

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-20761-2017

Date of Decision: 15.3.2018

Jai Bhagwan

....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. Vikram Singh, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional 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 dated 30.8.2017 (Annexure P-6) and the Policy dated 11.8.2016 (Annexure P-5). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner for the allotment of plot under the oustees quota in lieu of acquisition of the land.

2. The petitioner was co-owner of the land measuring 25 kanal 12 marla situated at Panipat. State of Haryana acquired the said land for the development of Sector 29, Part II, Panipat vide award dated 11.4.2002. The respondents framed a policy dated 10.9.1987 for the allotment of a plot under the oustees quota. The said policy had been amended vide policies

dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010. The petitioner moved an application dated 5.12.2011 (Annexure P-1) for the allotment of a plot under the oustees policy. In identical matters, this Court had directed the respondents to consider the case of the similar situated persons on the basis of the order dated 25.4.2012 (Annexure P-2) passed in LPA-2096-2011 and also disposed of CWP-20032-2012 vide order dated 8.10.2012 (Annexure P-3) in terms of order, Annexure P-2. When no action was taken on the application of the petitioner, CWP-25475-2015 was filed and this Court vide order dated 5.12.2015 (Annexure P-4) disposed of the said writ petition with a direction that the application would be considered by the respondents on its turn. Thereafter, the respondents had framed a policy dated 11.8.2016 (Annexure P-5) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. Vide letter dated 30.8.2017 (Annexure P-6), respondent No.3 had refunded the earnest money of 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 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No