

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22666-2016 (O&M)

Date of Decision: 13.3.2018

Ramesh Singh 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. Sandeep Sharma, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Saurabh Mago, 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 direction to the respondents to allot plots to the petitioners. Further, a writ of certiorari has been sought for quashing Clause 15 of the policy dated 11.8.2016 (Annexure P-12).

2. The petitioners were owners of the land situated in village Khandsa, District Gurugram. The said land was acquired by the respondents vide award dated 12.12.1991 (Annexure P-1) for the development of Industrial Sector 37, Gurugram. Government of Haryana framed the policies dated 28.8.1998 and 27.3.2000 (Annexures P-2 and P-3, respectively) and as per the said policies, the petitioners were eligible to

apply for the plots in the next residential sector. Earlier the petitioners filed CWP Nos. 12425 and 12917 of 2014 and this Court vide orders dated 2.7.2014 and 8.7.2014 (Annexures P-4 and P-5, respectively) disposed of the said writ petitions with a directions to the respondents to decide their respective representations within a period of three months. In pursuance thereto, respondent No.4 vide order dated 5.3.2015 (Annexure P-6) disposed of the claim of the petitioners with liberty to the petitioners that that as and when the HUDA would invite the applications for the oustees claim through advertisement, they would apply for the allotment of plots under the oustees category. Respondent No.3 vide public notice dated 25.6.2015 (Annexure P-7) invited the applications from the oustees for the allotment of plots. In response thereto, the petitioners applied vide applications dated 23.7.2015 and 28.7.2015 (Annexures P-8 and P-9, respectively) along with earnest money of ₹ 50,000/- each vide demand drafts dated 7.7.2015 and 21.7.2015 (Annexures P-10 and P-11, respectively). The respondents had framed a policy dated 11.8.2016 (Annexure P-12) vide which it was decided to refund the earnest money of the applicants whose claims were pending. Vide public notices dated 24.8.2016 and 6.9.2016 (Annexures P-14 and P-15, respectively), the respondents had done the draw of plots. Hence, the present writ petition.

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

(AJAY KUMAR MITTAL)
JUDGE

March 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No