

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-20027-2017

Date of Decision: 13.3.2018

Rohtash Kumar

....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. Sandeep Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Balyan, 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 direction to the respondents to allot a plot to the petitioner under the oustees policy dated 18.3.1992 (Annexure P-1).

2. The petitioner was owner of the land situated at village Silokhera, District Gurugram which was acquired by the respondents in the year 1989 for the development of Sectors 29 and 29A, Commercial City Centre, Gurugram. As per the policies dated 18.3.1992 and 28.8.1998 (Annexures P-1 and P-2, respectively), the petitioner was entitled to the allotment of a plot under the oustees category in the next residential sector

in the same urban estate. The counsel of the petitioner vide application dated 15.2.2010 (Annexure P-3) sought information under the Right to Information Act, 2005 which was supplied vide reply dated 6.4.2010 (Annexure P-4) that no oustees application had been invited in the newspaper and that there was no plot residential/commercial vacant in Sector 29, Gurgaon. The petitioner moved an application for verification of the acquired land which was verified vide report dated 10.10.2011 (Annexure P-5) that the land of the petitioner had been acquired. However, till date no plot has been allotted to the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner has 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 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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