

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-23599-2017

Date of Decision: 30.4.2018

Manoj Kumar

....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. Akshat Mittal, Advocate for the petitioner.

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

Mr. Deepak Sabharwal, Advocate for 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 mandamus directing the respondents to allot a plot under the oustees policies dated 7.12.2007 and 11.8.2016 (Annexures P-3 and P-4, respectively).

2. The petitioner is the legal heir of Late Shri Ravi Dev on the basis of registered Will dated 13.11.2006 (Annexure P-1) who had expired on 28.9.2016 as per the death certificate, Annexure P-2. The mutation had also been sanctioned in favour of the petitioner. The predecessor-in-interest of the petitioner was owner of the land situated within the revenue estate of village Harsaru, Tehsil and District Gurugram. The said land was acquired

by the State of Haryana vide notification dated 25.1.2008 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 18.3.2008 issued under Section 6 of the Act for the development and utilization of land for 150 meter wide periphery Road for linking Dawarka Township Delhi from Gurgaon. The award was passed on 26.9.2008. The respondents framed the policies dated 7.12.2007 and 11.8.2016 (Annexures P-3 and P-4, respectively) for the allotment of plots to the landowners whose land had been acquired by the HUDA. The petitioner submitted the application dated 9.10.2013 (Annexure P-5) along with the earnest money of ₹ 50,000/- vide pay order dated 10.10.2013 (Annexure P-6) for the allotment of a plot under the oustees quota. But no plot had been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner 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

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No