IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-28028-2017

Date of Decision: 12.2.2018

Rattan 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. Sushil K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
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 mandamus directing the respondents to allot a plot to the petitioner in lieu of his acquired land situated within the revenue estate of village Dundahera, Tehsil and District Gurgaon in pursuance to the advertisement dated 28.6.2015 (Annexure P-4) for which he had already moved the application dated 22.7.2015 (Annexure P-5) along with demand draft dated 22.7.2015 (Annexure P-6) and receipt dated 23.7.2015 (Annexure P-7). Further, a direction has been sought to the respondents to consider and accept the application dated 22.7.2015 (Annexure P-5) moved by the

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petitioner for the allotment of plot under the oustees quota.

2. The petitioner was owner in possession of the land measuring 10 kanals situated within the revenue estate of village Dundahera, Tehsil and District Gurgaon. State of Haryana vide notification dated 15.11.1981 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by a notification dated 3.2.1984 issued under Section 6 of the Act acquired the said land for residential and commercial areas in Sector 21, Gurgaon. The award was passed on 14.3.1985 (Annexure P-1). The petitioner was given compensation on 7.3.1989 and 8.9.1989 as is clear from the certificate dated 12.5.1999 (Annexure P-2). Gram Panchayat filed a civil suit which was decreed by the trial Court vide judgment and decree dated 9.11.1984 against which the petitioner and others filed Civil Appeal No.119 of 1984 which was decided vide judgment and decree dated 12.1.1987 (Annexure P-3) declaring the petitioner and others as owners in possession of the land. The respondents vide advertisement dated 28.6.2015 (Annexure P-4) sought applications for the allotment of plots from the landowners whose land had been acquired. Accordingly, the petitioner moved an application dated 22.7.2015 (Annexure P-5) along with the demand draft and receipt (Annexures P-6 and P-7, respectively) for the allotment of a plot under the oustees quota to respondent No.5, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has applied for the plot vide application dated 22.7.2015 (Annexure P-5) in pursuance to the advertisement dated 28.6.2015 (Annexure P-4) to respondent No.5, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioner to file a detailed and

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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

February 12, 2018 **(ANUPINDER SINGH GREWAL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes**

Whether Reportable **Yes**

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