

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1846-2017

Date of Decision: 23.4.2018

Hari Kishan and others

...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. Chanderhas Yadav, 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 policy dated 11.8.2016 (Annexure P-11), advertisement dated 16.9.2016 (Annexure P-10) and the letters dated 15.9.2016 to 21.9.2016 (Annexure P-8 Colly) vide which the fresh applications were invited. Further, a writ of mandamus has been sought directing the respondents to consider the applications (Annexure P-5 Colly) of the petitioners at the rates of plots earlier advertised and to allot the plots to them under the oustees quota.

2. The land of the petitioners situated at village Balaur, Tehsil

Bahadurgarh, District Jhajjar was acquired by the respondents vide notification dated 17.4.2002 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 10.4.2003 (Annexure P-2) under Section 6 of the Act for the development of residential/commercial sectors 1 and 10 to 13. The petitioners filed objections under Section 5-A of the Act. After issuance of notice under Section 9 of the Act, the award was passed on 23.6.2004 (Annexure P-3). The respondents vide advertisement dated 4.12.2011 (Annexure P-4) advertised plots for the allotment of plots under the oustees and general categories for Sectors 10 to 13. In response thereto, the petitioners applied for the plots vide applications (Annexure P-5 Colly), along with demand drafts dated 30.12.2011 (Annexure P-6 Colly). The plots of one kanal and 10 marlas were allotted in the general category and also in the oustees category vide allotment letters including the allotment letter dated 24.10.2011 (Annexure P-7). Vide letters dated 15.9.2016 to 21.9.2016 (Annexure P-8 Colly), the petitioners were advised to apply for the allotment of plot against fresh advertisement to be issued later and to submit the complete bank account details or crossed cheque/cancelled so that the application/earnest money deposited be refunded along with interest. The petitioners moved a representation dated 17.10.2016 (Annexure P-9) to respondent No.5 for withdrawal of the policy dated 11.8.2016 and the letters (Annexure P-8 Colly) and to make the allotment of plots under the oustees quota, but no response has been received. However, respondent No.3 vide advertisement dated 16.9.2016 (Annexure P-10) invited applications for the allotment of plots. The respondents framed a policy dated 11.8.2016 (Annexure P-11) for settlement of oustees claims-

terms and conditions thereof. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted 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

April 23, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No