

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26274-2017

Date of Decision: 30.4.2018

Sunita

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

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 writ in the nature of certiorari for quashing the order dated 22.5.2017 (Annexure P-13) passed by respondent No.3. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees quota for which she had already moved an application dated 23.7.2012 (Annexure P-8).

2. State of Haryana framed a policy dated 18.3.1992 (Annexure P-1) for the allotment of plots to the landowners whose land had been acquired by the HUDA. The said policy was amended vide policy dated 12.3.1993 (Annexure P-2). The petitioner purchased the land measuring 3 marlas situated at Rewari vide sale deed dated 25.6.1997 (Annexure P-1).

The policy, Annexure P-2, was further amended vide policy dated 28.8.1998

(Annexure P-3) wherein it was decided that if the plot under oustees policy cannot be offered to the oustees in the same sector then they should be offered residential/commercial plot in the next residential sector of that urban estate which may be floated and developed by the HUDA. The said policy was further modified vide policies dated 10.9.1987 and 10.7.2002 (Annexures P-5 and P-6, respectively) wherein it was decided that where the land was acquired even prior to 10.9.1987, the claim of the oustees shall be invited and they would have to be given prior rights of allotment of plots. The land of the petitioner was acquired by the State of Haryana for Sectors 5 and 7 (Residential and Commercial), Rewari vide award dated 7.12.2006. The respondents framed a policy dated 7.12.2007 (Annexure P-7) for rehabilitation and resettlement of landowners-land acquisition oustees. Respondent No.3 invited the applications from the oustees for the allotment of plots. In response thereto, the petitioner applied for the allotment of a plot vide application dated 23.7.2012 (Annexure P-8). Respondent No.3 vide letter dated 8.7.2014 (Annexure P-9) directed the petitioner to appear before the Screening Committee on 13.7.2014 at 11.00 AM and as such the petitioner appeared and submitted the relevant documents. Again vide letter dated 16.2.2015 (Annexure P-10), the petitioner was directed to appear before the Screening Committee and the petitioner appeared before respondent No.3. Thereafter, the petitioner filed CWP-16955-2016 and this Court vide order dated 11.1.2017 (Annexure P-11) disposed of the said writ petition with a direction to respondent No.3 to verify the petitioner's claim and if she is found entitled to let a residential plot be allotted to her in accordance with the Government/HUDA Policy. In compliance therewith, respondent No.3 vide order dated 22.5.2017 (Annexure P-13) disposed of

the claim of the petitioner in terms of the instructions dated 11.8.2016 (Annexure P-12) that the petitioner had to apply for the allotment of plot in fresh advertisement which would be issued after determination of reservation and the petitioner was requested to furnish the details of bank account so that the earnest money could be refunded along with interest. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that after the Full Bench judgment of this Court in **CWP-22252-2016 (Rajiv Manchanda and others v. Haryana Urban Development Authority, Panchkula and others)** decided on 22.11.2017, the matter is required to be revisited by the authorities. Accordingly, it was 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No