

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26313-2016

Date of Decision: 6.3.2018

Swarn Singh

....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. Sandeep Punchhi, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

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 22.9.2014 (Annexure P-11) vide which the claim of the petitioner for the allotment of a plot under the oustees quota had been rejected. Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner under the oustees quota for the allotment of a plot in lieu of his acquired land.

2. Government of Haryana vide notification dated 18.12.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 18.12.2003 under Section 6 of the Act

acquired the land of the petitioner and his brother situated within the revenue estate of village Khairpur, Tehsil and District Sirsa for Sectors 19 and 20, Sirsa. The award was passed on 16.12.2005. The petitioner and his brother filed reference under Section 18 of the Act and the Additional District Judge, Sirsa vide award dated 2.5.2011 (Annexure P-1) allowed the reference. Thereafter, the petitioner filed RFA in this Court and SLP in the Supreme Court which were allowed. State of Haryana framed a policy dated 10.9.1987 (Annexure P-2) which was further amended vide policies dated 9.5.1990, 18.3.1992, 12.3.1993 and 28.8.1998 (Annexures P-3 to P-6, respectively) for the allotment of plots to the landowners whose land was acquired by the Haryana Urban Development Authority (HUDA). The petitioners moved the representations dated 5.11.2010 and 27.5.2012 (Annexures P-7 and P-8, respectively) followed by a legal notice dated 8.5.2013 (Annexure P-9) to respondents No.2 and 3 for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-8993-2014 and this Court vide order dated 12.5.2014 (Annexure P-10) disposed of the said writ petition with a direction to the respondents to consider the claim of the petitioner within a period of three months from the date of receipt of certified copy of the order. In pursuance thereto, respondent No.3 vide order dated 22.9.2014 (Annexure P-11) rejected the claim of the petitioner. 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**

**March 6, 2018**  
gbs

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes**

**Whether Reportable**

**Yes**