

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5272-2016

Date of Decision: 30.4.2018

Sushila Devi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Gopal Soni, Advocate for
Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Sandeep Moudgil, 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 allotment letter dated 7.9.2015 (Annexure P-7) to the extent that the allotment had been made at the rate of ₹ 10,350/- per square meter, i.e. the present market rate. Further, a writ of mandamus has been sought directing the respondents to allot the plot at the price at which the sector was initially floated in the year 1991.

2. The HUDA framed a scheme vide circular dated 10.9.1987 (Annexure P-1). The land of the petitioner was acquired by the respondents vide notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 for the development and utilization of land as residential and commercial area of Karnal. The petitioner made an application dated

developed a layout (Sector 4, Part II, Karnal) for the benefit of general public in the acquired land and offered plots as per brochure, Annexure P-2. The case of the petitioner was recommended for the allotment of a plot to respondent No.2, but no plot was allotted to her. The petitioner filed CWP-12921-1993 and this Court vide order dated 10.11.2008 (Annexure P-3) disposed of the said writ petition with a direction to the respondents to reconsider the claim of the petitioner in terms of policy dated 10.9.1987. However, respondent No.2 vide order dated 23.7.2009 (Annexure P-4) rejected the claim of the petitioner. Against the order, Annexure P-4, the petitioner filed CWP-4218-2013 and this Court vide order dated 11.4.2014 (Annexure P-5) set aside the order dated 23.7.2009 (Annexure P-4) and directed the respondents to reconsider the claim of the petitioner and to make the allotment within a period of four months. The respondents challenged the order, Annexure P-5 by way of SLP-18169-2014 which was dismissed by the Supreme Court. When the respondents failed to comply with the order, Annexure P-5, the petitioner filed COCP-2723-2014. However, during the pendency of the contempt petition, respondent No.3 vide order dated 11.5.2015 (Annexure P-6) held the petitioner eligible for the allotment of a plot under the oustees policy. The petitioner was allotted plot No.1926, Sector 4, Karnal vide allotment letter dated 7.9.2015 (Annexure P-7) at the rate of ₹ 10,350/- per square meter, i.e. at the current rate of market. 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