

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18319-2017

Date of Decision: 26.4.2018

Vinod Bhatia

....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. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, 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 mandamus directing the respondents to allot a plot to the petitioner in pursuance to the acquisition of land.

2. The petitioner was owner of the land situated within the revenue estate of village Ugra Kheri, District Panipat. The land of the petitioner was acquired for the development of Sector 24, Panipat vide award dated 28.2.1996 as is clear from the oustees certificate dated 20.6.2007 (Annexure P-1). Government of Haryana framed a policy dated

sites to the oustees whose land was compulsorily acquired by the Haryana Urban Development Authority (HUDA). The said policy was amended from time to time vide policies dated 28.8.1988, 9.5.1990 and 12.3.1993 (Annexures P-3 to P-5, respectively). The Supreme Court vide judgment dated 3.1.2011 (Annexure P-6) passed in Civil Appeal No.1 of 2011 had held that 'the claimants should be allotted plots under the scheme at the initial price at which the layout/sector plots were first offered for sale after the acquisition'. The petitioner moved the representations dated 12.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3 for the allotment of plot under the oustees quota, but no response has been received till date. 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 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No