

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-24005-2017

Date of Decision: 12.2.2018

Jagmal Singh and another

....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. Anil Kumar Rana, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
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 certiorari for quashing the Policy dated 11.8.2016 (Annexure P-8); to quash the advertisement of the plots vide which the fresh applications have been invited. Further, a writ of mandamus has been sought directing the respondents to consider the application dated 28.7.2015 (Annexure P-5) for the allotment of plot in lieu of acquisition of the land of the petitioner in pursuance to the earlier advertisement.

2. The petitioners were owners of the land measuring 16 kanal 8 marlas to the extent of their shares situated within the revenue estate of village Kadipur, Tehsil and District Gurugram as per jamabandi for the year

(Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 7.3.1990 (Annexure P-3) issued under Section 6 of the Act acquired the said land. The petitioners filed objections under Section 5-A of the Act. After issuance of notice under Section 9 of the Act, the award was passed. The respondents vide public notice dated 15.6.2015 (Annexure P-4) invited applications from the landowners for the allotment of plots under the oustee category for Sectors 9, 9-A, 10 and 10-A, Gurugram. In response thereto, the petitioners applied for a plot vide application dated 28.7.2015 (Annexure P-5), along with demand draft and receipt dated 28.7.2015 (Annexure P-6 Colly). The petitioners moved a representation to respondent No.4 for the allotment of a plot under the oustees quota, but no response has been received. The respondents framed a policy dated 11.8.2016 (Annexure P-7) for settlement of oustees claims-terms and conditions thereof. 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 application dated 28.7.2015 (Annexure P-5) to respondent No.4, 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

February 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes