

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27106-2017

Date of Decision: 30.4.2018

Sunita Sharma

....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. Salil Dev Singh Bali, 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 9.7.2013 (Annexure P-8) passed by respondent No.3 dismissing the representation dated 28.1.2013 (Annexure P-4) moved by the petitioner. Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees quota.

2. The petitioner was owner in possession of the land to the extent of her share situated in village Bhainsa Tibba, Tehsil and District Panchkula which she purchased vide registered sale deed dated 16.1.1997 (Annexure P-1). The said land was acquired by the respondents vide notification dated 2.6.1999 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by the notification dated 29.5.2000 under Section 6 of

the devotees visiting Shri Mata Mansa Devi Shrine. The award was passed on 27.5.2002. The respondents framed a policy dated 18.3.1992 (Annexure P-2) 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-3) wherein the benefit was restricted to one plot according to size of the holding irrespective of the number of shareholders. On the basis thereof, the petitioner moved a representation dated 28.1.2013 (Annexure P-4) to the Estate Officer, Panchkula for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-3507-2013 and this Court vide order dated 18.2.2013 (Annexure P-5) disposed of the said writ petition with a direction to respondent No.3 to consider and decide the representation, Annexure P-4, expeditiously, preferably within a period of four months by passing a speaking order. Thereafter, the petitioner made a representation dated 1.5.2013 (Annexure P-6) to respondents No.1 and 2 for the allotment of a plot under the oustees quota. When no action was taken thereon, the petitioner filed COCP-2791-2013. During the pendency of the said contempt petition, respondent No.3 vide order dated 9.7.2013 (Annexure P-8) rejected the representation of the petitioner. Thereafter, the said contempt petition was dismissed as withdrawn by this Court vide order dated 5.5.2015 (Annexure P-7) with liberty to the petitioner to take up her remedy in accordance with law to challenge the order passed against her. 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