

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21767-2017

Date of Decision: 30.4.2018

Bala Jindal

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and another

...Respondents.

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

PRESENT: Mr. Jaspal Singh Guru, Advocate for
Mr. Rahul Sharma, Advocate for the petitioner.

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 23.8.2016 (Annexure P-7) and the oustees policy dated 11.8.2016 (Annexure P-8).

2. The petitioner was owner in possession of the land measuring 500 square yards purchased vide sale deed dated 2.6.1982 situated within the revenue estate of village Saketri, Tehsil and District Panchkula. As per the policy dated 18.3.1992 (Annexure P-1), the petitioner was entitled to the allotment of a plot. The land of the petitioner was acquired vide award dated 9.10.2003 as is clear from the oustees certificate dated 3.3.2006 (Annexure P-2). When the plot was not allotted to the petitioner despite representations, she filed CWP-2813-2007 and this Court vide order dated

statement made by the counsel for the HUDA that whenever any scheme was launched in Saketri village, the petitioner would be entitled to apply for a plot under the oustees quota. In response thereto, the Estate Officer, Panchkula vide letter dated 10.4.2012 (Annexure P-4) informed the petitioner that the plots under the oustees quota had been advertised in Sectors 2 and 6, MDC, Panchkula and that the late date for application was 27.4.2012. The petitioner applied for the allotment of a plot along with earnest money. Vide letter dated 7.8.2014, the petitioner was directed to appear before the Estate Officer, Panchkula and as such the petitioner appear. Further, vide letter dated 20.10.2014 (Annexure P-5), the petitioner was informed that the allotment letter would be issued in the joint name of all the co-sharers in case NOC in the shape of affidavits from other co-sharers were not submitted. The petitioner challenged the letter, Annexure P-5, by filing CWP-22584-2014 and this Court vide order dated 4.4.2016 (Annexure P-6) disposed of the said writ petition by observing that even a co-owner shall be entitled to seek allotment of a site/plot individually and independently, in proportion to his/her share in joint khata, provided he/she meets the eligibility conditions/criteria set out in the policy/scheme in operation at the relevant time. However, the Estate Officer, Panchkula vide order dated 23.8.2016 (Annexure P-7) disposed of the claim of the petitioner on the basis of a policy dated 11.8.2016 (Annexure P-8) framed by the HUDA. 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 her 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