

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17092-2017

Date of Decision: 13.3.2018

Harvinder Thakran

....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. Sandeep Sharma, 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 direction to the respondents to allot a plot to the petitioner under the oustees policy dated 18.3.1992 (Annexure P-1). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-8).

2. The father of the petitioner was owner of the land situated at village Jharsa, District Gurugram which was acquired by the respondents vide award dated 16.3.1993 for the development of Sectors 38 to 41, Gurgaon. As per the policies dated 18.3.1992 and 12.3.2008 (Annexures P-1 and P-2, respectively), the petitioner was entitled to the allotment of a plot under the oustees category. The father of the petitioner filed CWP-26208-

2014 and this Court vide order dated 24.12.2014 disposed of the said writ petition with a direction to the respondents to decide the claim of the petitioner in terms of the order dated 25.4.2012 passed in LPA-2096-2011. In pursuance thereto, respondent No.4 vide order dated 25.2.2015 (Annexure P-3) disposed of the claim of the petitioner with liberty to apply for the allotment of plot under the oustee category as and when the applications would be invited by the HUDA. The petitioner moved an application dated 20.1.2015 (Annexure P-4) to respondent No.4 for the allotment of a plot under the oustees category. Respondent No.3 vide public notice dated 25.6.2015 (Annexure P-5) invited the applications for the allotment of plot under oustees category from the landowners whose land was acquired. In response thereto, the petitioner had applied for the allotment of a plot along with the earnest money vide receipt dated 21.7.2015 (Annexure P-6). As per death certificate dated 14.5.2016 (Annexure P-7), the father of the petitioner had died on 14.5.2016. Further, the respondents had decided to refund the earnest money along with interest vide policy dated 11.8.2016 (Annexure P-8). However, till date no plot has been allotted to the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner has 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 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No