

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Civil Writ Petition No.20820 of 2018.

Date of Decision: August 21, 2018

Kuldeep Singh and othersPetitioners

versus

State of Haryana and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.S.P.Khatri, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The land of petitioner Nos.1 & 2 measuring 9 kanal 1 marla alongwith the land of their deceased-grand-father Daya Ram son of Baje Ram measuring 26 kanals, fully described in para No.2 of the writ petition, situated within the revenue estate of village Garhi Brahamanan, District Sonapat, was acquired by the State of Haryana vide Awards dated 28.03.1990 and 28.10.1994, respectively, for the development of Sector-23, Urban Estate, Sonapat.

Petitioner Nos.1 & 2 as well as their grand-father thus constituted two separate units of 'oustees' for the purpose of allotment of plots as per the Government Policy. The petitioners are said to have applied on 23.03.2006 for allotment of plots of 250 square meter to each one of them and had deposited the earnest money also. These applications were submitted in response to an advertisement issued on 05.01.2006.

The petitioners earlier filed CWP No.5244 of 2007 (Kuldeep Singh and others versus State of Haryana and others) which was disposed of on 24.09.2008 on the statement made on behalf of HUDA that claim of the petitioners shall be considered in the light of the decision of this Court in Dharambir and another versus State of Haryana but it appears that no such

claim was considered. Hence, the petitioners again approached this Court by

way of CWP No.17993 of 2010 (Kuldeep Singh and others vs. State of Haryana and others) which was disposed of on 17.05.2012 with a direction to consider their claim for allotment of 10 marla plot to each one of them in terms of the decision of this Court in Haryana Urban Development Authority and others versus Sandeep and others. The fact of the matter is that the claim has not been considered till date. To say it differently, the applications moved by the petitioners in the year 2006 are still pending consideration. Meanwhile, the legal issues have been further settled by a Full Bench of this Court vide judgment dated 22.11.2017 passed in CWP No.22252 of 2016 (Rajiv Manchanda and others versus Haryana Urban Development Authority and another) also. There is thus no impediment for not considering the claim of the petitioners at par with other similarly situated oustees.

In view of the fact that uncertain issues have been settled by the Full Bench in the cited case, we see no reason for not considering and deciding the claim of the petitioners. The writ petition is thus disposed of with a direction to respondent Nos.2 to 4 to consider and decide the claim of the petitioners within a period of three months from the date of receiving a certified copy of this order. Earlier decision of this Court in Jarnail Singh and others versus State of Punjab and others, AIR 2011 P&H 1, shall also be kept in view while deciding the claim.

[SURYA KANT]
JUDGE

August 21, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**