

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17009-2017

Date of Decision: 5.4.2018

Ishwar Singh

....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. Sanjiv Gupta, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional 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 mandamus directing the respondents to allot a plot to the petitioner under the oustees quota.

2. Government of Haryana acquired the land of the petitioner vide notification dated 17.6.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.12.2003 under Section 6 of the Act. The award was passed on 21.1.2004 (Annexure P-1). A policy dated 10.9.1987 (Annexure P-2) was framed by the Government of Haryana for the allotment of plots as well as commercial

HUDA. The said policy was amended vide policies dated 28.8.1998, 9.5.1990 and 12.3.1993 (Annexures P-3 to P-5, respectively). The Supreme Court vide judgment dated 3.1.2011 (Annexure P-6) held that the persons should, therefore, be allotted plots under the scheme at the initial price at which the layout/sector plots were first offered for sale after the acquisition. The petitioner moved the representations dated 8.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3 for the allotment of a plot under the oustees quota, but no response has been received till date. 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 8.7.2017 (Annexures P-7 and P-8, respectively), 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

April 5, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No