

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27387-2017

Date of Decision: 21.3.2018

Parkash

....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. R.D. Yadav, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Sabharwal, Advocate for the respondent-HSIIDC.

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 direction to the respondents to allot a plot to the petitioner under the oustees policies dated 7.12.2007 and 9.11.2010 (Annexures P-2 and P-3, respectively).

2. The petitioner was owner in possession of the land situated within the revenue estate of village Suthani, Tehsil Bawal, District Rewari as per sale deed dated 12.9.2000. The respondents acquired the said land vide notification dated 5.12.2005 issued under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 13.3.2006 under Section 6 of the Act for the extension of Industrial Growth Centre, Bawal to be planned as an integrated complex for

industrial, recreational and other public utilities as is clear from the certificate, Annexure P-1. The award was passed on 17.5.2006. As per the policies dated 7.12.2007 and 9.11.2010 (Annexures P-2 and P-3, respectively), the petitioner was entitled to the allotment of a plot under the oustees category. However, no plot had been allotted to the petitioner. Accordingly, the petitioner moved a representation dated 7.3.2016 (Annexure P-4) to respondent No.1 with copies to respondents No.2 to 4, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner has submitted that for the relief claimed in the writ petition, the petitioner had sent a representation dated 7.3.2016 (Annexure P-4) to respondent No.1 with copies to respondents No.2 to 4, but no action has so far been taken thereon. He, however, 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. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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