

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18274 of 2018.

Date of Decision: July 26, 2018

Hawa Singh and another

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Keshav Pratap Singh, Advocate, for the petitioners.

-.-

Surya Kant, J. (Oral)

The land of the petitioners situated within the revenue estate of villages Sultanpur and Raipur, District Sonapat was acquired by State of Haryana vide notifications dated 09.11.1992 and 06.11.1993, followed by Award passed in the year 2004. The petitioners, by virtue of acquisition of their land, fall within the category of 'oustees', hence they jointly applied for allotment of a plot in terms of the advertisement issued by HUDA dated 25.12.2011 and deposited the requisite amount of Rs.50,000/-. After keeping that application pending for years, HUDA authorities suddenly returned the amount of Rs.50,000/- to petitioners vide demand draft dated 29.05.2017 on the pretext of giving effect to their policy dated 11.08.2016.

In sum and substance, the grievance of the petitioners in the instant writ petition is two-folds. Firstly, it is urged that they have deposited the amount of Rs.50,000/-, hence the HUDA authorities are obligated to decide their claim as 'oustees' on the basis of application made in the year 2011 and the policy which was in force at that time and squarely covers their claim. Secondly, HUDA cannot charge the current allotment rate by

returning the application with earnest money after a period of six years as the HUDA authorities are now insisting to apply afresh in response to the advertisement to be issued in future.

It appears that both the grievances of the petitioners have been dealt with by a Full Bench of this Court in CWP No.22252 of 2016 (Rajiv Manchanda and others versus Haryana Urban Development Authority and another) decided on 22.11.2017 (P-14). The petitioners have agitated these issues by way of a legal notice dated 27.06.2018 (P-21). In this view of the matter, we are inclined to dispose of this writ petition with a direction to HUDA authorities to redress the above-mentioned grievances of the petitioners in the light of the Full Bench decision of this Court in Rajiv Manchanda's case (supra) and take an appropriate decision within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

July 26, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No