

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-20172-2017

Date of Decision: 13.3.2018

Rajeshwari and others

....Petitioners.

Versus

The 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. 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 petitioners have prayed for issuance of a direction to the respondents to allot plots to the petitioners under the oustees policy dated 18.3.1992 (Annexure P-4). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-6).

2. The petitioners were owners of the land situated in village Silokhera, District Gurugram. The said land was acquired by the respondents in the year 1989 for the development of Sectors 29 and 29A, Commercial City Centre, Gurugram. Earlier, the petitioners filed CWP-

disposed of the said writ petition in terms of the order dated 26.4.2012 passed in CWP-10941-2010. In pursuance thereto, the respondents vide public notice dated 25.6.2015 (Annexure P-2) invited the applications from the oustees for the allotment of plots. The petitioners applied for the allotment of plots vide applications along with earnest money (Annexure P-3 Colly). Government of Haryana framed the policies dated 18.3.1992 and 28.8.1998 (Annexures P-4 and P-5, respectively) and as per the said policies, the petitioners were entitled to the allotment of plot under the oustees category. The respondents had framed a policy dated 11.8.2016 (Annexure P-6) vide which it was decided to refund the earnest money of the applicants whose claims were pending. The counsel of the petitioners vide application dated 15.2.2010 (Annexure P-7) sought information under the Right to Information Act, 2005 which was supplied vide reply dated 6.4.2010 (Annexure P-8) that no oustees application had been invited in the newspaper and that there was no plot residential/commercial vacant in Sector 29, Gurgaon. Hence, the present writ petition.

3. Learned counsel for the petitioners has 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. 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