

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**201**

**CWP-5467 OF 2014**

**Date of Decision: 06.03.2018**

**MAHA SINGH**

....Petitioner.

Versus

**STATE OF HARYANA AND ORS.**

...Respondents.

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

Present: Mr. Ranjit Saini, Advocate  
for the petitioner.

Mr. Sandeep Moudgil, Addl.A.G. Haryana.

Ms. Adrija Das, Advocate for  
Mr. Amar Vivek, Advocate  
for HUDA.

Mr. Ajay Kumar Gupta, Sr. Panel counsel  
for Union of India.

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**ANUPINDER SINGH GREWAL, J.**

The petitioner has sought issuance of a writ of certiorari for quashing Clause Nos.3, 5 and 8 of the Policy dated 09.11.2010 (Annexure P-1) issued by the Government of Haryana as being illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India. He has further sought quashing of the order dated 1/4.7.2013 (Annexure P-17), whereby the representation of the petitioner for allotment of plot in lieu of acquisition of his land, has been rejected. He has also sought a direction to the respondents to allot him the residential plot under the Oustee Policy dated 09.11.2010 (Annexure P-1) and to release the amount of annuity due to him in terms of the Policy.

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2. The land of the petitioner situated in the revenue estate of village (mauza) Kadarpur, Tehsil Sohna, District Gurgaon was acquired vide Award dated 22.06.2006 for the establishment of Academy for Central Reserve Police Force, Government of India. The petitioner had earlier preferred CWP No.19740 of 2012, which was disposed of by a Division Bench of this Court on 04.10.2012, in terms of the judgment in the case of Haryana Urban Development Authority and Others Versus Sandeep and others, LPA No.2096 of 2011 dated 25.04.2012 and the respondents were directed to take action in accordance with law for allotment of plot to the petitioner, if eligible, within 02 months from the date of receipt of certified copy of the order. It is stated that as no action was taken by the respondents in terms of the directions of the Court issued on 04.10.2012, the petitioner preferred COCP No.740 of 2013 and after issuance of notice therein, respondent No.1 passed order dated 1/4.7.2013, whereby the claim of the petitioner for allotment of the plot was rejected. This order has been impugned herein.

3. Learned counsel for the petitioner has contended that the case of the petitioner should be considered under the Policy for payment of Annuity as the land of the petitioner had been acquired by the Government for public purpose. He has, confined his prayer in the petition to direction to respondent No.1 to consider the case of the petitioner for payment of annuity under Clause 4 of the Policy.

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4. We find merit in the contention of the learned counsel for the petitioner that the case of the petitioner should be considered by the respondents for Annuity Scheme in terms of Clause 4 of the Policy.

5. A perusal of the impugned order dated 1/4.07.2013 (Annexure P-17) indicates that the case of the petitioner for Annuity has not been considered primarily on the ground that the direction of the Division Bench of this Court in the case of CWP No.19740 of 2012 (Annexure P-14) pertained to consideration of the case of the petitioner for allotment of residential plot and there was no direction to consider the case of the petitioner for annuity. Indubitably, the land of the petitioner had been acquired by the Government for setting up Academy for CRPF. He would, therefore, be entitled to, at least, consideration for Annuity, which is meant to compensate the landowners, whose land has been acquired by the Government.

6. We, therefore, dispose of this petition with a direction to respondent No.1 to consider the case of the petitioner for Annuity under the Annuity scheme in the Policy within a period of three months from the date of receipt of certified copy of this order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**06.03.2018**

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO