

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21334-2017

Date of Decision: 30.4.2018

Leela Ram and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Parmod Parmar, Advocate for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the orders/letters dated 10.10.2016 (Annexure P-4 Colly) and the Policy dated 11.8.2016 (Annexure P-5) vide which it was decided to refund the cheque amount deposited by the petitioners under the oustees quota for the allotment of plot. Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioners for the allotment of plot under the oustees quota in lieu of acquisition of the land.

2. The petitioners was owner of the land measuring 3 marla situated in village Rewari, Tehsil and District Rewari. State of Haryana vide

Act, 1894 (in short “the Act”) followed by the notification dated 9.8.2006 under Section 6 of the Act acquired the said land for the public purpose and utilization of land for residential and commercial Sectors 6-7, Rewari. The award was passed on 7.12.2006. The respondents invited the applications for the allotment of plots under the oustees quota. In response thereto, the petitioners submitted their applications (Annexure P-1 Colly) along with earnest money of ₹ 50,000/- each vide receipts (Annexure P-2 Colly). The respondents framed various policies including the policy dated 7.12.2007 (Annexure P-3) for the allotment of plots under the oustees quota. Vide orders/letters dated 10.10.2016 (Annexure P-4 Colly), respondent No.3 had been advised the petitioners to apply for the allotment of plots in fresh advertisement which would be issued later and the earnest money would be refunded along with the interest. In this regard, the respondents also framed a policy dated 11.8.2016 (Annexure P-5). However, no plot had been allotted to the petitioners till date. Hence, the present writ petition.

3. Learned counsel for the petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners 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 petitioners shall be entitled to lead any evidence to substantiate their 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