

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22780-2017

Date of Decision: 5.4.2018

Kela Devi and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional 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 petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot plots to the petitioners under the oustees quota.

2. The land of the petitioners situated at village Sutana, Tehsil Matlauda, District Panipat was acquired by the Government of Haryana vide notification dated 17.6.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.12.2003 under Section 6 of the Act. The award was passed on 21.1.2004 (Annexure P-1). A policy dated 10.9.1987 (Annexure P-2) was framed by the

Government of Haryana for the allotment of plots as well as commercial

sites to the land owners whose land had compulsorily been acquired by the HUDA. The said policy was amended vide policies dated 28.8.1998, 9.5.1990 and 12.3.1993 (Annexures P-3 to P-5, respectively). The Supreme Court vide judgment dated 3.1.2011 (Annexure P-6) held that the persons should, therefore, be allotted plots under the scheme at the initial price at which the layout/sector plots were first offered for sale after the acquisition. The petitioners moved the representations dated 12.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3 for the allotment of plots under the oustees quota, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved the representations dated 12.7.2017 (Annexures P-7 and P-8, respectively) to respondents No.2 and 3, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioners 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 petitioners 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 petitioners 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 petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 5, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No