

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25540-2016

Date of Decision: 1.3.2018

Budh Ram

....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. Harkesh Manuja, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Anil Chawla, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot to the petitioner under the oustees policy dated 26.3.1975 (Annexure P-1) or in the alternative to take a decision on the legal notice dated 8.7.2016 (Annexure P-3) sent by the petitioner.

2. The land measuring 2 kanal 10 marlas situated at Taraf Afgan, Panipat owned by the father and brother of the petitioner was acquired by the State of Haryana vide notification dated 15.12.1982 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) for the

development of Sectors 11-12, Part II, Panipat. The award was passed on 27.9.1985. The respondents vide instructions dated 26.3.1975 (Annexure P-1) framed a policy for the allotment of plots/sites to the oustees in various urban estates developed by the Haryana Urban Development Authority (HUDA). As per the oustee certificate dated 13.1.2016 (Annexure P-2), the name of the petitioner was entered as co-sharer of the land prior to issuance of notification under Section 4 of the Act. After the death of his father, the petitioner sent a legal notice dated 8.7.2016 (Annexure P-3) to respondents No.2 to 4 vide postal receipts dated 9.7.2016 (Annexure P-4) for the allotment of a plot under the oustees quota, but no response has been received till date. The petitioner vide application had also requested the Tehsildar, Panipat for issuance of a certificate to the extent that more than 75% land was acquired who vide report dated 12.3.2016 (Annexure P-5) mentioned that more than 75% land of the father of the petitioner stood acquired. As per the information provided under the Right to Information Act, 2005 by respondent No.3 to one Narender Kumar vide letter dated 2.4.2014 (Annexure P-6), various plots in Sectors 24 and 25, Part II, Panipat are lying vacant. Reliance has been placed upon the orders (Annexures P-7 and P-8, respectively) passed by this Court. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 8.7.2016 (Annexure P-3) upon respondents No.2 to 4, 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 his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 1, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **Yes**