

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21809-2017

Date of Decision: 30.4.2018

Mahender

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Charanji Lal, Advocate for the petitioner.

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 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 12.5.2017 (Annexure P-11) passed by respondent No.4 advising the petitioner to apply when fresh application for the allotment of plots would be invited and to quash the policy dated 11.8.2016 (Annexure P-12). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees policy dated 9.11.2010.

2. The petitioner was owner of the land situated within the revenue estate of Balore, Tehsil Bahadurgarh, District Jhajjar as per jamabandi for the year 2005-06 (Annexure P-1). Government of Haryana

the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 10.4.2003 (Annexure P-3) issued under Section 6 of the Act acquired the said land for the development and utilization of land as residential, commercial and institutional area for Sectors 1 (Part), 10-11 (Part), 12 and 13, Bahadurgarh. The petitioner filed objections under Section 5-A of the Act. A notice (Annexure P-9) under Section 9 of the Act was issued to the petitioner. The respondents issued an advertisement inviting the applications for the allotment of plots under the oustees quota from the landowners whose land was acquired. In response thereto, the petitioner applied for a plot measuring 1 kanal vide application dated 13.12.2011 (Annexure P-5), along with demand draft of ₹ 50,000/-. When no action was taken thereon, the petitioner moved a representation dated 8.5.2013 (Annexure P-6) to respondent No.4 for the allotment of a plot under the oustees quota. Respondent No.4 vide letter dated 16.9.2013 (Annexure P-7) asked the petitioner to appear in the office along with all the revenue record and the affidavit duly attested by the Executive Magistrate. The petitioner appeared in the office of respondent No.4 and submitted all the requisite documents. When no action was taken thereon, the petitioner made a representation dated 7.4.2015 (Annexure P-8) to respondent No.4 for the allotment of a plot under the oustees quota. Vide letter dated 29.7.2015 (Annexure P-9), the petitioner was directed to appear before respondent No.3 along with the requisite documents and as such he appeared and furnished the required documents. The petitioner filed CWP-9039-2016 which was disposed of by this Court vide order dated 10.5.2016 (Annexure P-10) with a direction to respondent No.4 to decide the claim of the petitioner. However, respondent No.4 vide order dated 12.5.2017

(Annexure P-11) advised the petitioner to apply afresh according to the policy dated 11.8.2016 (Annexure P-12) when the advertisement would be issued and asked to receive the deposited amount along with interest. As per the policy dated 9.11.2010 (Annexure P-13), the petitioner was entitled to the allotment of a plot. 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 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