

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16150 of 2018.

Date of Decision: July 06, 2018

Raj Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vinod S.Bhardwaj, Advocate, for the petitioner.

Mr.Deepak Sabharwal, Advocate, for respondent Nos.2 & 3.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.2 & 3 only at this stage.

On our asking, Mr.Deepak Sabharwal, Advocate, accepts notice on their behalf.

Let two copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.2 & 3 or to serve respondent No.1 at this stage as no order prejudicial to their interest is being passed on merits.

The grievance of the petitioner in the instant writ petition is against the communication dated 03.08.2017 (P-11) of the Estate Officer, HUDA, Rewari, informing him that a 10 marla plot has been allotted to him under the Oustees Policy on the recommendations of the Oustees Screening Committee. The petitioner's grievance is that as per the documents on

described in para No.3(i) of the writ petition, situated within the revenue estate of village Buchakpur, Tehsil Narnaul, District Mahendergarh was acquired by the State of Haryana for HUDA vide Award dated 16.07.1999. It is averred that as per the HUDA Policy dated 18.03.1992, which was in vogue at the relevant time, the petitioner and his co-sharers are entitled to allotment of a plot of 500 square yards, i.e., one kanal under the oustees quota, in terms of Clause-II (c) of the aforesaid policy. The petitioner, in fact, applied for a plot of one kanal but without assigning any reason whatsoever, he alongwith his co-sharers were held eligible for allotment of a 10 marla plot which was eventually allotted to him in the year 2015. The petitioner thereafter has been representing the authorities for allotment of a plot of one kanal, i.e., 500 square yards as per the above-mentioned policy, but instead of addressing the said issue, a vague and evasive reply has been sent by the Estate Officer to the effect that the allotment was made on the recommendations of the Oustees Screening Committee.

We have heard learned counsel for the parties and gone through the contents of the Policy dated 18.03.1992 as also the facts mentioned in a Tabulated Form which were placed before the Oustees Screening Committee.

It does appear from the record that the petitioner applied for allotment of one kanal plot in lieu of the acquired land but he was alongwith his co-sharers held eligible for allotment of a plot of 10 marla size only. On the other hand, similarly placed oustees whose acquired land was less than that of the petitioner, have been allotted plots of one kanal. In these circumstances, the claim raised by the petitioner vide legal notice dated 07.10.2017 (P-12) needs to be specifically looked into by HUDA

authorities. The writ petition is accordingly allowed in part and while setting aside the impugned communication dated 03.08.2017 (P-11), the Estate Officer, HUDA, Rewari as well as the Administrator, HUDA, Gurgaon, are directed to re-consider the claim of the petitioner alongwith his co-sharers with regard to the size of the plot as well as rate of allotment in terms of the Policy which was in vogue at the relevant time. It is clarified that the above-stated direction has been issued on the premise that co-sharers of the petitioner have given their consent for allotment of one kanal plot in favour of the petitioner.

Dasti.

[SURYA KANT]
JUDGE

July 06, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No