

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-20786-2016

Date of Decision: 30.4.2018

Satish Kumar and another

....Petitioners.

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. Vikrant Hooda, Advocate for the petitioners.

Ms. Shubhra Singh, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the order dated 29.6.2016 (Annexure P-16) passed by respondent No.3 rejecting the claim of the petitioners. Further, a writ of mandamus has been sought directing the respondents not to charge the price of the land at the present market rates as the entitlement of the petitioners for allotment of a bigger size of plots was from the starting of the allotment.

2. State of Haryana vide notification dated 17.4.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by the notification dated 10.4.2003 under Section 6 of the Act acquired the land including the land of the petitioners for the development of Sectors 1 (Part), 12 and 13, Bahadurgarh. The respondents had framed various

policies including the policy dated 18.3.1992 (Annexure P-1) for the allotment of plots to the landowners whose land had compulsorily been acquired by the HUDA. In the year 2007, the HUDA invited the applications for the allotment of plots under the oustees category. In response thereto, the petitioners submitted their applications dated 23.7.2007 and 21.2.2007 (Annexures P-2 and P-3, respectively) along with 10% earnest money for the allotment of plots under the oustees quota. The draw of lots was conducted and the petitioners were allotted plots vide allotment letters dated 9.6.2010 (Annexures P-4 and P-5, respectively). Since, the sizes of their plots were changed, they filed objections before respondent No.3. When no action was taken thereon, the petitioners filed CWP-15663-2010 and this Court vide order dated 1.9.2010 (Annexure P-6) disposed of the said writ petition. In pursuance thereto, the respondents vide order dated 17.5.2011 (Annexure P-7) admitted that the petitioners were entitled for the allotment of 1 kanal plots but they had been allotted 10-marla plots. Thereafter, the petitioners requested respondent No.3 for physical possession of the plots, but to no effect. The petitioners vide application, Annexure P-8, sought various information under the Right to Information Act, 2005 which were supplied vide reply dated 23.10.2012 (Annexure P-9). After that, the petitioners filed CWP-1129-2014 and this Court vide order dated 29.4.2014 (Annexure P-10) directed the respondents handover the physical possession of the plots in terms of order dated 17.5.2011. The said writ petition was disposed of as infructuous by this Court vide order dated 20.5.2014 (Annexure P-11) as the allotment of additional plot was done in the favour of the petitioners. The plots being allotted to the petitioners vide allotment letters dated 7.8.2014 (Annexures

P-12 and P-13, respectively) are at a higher price even more than double the price of the plots earlier allotted to them. Accordingly, the petitioners moved a representation dated 14.12.2015 (Annexure P-14) to respondent No.3 for not charging them at the present rates, but to no effect. However, respondent No.3 vide order dated 29.6.2016 (Annexure P-16) rejected the claim of the petitioners. Thereafter, they filed CWP-14711-2016 which was dismissed as withdrawn vide order dated 6.9.2016 (Annexure P-15) with liberty to file a fresh one challenging the order passed by the respondents. Hence, the present writ petition.

3. Learned counsel for the petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No