

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6885-2015

Date of Decision: 15.2.2018

Smt. Roopa Singh

....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. Sanjiv Gupta, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

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 6.5.2014 (Annexure P-11) vide which the allotment of plot under oustees category had been declined to the petitioner. Further, a writ of mandamus has been sought directing the respondents to make allotment of a 1 kanal plot in Sector 21, Panchkula under oustees category.

2. Haryana Urban Development Authority (HUDA) framed the policies 10.9.1987, 9.5.1990 and 18.3.1992 (Annexures P-1 to P-3, respectively) for the allotment of residential plots to the landowners whose land had compulsorily been acquired by the HUDA. The husband of the

within the revenue estate of village Maheshpur, Panchkula as per the jamabandi for the year 1980-81 (Annexure P-4) and the said land was acquired. The husband of the petitioner applied for a allotment of 1 kanal plot in Sector 21, Panchkula vide application dated 30.10.2003 along with 10% amount of the total tentative price of the plot as is clear from the acknowledgment slip dated 30.10.2003 (Annexure P-5). The husband of the petitioner expired on 22.8.2007. The case of the petitioner was put up by the oustees adalat in its meeting dated 15.9.2010 and vide order dated 15.9.2010 (Annexure P-6), the claim of of the petitioner was rejected on the report that the land of her husband was released from the acquisition. Against the order, Annexure P-6, the petitioner filed an appeal which was dismissed vide order dated 28.3.2011 (Annexure P-7). Against the order, Annexure P-7, the petitioner filed CWP-6403-2011 in which the respondents filed reply dated 16.8.2011 (Annexure P-8) pleading that since the husband of the petitioner withdrew his application and earnest money, therefore, the petitioner was not entitled to the allotment of a plot. This Court vide order dated 1.12.2011 (Annexure P-9) allowed the said writ petition. The respondents filed Review Application No. 265 of 2012 which was also dismissed by this Court vide order dated 21.9.2012 (Annexure P-10). In pursuance to the order, Annexure P-9, the respondents vide order dated 6.5.2014 (Annexure P-11) rejected the claim of the petitioner. 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

February 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No