

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18456-2017

Date of Decision: 15.3.2018

Harit Kumar and another

....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. Vikram Singh, 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 notice, Annexure P-5, invited applications for oustees claim and the Policy dated 11.8.2016 (Annexure P-4). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioners for the allotment of plot in lieu of acquisition of the land.

2. The petitioners were co-owners of the land measuring 38 kanal 8 marla to the extent of their shares situated within the revenue estate of village Malik Ugrakheri, Tehsil and District Panipat. State of Haryana acquired the said land for the development of Sector 24, Panipat vide award

dated 28.2.1996. The respondents framed a policy dated 10.9.1987 for the

allotment of a plot under the oustees quota. The said policy had been amended vide policies dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010. In identical matters, this Court had directed the respondents to consider the case of the similar situated persons on the basis of the order dated 25.4.2012 (Annexure P-1) passed in LPA-2096-2011 and also disposed of CWP-20032-2012 vide order dated 8.10.2012 (Annexure P-2) in terms of order, Annexure P-1. The petitioners moved an application dated 24.11.2016 (Annexure P-3) to respondent No.3 for the allotment of a plot under the oustees quota, but no response has been received till date. The respondents had framed a policy dated 11.8.2016 (Annexure P-4) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. On the basis of the said policy, the respondents vide notice, Annexure P-5, had invited the applications for the oustees. Hence, the present writ petition.

3. Learned counsel for the petitioners has submitted that for the relief claimed in the writ petition, the petitioners had moved an application dated 24.11.2016 (Annexure P-3) to respondent No.3, but no action has so far been taken thereon. He, however, 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. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No