

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22864-2016

Date of Decision: 26.3.2018

Duli Chand

....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. Y.P. Malik, Advocate for the petitioner.

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 petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the public notice dated 19.10.2016 (Annexure P-13) e-auctioning the plots of Sector-18, Panipat. Further, a writ of mandamus has been sought directing the respondents to invite application from the petitioner and to allot a plot under oustees policies dated 18.3.1992 and 12.3.1993 (Annexure P-1 Colly).

2. The petitioner was owner in possession of the land measuring 2 kanal 14 marla situated within the revenue estate of village Nijampur, District Panipat. Government of Haryana vide notification dated 27.3.1993

Act”) followed by notification dated 27.3.1996 under Section 6 of the Act acquired the land of the petitioner for residential, commercial and institutional for establishing Sector 18, Urban Estate, Panipat. The respondents framed policies dated 18.3.1992 and 12.3.1993 (Annexure P-1 Colly) for the allotment of plots to the landowners whose land had compulsorily been acquired by the HUDA. Form LA dated 7.2.1996 (Annexure P-2) under Section 9 of the Act was issued by the Land Acquisition Collector, Panchkula. The petitioner moved various applications including the applications dated 8.3.2011 and 16.8.2011 (Annexure P-3 and P-4, respectively) for the allotment of a plot. Respondent No.4 vide letter dated 18.11.2011 (Annexure P-5) informed the counsel for the petitioner that the application of the petitioner had been received in the office but was not available. In response to the application of the petitioner moved under the Right to Information Act, 2005 (hereinafter referred to as “the 2005 Act”), respondent No.4 vide letter dated 9.2.2011 (Annexure P-6) advised the petitioner to apply for the allotment of plot under the oustees quota on the prescribed proforma along with requisite earnest money at the time of flotation of left out plot of the concerned sector. In response thereto, the petitioner through his counsel submitted photo copies of the applications for allotment of plot under oustees quota vide letter dated 10.1.2012 (Annexure P-7). When no action was taken thereon, the petitioner along with others sent a representation dated 6.4.2013 (Annexure P-8) to respondent No.2 for the allotment of a plot under the oustees category. The petitioner vide application dated 16.7.2015 (Annexure P-9) under the 2005 Act sought certain information from respondent No.4. In response thereto, respondent No.3 vide letter dated

28.7.2015 (Annexure P-10) transferred the said application to respondent No.4. Vide letter dated 21.8.2015 (Annexure P-11), respondent No.4 was asked to supply the requisite information to the petitioner. Respondent No.4 vide letter dated 30.7.2015 (Annexure P-12) supplied the said information to the counsel of the petitioner. However, respondent No.4 issued a public notice dated 19.10.2016 (Annexure P-13) for e-auction of the plots. 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 a representation dated 6.4.2013 (Annexure P-8) to respondent No.2, 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 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 his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No