IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2246-2018
Date of Decision: September 04, 2018

Yashwant Singh (since deceased) through his LRs

.....Petitioners

Versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Jitender Dhanda, Advocate for the petitioners.

Mr.Deepak Balyan, Advocate for the respondents.

.....

SURYA KANT, J.(ORAL)

The petitioners are legal representatives of Yashwant Singh, who was an ex-serviceman and who retired as Honorary Captain from Indian Army. The deceased was successful in draw of lots for allotment of 10 marla plot, bearing No.312, Sector 18 (Defence), HUDA at Rewari. The allotment letter was not issued to the deceased on the plea that he was holding only an honorary rank of Captain and was thus eligible for a smaller size plot of 8 Marla or so.

[2] It is not in dispute that such a controversy stands decided in favour of the deceased by a Coordinate Bench of this Court vide judgment dated 10.10.2012 passed in CWP-13630-2012 (**Chander Bhan Sharma** vs **Haryana Urban Development Authority and others**) (Annexure P-4), which has been upheld by the Hon'ble Supreme Court vide order dated 12.07.2016 (Annexure P-6).

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[3] In the light of the above-cited decisions, claim of the petitioner re: issuance of allotment letter (now in favour of legal representatives) deserves to be accepted.

[4] It goes without saying that the objection that the writ petitioners have no *locus standi* deserves outright rejection, for they are the legal heirs of the deceased and had the authorities allotted the plot to deceased ex-serviceman, the petitioners would have inherited the same in natural course of succession. The petitioners, thus, have *locus standi* to maintain this writ petition.

[5] For the reasons mentioned above, the writ petition is allowed. The HUDA Authorities are directed to allot the plot in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

September 04, 2018 **(SUDIP AHLUWALIA)**
meenuss **JUDGE**

1. Whether speaking/reasoned ? **Yes/No**
2. Whether reportable ? **Yes/No**

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