

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-24275-2017

Date of Decision: 15.3.2018

Ishwar Singh Yadav

....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. Sandeep Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

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 petitioner has prayed for issuance of a direction to the respondents to allot a plot to the petitioner under the oustees policy dated 18.3.1992 (Annexure P-1). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-6).

2. The petitioner was owner of the land situated at village Wazirabad, District Gurugram which was acquired by the respondents vide award dated 6.9.2000 for the development of Sectors 26A, 27, 28, 42 and 43, Gurugram. As per the policy dated 18.3.1992 (Annexure P-1), the petitioner was entitled to the allotment of a plot under the oustees category

applications invited by the respondents for the allotment of plots under the oustees category, the petitioner had applied vide application dated 25.10.2013 along with earnest money of ₹ 50,000/-. When no action was taken thereon, the petitioner filed CWP-9790-2014 and this Court vide order dated 20.5.2014 (Annexure P-2) disposed of the said writ petition with a direction to the respondents to consider the claim of the petitioner. In pursuance thereto, respondent No.3 vide public notice dated 25.6.2015 (Annexure P-3) invited the applications from the oustees for the allotment of plots. In response thereto, the petitioner applied vide application dated 22.7.2015 (Annexure P-4) along with earnest money of ₹ 50,000/-. Respondent No.4 vide order dated 5.6.2015 (Annexure P-5) directed the petitioner to apply against fresh advertisement whenever such an advertisement would be published in future by HUDA inviting claims under oustees quota. Thereafter, the respondents had framed a policy dated 11.8.2016 (Annexure P-6) vide which it was decided to refund the earnest money of the applicants whose claims were pending. However, no plot had been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner has 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

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No