

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2132-2017

Date of Decision: 15.3.2018

Om Parkash

....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 Balyan, 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 order dated 21.11.2016 (Annexure P-11) and the Policy dated 11.8.2016 (Annexure P-12). 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 owner of the land measuring 196 bigha 16 biswa to the extent of his share, which was acquired by the State of Haryana for the development and utilization of land for Sectors 13, 7, 8 and 32, Karnal, District Karnal. In the year 1988, the petitioner submitted an

respondent No.3 vide letter dated 31.10.1988 (Annexure P-1) informed the petitioner that the plots would be given to the oustees in future in the next sectors. The petitioner made a representation dated 25.7.2006 (Annexure P-2) to respondent No.3 who vide letter dated 1.12.2006 (Annexure P-3) rejected his claim on account of non-deposit of earnest money and that there were 10 other co-sharers. Again the petitioner moved an application dated 26.2.2014 (Annexure P-4) along with earnest money for the allotment of a plot under the oustees quota. 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. 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 passed in LPA-2096-2011. The petitioner filed CWP-19221-2014 and this Court vide order dated 16.9.2014 (Annexure P-5) disposed of the said writ petition in terms of order dated 25.4.2012. When no action was taken thereon, the petitioners served a contempt notice dated 2.2.2015 (Annexure P-6) upon the respondents. In response thereto, respondent No.3 vide reply dated 11.5.2015 (Annexure P-7) rejected the claim of the petitioner. Thereafter, the petitioner filed CWP-19272-2015 and this Court vide order dated 11.9.2015 (Annexure P-8) disposed of the said writ petition with liberty to the petitioner to file a fresh application to respondent No.3 under the oustees quota after furnishing evidence/ additional evidence, if any. In pursuance thereto, the petitioner moved an application dated 29.9.2015 (Annexure P-9) to respondent No.3. Vide letter dated 7.12.2016 (Annexure P-10), respondent No.3 had refunded the earnest money of the petitioner. Further, respondent No.3 vide order dated

21.11.2016 (Annexure P-11) advised the petitioner to 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. In this regard, the respondents also framed a policy dated 11.8.2016 (Annexure P-12). 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

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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