

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-24193-2017

Date of Decision: 15.3.2018

Shamsher Singh 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. Vikram Singh, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Balyan, 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 order dated 2.12.2016 (Annexure P-6) and the Policy dated 11.8.2016 (Annexure P-5). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioners for the allotment of plot under the oustees quota in lieu of acquisition of the land.

2. Petitioner No.1, father of petitioners No.2 to 5, husbands of petitioners No.6 and 7, father of petitioners No.8 to 10 and husbands of petitioners No.11 and 12 to 14 were owners of the land to the extent of their respective shares. The said land was acquired by the State of Haryana vide

Act, 1894 (in short “the Act”) followed by notification dated 24.12.2002 under Section 6 of the Act for the development and utilization of land as residential and commercial area in Sectors 32-33, Karnal. The respondents framed a policy dated 10.9.1987 for the allotment of a plot under the oustees quota. The said policy had been amended vide policies dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010. The petitioners sent a legal notice dated 30.8.2013 (Annexure P-1) to respondents No.2 and 3 for the allotment of plots under the oustees category, but to no effect. Accordingly, the petitioners filed CWP-27317-2013 and this Court vide order dated 12.12.2013 disposed of the said writ petition with a direction to the respondents to take a final decision on the legal notice, Annexure P-1, in light of the order dated 25.4.2012 passed in LPA-2096-2011. Respondent No.3 vide order dated 12.6.2014 (Annexure P-2) rejected the claim of the petitioners. Feeling aggrieved, the petitioners filed CWP-13293-2014 which was disposed of with a direction to the petitioners to file an appeal against the order, Annexure P-2. In pursuance thereto, the petitioners filed appeal which was rejected by the Administrator vide order dated 26.5.2015 (Annexure P-3). Against the order, Annexure P-3, the petitioners filed CWP-19657-2015 which was decided along with a bunch of writ petitions vide order dated 4.4.2016 (Annexure P-4) by quashing the orders rejecting the claims and the respondents were directed to re-consider the claim of the petitioners and others. The respondents had framed a policy dated 11.8.2016 (Annexure P-5) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. Vide letter dated 2.12.2016 (Annexure P-6), respondent No.3 had refunded the earnest money of the petitioner. However, no plot had been allotted to

the petitioners till date. Hence, the present writ petition.

3. Learned counsel for the petitioners 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

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No