

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-24886-2016

Date of Decision: 15.3.2018

Kusum Lata

....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 Policy dated 11.8.2016 (Annexure P-7). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner for the allotment of plot in lieu of acquisition of the land.

2. The petitioner was co-owner of the land measuring 38 kanal 8 marla to the extent of her share situated within the revenue estate of village Malik Ugrakheri, Tehsil and District Panipat. State of Haryana acquired the said land for the development of Sector 24, Panipat vide award dated 28.2.1996. 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 7.3.2006 (Annexure P-2) for the allotment of a plot vide acknowledgment dated 4.3.2006 (Annexure P-1). The petitioner moved representations dated 15.11.2012 and 5.3.2014 followed by a reminder dated 12.3.2016 for the allotment of a plot under oustees policy, but to no effect. 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-3) passed in LPA-2096-2011 and also disposed of CWP-20032-2012 vide order dated 8.10.2012 (Annexure P-4) in terms of order, Annexure P-3. When no action was taken on the application of the petitioner, CWP-13310-2016 was filed and this Court vide order dated 12.7.2016 (Annexure P-5) directed the respondents to take action on the application dated 15.11.2012. Thereafter, the petitioner moved an application dated 22.11.2016 (Annexure P-6) to respondent No.3, but no response has been received till date. The respondents had framed a policy dated 11.8.2016 (Annexure P-7) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. Hence, the present writ petition.

3. Learned counsel for the petitioner has submitted that for the relief claimed in the writ petition, the petitioner had moved an application dated 22.11.2016 (Annexure P-6) to respondent No.3, but no action has so far been taken thereon. He, however, 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 her 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