

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-23716-2017

Date of Decision: 6.3.2018

Pawan Singhal

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Balraj Singh Dhull, Advocate for the petitioner.

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

Mr. Anil Chawla, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Article 226 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 to the petitioner under the oustees quota in lieu of his acquired land.

2. The father of petitioner was owner of the land to the extent of his share situated within the revenue estate of Mewla Maharajpur as per the jamabandi for the year 1998-99 (Annexure P-1). Government of Haryana acquired the said land vide notifications dated 7.9.1992 and 2.8.1989 issued under Section 4 of the Land Acquisition Act, 1894 for the development of Sectors 44, 45 and 47, Faridabad. He expired on 14.10.2005 and the petitioner was the only legal heir on the basis of the registered Will.

Government of Haryana framed the policies dated 10.9.1987, 18.3.1992 and 12.3.1993 (Annexures P-2 to P-4, respectively) for the allotment of plots to the landowners whose land was acquired by the Haryana Urban Development Authority (HUDA). The said policies were modified vide policies dated 28.8.1998, 27.3.2000 and 7.12.2007. The petitioner vide letter dated 30.6.2011 (Annexure P-5) requested the Estate Officer, Faridabad for the allotment of a plot under the oustees quota, but to no effect. Thereafter, the petitioner filed CWP-23552-2012 and this Court vide order dated 30.11.2012 (Annexure P-6) directed respondent No.2 to treat the letter, Annexure P-5, as a representation and decide the claim of the petitioner. In pursuance thereto, respondent No.2 vide order dated 26.3.2013 (Annexure P-7) rejected the claim of the petitioner. Against the order, Annexure P-7, the petitioner filed an appeal before respondent No.4 who vide order dated 27.9.2013 (Annexure P-8) directed respondent No.2 to examine the claim of the petitioner on administrative side and take an appropriate decision thereon. In response thereto, respondent No.2 called the petitioner for personal hearing and vide order dated 18.7.2014 (Annexure P-9) again rejected his claim. This Court vide order dated 25.4.2012 (Annexure P-10) passed in LPA-2096-2011 settled the issue regarding the allotment of plots to the oustees. The HUDA vide advertisement dated 1.9.2014 (Annexure P-11) invited the applications for the allotment of plots in Sector 56, Faridabad without any quota of oustees. In response thereto, the petitioner applied vide application dated 10.10.2014 (Annexure P-12) along with a cheque of ₹ 5,50,800/- (Annexure P-13) which was received vide receipt dated 10.10.2013 (Annexure P-14). Thereafter, the petitioner vide letters dated 27.10.2014, 12.2.2015 and

14.8.2015 (Annexures P-15 to P-17, respectively) requested respondent No.3 for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-11590-2016 and this Court vide order dated 2.6.2016 (Annexure P-18) disposed of the said writ petition with a direction to the respondents to take a decision on the representations (Annexures P-12, P-15 and P-16, respectively). In pursuance thereto, respondent No.3 vide order dated 24.4.2017 (Annexure P-19) rejected the claim of the petitioner on the ground that as per the policy dated 11.8.2016, the plots under the oustees quota can be allotted only by way of inviting applications and the petitioner and other landowners can apply as and when the applications would be invited. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner had made the representations (Annexures P-12, P-15 and P-16, respectively) which were rejected by respondent No.3 vide order dated 24.4.2017 (Annexure P-19). Learned counsel further 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/No

Whether Reportable

Yes/No