IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18253-2017

Date of Decision: 12.2.2018

Smt. Kela Devi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Anil Kumar Rana, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
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 petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the Policy dated 11.8.2016 (Annexure P-6); to quash the advertisement of the plots vide which the fresh applications have been invited. Further, a writ of mandamus has been sought directing the respondents to consider the application dated 29.7.2015 (Annexure P-4) for the allotment of plot in lieu of acquisition of the land of the petitioner in pursuance to the earlier advertisement.

2. The petitioner was owner of the land measuring 51 kanal 4 marlas to the extent of 1/2 share situated within the revenue estate of village Kadipur, Tehsil and District Gurugram as per jamabandi for the year 2002-03 (Annexure P-1). The respondents vide notifications dated 14.9.1983/

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8.3.1989 (Annexure P-2 Colly) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by a notifications dated 10.8.1984/7.3.1990 (Annexure P-3 Colly) issued under Section 6 of the Act acquired the said land. The petitioner filed objections under Section 5-A of the Act. After issuance of notice under Section 9 of the Act, the award was passed. The respondents advertised plots for the allotment of plots under the oustees in all categories for Sectors 9, 10 and 10-A, Gurugram. In response thereto, the petitioner applied for a plot vide application dated 29.7.2015 (Annexure P-4) along with demand draft and receipt dated 28/29.7.2015 (Annexure P-5 Colly). The petitioner moved a representation to respondent No.4 for the allotment of a plot under the oustees quota, but no response has been received. The respondents framed a policy dated 11.8.2016 (Annexure P-6) for settlement of oustees claims-terms and conditions thereof. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 29.7.2015 (Annexure P-4) to respondent No.4, but no action has so far been taken thereon. He, however, 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

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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. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

February 12, 2018 **(ANUPINDER SINGH GREWAL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes**

Whether Reportable **Yes**

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