

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25947-2016

Date of Decision: 17.4.2018

Manjit Singh

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Amit Jhanji, Advocate and
Mr. Chandan Singh, Advocate for the petitioner.

Mr. Deepak Sabharwal, 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 7.11.2016 (Annexure P-9) passed by respondent No.3 whereby the claim of the petitioner for the allotment of a plot under the oustees quota has been rejected. Further, a writ of mandamus has been sought directing the respondents to allot a residential plot to the petitioner under the oustees quota.

2. The petitioner along with his co-sharers was owner of the land measuring 32 kanal 15 marlas situated in village Bhainsa Tibba, Tehsil and District Panchkula. The said land was acquired by the respondents in the

the oustees policy, the petitioner was entitled to the allotment of a plot in lieu of the acquired land and accordingly, he applied for the allotment of a plot in Sectors 2 and 6, MDC, Panchkula vide application, Annexure P-1 along with 10% earnest money vide receipt dated 21.4.2012 (Annexure P-2). Along with the application, the petitioner had also appended Annexure No.1 (Annexure P-3) and Annexure No.2 (Annexure P-4) issued by the Land Acquisition Officer. Vide letter dated 29.5.2014 (Annexure P-5), the petitioner submitted the documents to the respondents for the allotment of a plot under the oustees quota. Respondent No.3 asked the petitioner to supply the documents for the allotment of a plot and the petitioner submitted the said documents (Annexure P-6 Colly). When no action was taken on the application of the petitioner, the petitioner moved the representations dated 11.5.2015 and 13.7.2015 (Annexures P-7 and P-8, respectively) to respondent No.3 for the allotment of plot. However, respondent No.3 vide order dated 7.11.2016 (Annexure P-9) rejected the claim of the petitioner by noticing that as and when any advertisement was issued in future inviting claims from the oustees as per the reservations in the adjoining sector, on availability of plots, then the petitioner was at liberty to make application as per his entitlement as per policy and ordered for refund of the earnest money along with interest. 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

April 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No