

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

CWP No. 4408 of 2016 (O&M)

Date of decision: 4.7.2018

Shamshudin and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Amit Rawal**

Present: Mr. Sanjiv Ghai, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. S. K. Mahajan, Advocate, for respondent no. 4.

Rajesh Bindal, J.

The present writ petition has been filed with the prayer that the petitioners be allowed to remain in possession of the plots on which they had constructed their houses in lieu of the plots to be allotted to them in terms of Rehabilitation and Resettlement Policy. The land owned by the petitioners in different portions was acquired. Petitioner no. 1 had even challenged the acquisition by filing CWP No. 4139 of 2011, which was dismissed on 2.11.2011.

As far as the aforesaid prayer is concerned, we do not find any merit therein as after acquisition of land, even if the petitioners are entitled

to allotment of plots under the policy, it has to be determined by the competent authority to allot plots at a different place or allow them to remain in possession of the land at the place where they had raised certain construction. If possible, the State is always at liberty to do the same.

Learned counsel for the petitioners further submitted that the claim of the petitioners for allotment of plots under the policy be considered by the competent authority for which applications were filed.

The stand of the respondents therein is that the eligibility of the petitioners was considered and some of them were offered allotment of plots on deposit of 10% of the price thereof, however, on failure to deposit the amount, letter of intent could not be issued.

Even if the aforesaid facts are correct, as a matter of concession, we direct the authorities to reconsider the claim of the petitioners for allotment of plots under the policy and grant them further time to deposit cost thereof. Their claim shall be considered as per the conditions laid down in the policy. Let the needful be done within a period of three months from the date of receipt of copy of the order.

The successful allottees shall be given one month's time to deposit the amount. In case the amount so determined and informed to the eligible allottee is not paid within the time permissible, the offer of allotment shall lapse. Thereafter, the petitioners shall not be entitled to remain in possession of the property which already stands acquired. In case the plots are allotted and the requisite conditions regarding deposit of money is complied with, and the possession thereof is offered to the allottees, they be given some reasonable time for construction before the

possession of the acquired property owned by the petitioners is taken, on
which they had raised construction.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

4.7.2018
vs

(Amit Rawal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No