

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2829-2017

Date of Decision: 13.3.2018

Dharampal

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Sharma, 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 mandamus directing the respondents to allot a plot to the petitioner at the rates mentioned in the public notice dated 4.3.2012 (Annexure P-2) as per the oustees policy dated 7.12.2007 (Annexure P-1). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-5) and public notice dated 13.1.2017 (Annexure P-7).

2. The petitioner was owner of the land measuring 100 kanal 1 marla to the extent of his share situated at village Saketri, Panchkula. The said land was acquired by the Haryana Urban Development Authority

(HUDA) for the development of sectors 1, 2 and 7 Panchkula Extension (MDC) as residential, commercial, institutional and recreational. As per the policy dated 7.12.2007 (Annexure P-1), the petitioner was entitled to the allotment of a plot under the oustees category. Respondent No.3 vide public notice dated 4.3.2012 (Annexure P-2) invited the applications for the allotment of plot under oustees category from the landowners whose land was acquired for Sectors 2 and 6, MDC, Panchkula. The petitioner had applied for a plot in Sector 2, MDC, Panchkula alongwith the earnest money by way of draft dated 27.4.2012 (Annexure P-3). Vide proceedings dated 18.7.2014 (Annexure P-4), the petitioner was declared eligible for the allotment of 1 kanal plot in Sector 2, MDC, Panchkula. Further, the respondents had decided to refund the earnest money vide policy dated 11.8.2016 (Annexure P-5). Respondent No.4 vide letter dated 29.11.2016 (Annexure P-6) refund the earnest money to the petitioner. Respondent No.4 vide public notice dated 13.1.2017 (Annexure P-7) had started the e-auction of 1 kanal plots in Sector 2, MDC, Panchkula. However, till date no plot has been allotted to the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner has 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 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No