kaur

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Amit Jhanji, Advocate and
Mr. Chandan Singh, Advocate for the petitioner.

Mr. Deepak Sabharwal, Advocate for the respondents.

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 order dated 28.2.2017 (Annexure P-13) passed by respondent No.3 whereby the claim of the petitioner for the allotment of a plot under the oustees quota has been rejected and for quashing the letter dated 10.6.2015 (Annexure P-7) issued by respondent No.3 for refunding the earnest money deposited by the petitioner. Further, a writ of mandamus has been sought directing the respondents to allot a residential plot to the petitioner under the oustees quota.

2. The petitioner was owner of the land measuring 32 kanal 2

clear from the status report dated 16.4.2010 and the verification report dated 15.9.2011 (Annexure P-2 Colly). As per Annexure No.1 (Annexure P-3) issued by the Land Acquisition Officer, 100% land of the petitioner was acquired by the respondents for the development of Sector 6, MDC, Panchkula and the said land fall under Sector 4 MDC, Panchkula as is clear from the certificate Annexure No.2 (Annexure P-4). As per the oustees policy, the petitioner was entitled to the allotment of a plot in lieu of the acquired land and accordingly, she applied for the allotment of a plot in Sector 6, MDC, Panchkula vide application, Annexure P-5 along with 10% earnest money. The petitioner vide letter dated 12.5.2014 (Annexure P-6) requested respondent No.3 to correct and modify the certificate that the acquired land of the petitioner fall in Sector 6 instead of Sector 4, MDC, Panchkula. The claim of the petitioner was considered by the Screening Committee on 18.7.2014 wherein it was resolved that the petitioner was eligible for the allotment of one kanal plot and liberty was granted to the petitioner to apply fresh as and when the applications for that sector were invited in future. Respondent No.3 vide letter dated 10.6.2015 (Annexure P-7) refunded the earnest money deposited by the petitioner through the cheque dated 8.5.2015. A policy dated 11.8.2016 (Annexure P-8) was framed by the respondents wherein it was decided that the oustee shall be entitled to seek allotment of plot in the same sector for which the land had been acquired. Further, the oustee shall also be entitled to the allotment of plot in the adjoining sector in case the land of the oustee had been acquired for any non-residential purposes such as industrial, institutional, group housing site etc. The petitioner moved a representation dated 15.6.2015 (Annexure P-9) to respondent No.2 for correction of sector number wrongly

mentioned in the certificate issued by the District Town Planner, but to no effect. Thereafter, the petitioner filed CWP-24583-2016 (Annexure P-10) for quashing the letter, Annexure P-7. This Court vide order dated 30.11.2016 (Annexure P-11) disposed of the said writ petition with a direction to respondent No.3 to take a decision on the representation dated 15.6.2015 within a period of three months. The petitioner vide letter dated 9.12.2016 (Annexure P-12) brought to the notice of respondent No.3 regarding the order passed by this Court. However, respondent No.3 vide order dated 28.2.2017 (Annexure P-13) rejected the claim of the petitioner. The said order was sent to the petitioner by respondent No.3 vide letter dated 27.4.2017 (Annexure P-14). 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 her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No