

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.19289 of 2018 (O&M)

Date of Decision: 06.08.2018

Om Parkash

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The land of the petitioner situated within the revenue estate of villages Sultanpur and Raipur, District Sonapat was acquired by State of Haryana vide notifications dated 09.11.1992 and 06.11.1993 issued u/s 4&6 of the Land Acquisition Act, 1894, respectively, followed by Award passed in the year 2004. The petitioner, by virtue of acquisition of his land, falls within the category of 'oustees', hence he applied for allotment of a plot in terms of the advertisement dated 25.12.2011 issued by HUDA and deposited the requisite amount of ₹ 50,000/-. After keeping the application pending for years, HUDA authorities suddenly returned the amount of ₹ 50,000/- to petitioner vide demand draft dated 29.05.2017 on the pretext of giving effect to their policy dated 11.08.2016.

(2) In sum and substance, the grievance of the petitioner in the instant writ petition is two-fold. Firstly, it is urged that the petitioner had applied and deposited the requisite amount of ₹ 50,000/-, hence the HUDA authorities are obligated to decide his claim as 'oustees' on the basis of application made in the year 2011 as per the policy which was in force at that time which squarely covers his claim. Secondly, HUDA cannot charge

the current allotment rate by returning the application with earnest money, after a period of six years as the authorities are now insisting to apply afresh in response to the advertisement to be issued in future.

(3) It appears that both the grievances of the petitioner have been dealt with 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 petitioner has agitated these issues by way of a legal notice dated 27.06.2018 (P-14). In this view of the matter, we are inclined to dispose of this writ petition with a direction to HUDA authorities to redress the noted grievances of the petitioner in the light of the Full Bench decision of this Court in **Rajiv Manchanda's** case (supra) and take an appropriate decision within a period of three months from the date of receiving a certified copy of this order.

(4) Ordered accordingly.

(Surya Kant)
Judge

06.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No