

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17984-2017

Date of Decision: 21.3.2018

Smt. Bimla Gupta and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Bhupinder Ghai, Advocate for the petitioners.

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 petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the order dated 10.7.2014 (Annexure P-8) passed by respondent No.3. Further, a writ of mandamus has been sought directing the respondents to allot the plots to the petitioners under the oustees policy.

2. The petitioners were owners as purchasers of the agricultural land situated within the revenue estate of Bahadurgarh, District Jhajjar and mutation dated 27.1.1989 (Annexure P-3) was sanctioned in their favour. As per the certificate dated 1.3.1989 (Annexure P-4) issued by the Sub Registrar, Bahadurgarh, the petitioners were absolute in possession in equal shares of the said land. Government of Haryana acquired the said land vide notification dated 26.5.1995 issued under Section 4 of the Land Acquisition

plots in Sector 2, Bahadurgarh. The petitioners filed reference under Section 18 of the Act and the Additional District Judge, Jhajjar vide award dated 7.2.2005 (Annexure P-5) enhanced the compensation against which the respondents filed RFA-1469-2006. The petitioners also filed cross-objections (Annexure P-6) in the said appeal. This Court vide order dated 19.3.2012 (Annexure P-6) dismissed the appeal and allowed the cross-objections while deciding a bunch of 251 cases. Government of Haryana framed the policies dated 18.3.1992 and 12.3.1993 (Annexures P-1 and P-2, respectively) for the allotment of residential plots/commercial sites to the oustees whose land was compulsorily acquired by the Haryana Urban Development Authority (HUDA). When the claim of the petitioners was not considered, they filed CWP-3083-2014 and this Court vide order dated 19.2.2014 (Annexure P-7) disposed of the said writ petition with a direction to respondents No.2 and 3 to consider their claim in light of the order dated 26.4.2012 passed in CWP-10941-2010. However, respondent No.3 vide order dated 10.7.2014 (Annexure P-8) rejected the claim of the petitioners. The SLP filed by the respondents against the order dated 26.4.2012 was dismissed by the Supreme Court vide order dated 24.11.2015 (Annexure P-9). Thereafter, the petitioners sent a reminder dated 10.11.2016 (Annexure P-10) to respondents No.3 and 4 for the allotment of plots under the oustees quota, but no response has been received till date. 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

March 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No