

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16300 of 2018

Date of Decision: July 09, 2018

Rajender

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Shashi Kumar Yadav, Advocate, for the petitioner.

-.-

Surya Kant, J. (Oral)

The land of the petitioner measuring 23 kanal 7 marla, fully described in para No.2 of the writ petition, situated within the revenue estate of village Fajjupur, Tehsil and District Faridabad, was acquired by the State of Haryana vide Award No.2 dated 24.04.2009 for the development and utilization of residential and commercial Sectors 76, 77 and 78, Urban Estate, Fariabad. The land was acquired for Haryana Urban Development Authority. The petitioner claims their entitlement for allotment of residential and commercial sites in terms of the Haryana Government Policy notified on 07.12.2007 by the Department of Revenue and Disaster Management, as modified on 09.11.2010 (P-4). Further case of the petitioner is that draw of lots of oustees claim for Sector-78, Faridabad was held on 24.10.2013 in which the petitioner was declared successful for allotment of a plot measuring 450 square yards [(at Sr.No.34 of the proceedings) P-8].

Regardless thereto, the grievance of the petitioner in the instant writ petition is that the Estate Officer, HUDA, Faridabad sent a letter dated 11.09.2017 informing that the earnest money of Rs.50,000/- deposited by the petitioner is to be refunded as he was “unsuccessful” in the draw held

for oustees. Such a communication has been sent to the petitioner on

12.02.2018.

The aggrieved petitioner served the Estate Officer as well as other higher authorities in HUDA with a legal notice dated 05.05.2018 explaining the above-mentioned facts, namely, that he was successful in draw of lots and as per the size of acquired land, he is entitled to allotment of residential as well as commercial sites. The petitioner, however, received no response to the legal notice, compelling him to approach this Court.

We have heard learned counsel for the petitioner and gone through the record.

It does appear from the proceedings (P-8) that in draw of lots held on 24.10.2013 against oustees claim in Sector-78, Faridabad, the petitioner was found eligible for allotment. If that is so, there appears to be no rhyme or reason to refund him the earnest money as an unsuccessful oustee. Be that as it may, the question raised by the petitioner being essentially a question of fact which can be determined by the authorities on verification of record, the instant writ petition is disposed of with a direction to the Administrator, HUDA, Faridabad-respondent No.2 or the Chief Administrator, HUDA, Panchkula to obtain a fact-finding report from the Estate Officer, HUDA, Faridabad and take appropriate final decision in respect of the above-mentioned claim of the petitioner, within a period of three months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

July 09, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**