

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18102-2017

Date of Decision: 17.4.2018

Sucha Singh

....Petitioner.

Versus

The Haryana Urban Development Authority and another

...Respondents.

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

PRESENT: Mr. Pawan Kumar Mutneja, Advocate with
Ms. Nitika Garg, Advocate for the petitioner.

Mr. Saurabh Mago, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the allotment letter dated 16.9.2013 (Annexure P-9) and the orders dated 15.6.2015 (Annexure P-13) and 18.1.2017 (Annexure P-15). Further, a writ of mandamus has been sought directing the respondents to allot an individual plot to the petitioner under the policy dated 18.3.1992 (Annexure P-3).

2. The petitioner was owner in possession of the land measuring 19 kanal 15 marla 1 sarsai situated in Patti Maqdamjadgan, Tehsil and District Panipat. The said land was held along with other lands of relatives as co-owners. The said land was acquired by the respondents vide

notification dated 23.2.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by the notification dated 22.2.1990 (Annexure P-1) under Section 6 of the Act. The award was passed on 21.2.1992. Vide advertisement dated 25.11.1992 (Annexure P-2), the respondents invited the applications for the allotment of plots to the persons whose land was acquired. In response thereto, the petitioner applied for the allotment of a plot. As per the policy dated 18.3.1992 (Annexure P-3), the petitioner was entitled to the allotment of a plot. The said policy was amended vide policy dated 12.3.1993 (Annexure P-4) wherein the benefit was restricted to one plot according to size of the holding irrespective of the number of shareholders. Respondent No.2 vide letter dated 5.12.2002 (Annexure P-5) allotted a plot measuring 10 marlas along with six co-sharers and vide letter dated 17.3.2003 (Annexure P-6) respondent No.2 requested the petitioner to be present in the draw of lots to be held on 21.3.2003. Further, vide letter dated 28.3.2003 (Annexure P-7), the petitioner was informed that the draw of lots was held and the allotment of plot would be issued in due course. However, no plot was allotted to the petitioner. Thereafter, the petitioner moved a petition to the Principal Secretary, Town and Country Planning, Haryana for issuance of directions to the respondents for the allotment of plot who vide order dated 16.4.2013 (Annexure P-8) directed the Administrator, HUDA to look into the matter and make allotment if no allotment was made or in case allotment land had been issued and no amount had been deposited then the allotment would stand cancelled. In pursuance thereto, plot No.824, Sectors 13-17, HUDA, Panipat was allotted to the petitioner along with other co-sharers vide allotment letter dated 16.9.2013 (Annexure P-9). The petitioner deposited

25% of the total price of the plot vide receipt dated 14.10.2013 (Annexure P-10). However, no possession was handed over to the petitioner. Accordingly, the petitioner filed appeal, Annexure P-11, before the Administrator, HUDA for the allotment of plot in his own name as per the policy dated 18.3.1992 (Annexure P-3), but to no effect. Thereafter, the petitioner moved a representation, Annexure P-12, to respondent No.2 for removing the names of the co-sharers from the allotment letter. In response thereto, respondent No.2 vide order dated 15.6.2015 (Annexure P-13) disposed of the said representation. The petitioner filed CWP-15628-2015 and this Court vide order dated 4.4.2016 (Annexure P-14) disposed of the said writ petition with a direction to the respondents to dispose of the claim of the petitioner afresh. When no action was taken thereon, the petitioner filed COCP-2974-2016 wherein notice was issued to the respondents. During the pendency of the said contempt petition, respondent No.2 vide order dated 18.1.2017 (Annexure P-15) rejected the claim of the petitioner. Hence, the present writ petition. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No