

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2070-2017

Date of Decision: 30.4.2018

Ramesh Kumar

....Petitioner.

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. Satyapal Khatri, Advocate for the petitioner.

Mr. D.R. Singla, Deputy 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 letter/order dated 11.8.2016 (Annexure P-10), order dated 28.9.2016 (Annexure P-11) and the letter dated 21.11.2016 (Annexure P-12). Further, a writ of mandamus has been sought directing the respondents to allot a plot in the name of the petitioner in Sector 2, MDC, Panchkula as he had already deposited 10% earnest money along with the application form invited by the Haryana Urban Development Authority (HUDA).

2. The petitioner was owner of the land measuring 9 kanal 5 marlas situated within the revenue estate of village Saketri, Tehsil and

District Panchkula. As per the certificate dated 3.4.2012 (Annexure P-2), the land of the petitioner falls in sector periphery road, Sector 3, MDC, Panchkula. The said land was acquired by the respondents for the development of Sectors 2 and 6, MDC, Panchkula vide award dated 9.10.2003. Vide advertisement dated 4.3.2012 (Annexure P-3), the respondents invited the applications from the oustees of Sectors 2 and 6, MDC, Panchkula. The petitioner had applied vide application dated 27.4.2012 (Annexure P-4) along with 10% earnest money and the affidavit dated 27.4.2012 (Annexure P-5) given by the wife in his favour. As per the report dated 8.7.2014 (Annexure P-6) of the Screening Committee, the application of the petitioner was found correct. Vide letter dated 4.5.2015 (Annexure P-7), respondent No.3 asked the petitioner to submit NOC of other co-sharers in the shape of an affidavit duly attested from the Executive Magistrate. The petitioner duly replied the said letter. Thereafter, the petitioner sent a legal notice dated 7.1.2016 (Annexure P-8) to respondents No.2 and 3 and the Administrator, HUDA, Panchkula for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-4509-2016 and this Court vide order dated 4.4.2016 (Annexure P-9) disposed of the said writ petition along with CWP-6684-2014 by directing the respondents to reconsider the claim of each petitioner. The respondents also framed a policy dated 11.8.2016 (Annexure P-10) wherein, it was decided that the oustees can apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and the earnest money would be refunded along with interest. Respondent No.3 vide order dated 28.9.2016 (Annexure P-11) ordered for refund of the earnest money to the petitioner. Further, vide letter dated 21.11.2016

(Annexure P-12), the earnest money was refunded to the petitioner by cheque. Vide advertisement dated 11.1.2017 (Annexure P-13), the respondents had advertised 25 plots of different sizes in Sectors 2 and 6, MDC, Panchkula through e-auction. However, no plot had been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that after the Full Bench judgment of this Court in **CWP-22252-2016 (Rajiv Manchanda and others v. Haryana Urban Development Authority, Panchkula and others)** decided on 22.11.2017, the matter is required to be revisited by the authorities. Accordingly, it was 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 keeping in view the principles of law enunciated by the Full

Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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