

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.2029 of 2017(O&M)

Date of Decision: July 26, 2018

Rajbir and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Chetan Mittal, Senior Advocate with
Mr.Keshav Pratap Singh, Advocate, for the petitioners.

Mr.Deepak Sabharwal, Advocate, for respondent Nos.2 to 4.

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Surya Kant, J. (Oral)

The land owned by father of the petitioners situated in village Asawarpur, Tehsil and District Sonapat was acquired by the State of Haryana vide Award dated 02.03.2006. Their deceased-father/petitioners applied within time alongwith earnest money for allotment of plot under the 'Oustees Category' in response to the advertisement dated 25.07.2010. Their applications were kept pending regardless of the directions issued by this Court meanwhile to decide their claim. Eventually, the petitioners have been allotted plot(s) vide allotment letter dated 25.01.2017 but on the current allotment price of Rs.17,600/- per square meter.

The short grievance in the instant writ petition is that the delay cannot be attributed to the petitioners and being not at fault at any point of time, allotment deserves to be made at the rate prevalent in the year 2010.

In the written statement, though the respondents have made an attempt to explain that the applications received under the 'Oustees Category' were more than the available plots, hence reference was made to the State Government for 'grant of permission' to change the zoning plan etc., but such a vague and evasive explanation does not impress us as it was an internal affair of HUDA and the State Government and the oustees like the petitioners can not be made to suffer on that account alone.

Be that as it may, the question of allotment price under the 'Oustees Category' has been effectively answered 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. The current allotment price can be charged, as held in the cited case, in such cases where fault is attributable to the oustees. However, the blame cannot be shifted on an oustee for the delay caused by administrative mechanism. The Full Bench has further held that an oustee in such a case would be entitled to allotment at the original allotment price though alongwith yearly interest. Since the written statement is cryptic and does not deal with the issue specifically, the writ petition is disposed of with a direction to the Estate Officer, HUDA, Sonapat and the Chief Administrator, HUDA, Panchkula to re-determine the rate of allotment in the case of the petitioners and all other similarly placed allottees, keeping in view the principles evolved by the Full Bench in **Rajiv Manchanda's case (supra)**. The needful shall be done within a period of three months from

the date of receiving a certified copy of this order. In case the petitioners are found entitled to any refund after such re-determination, let the needful be done within a period of two months from the date of re-determination of their claim.

[SURYA KANT]
JUDGE

July 26, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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

103 CM Nos.2527 and 2528 of 2017 and
10498 and 10499 of 2018 in
CWP No.2029 of 2017

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Rajbir and another vs. State of Haryana and others

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For the reasons mentioned in the applications, the same are
allowed subject to all just exceptions; the documents (P-10 and P-14 to
P-17) are taken on record and exemption from filing certified copies thereof
is granted.

CMs stand disposed of.

(SURYA KANT)
JUDGE

July 26, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE