

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2881-2017

Date of Decision: 26.3.2018

Balbir 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. Y.P. Malik, 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 policy dated 11.8.2016 (Annexure P-9), the report dated 18.7.2014 (Annexure P-4) of the Screening Committee and the letters dated 13.8.2014 and 20.10.2014 (Annexures P-5 and P-6, respectively) in terms of the advertisement dated 4.3.2012 (Annexure P-1) and advising the petitioner to apply for allotment in fresh advertisement dated 11.1.2017 (Annexure P-11) issued subsequently. 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 of the land measuring 52 kanal 9 marla to the extent of his share situated within the revenue estate of village Saketri, District Panchkula. The said land was acquired by the State of Haryana vide award dated 9.10.2003 for the development of various sectors

in MDC, Panchkula. The respondents vide advertisement dated 4.3.2012 (Annexure P-1) invited the applications on prescribed proforma along with 10% earnest money for the allotment of plots under the oustees policy. As per the certificate dated 30.3.2012 (Annexure P-2), the land of the petitioner had fallen in Sector 2, MDC, Panchkula. In response thereto, the petitioner had applied for a plot vide application dated 19.4.2012 (Annexure P-3) along with 10% earnest money vide draft dated 18.4.2012. On examination, the application of the petitioner was found in order by the Screening Committee vide proceedings dated 18.7.2014 (Annexure P-4). Respondent No.3 vide letters dated 13.8.2014 and 20.10.2014 (Annexures P-5 and P-6, respectively) directed the petitioner to submit 'No Objection Certificate' from the other co-sharers in the shape of an affidavit duly attested from the Executive Magistrate. The said letter was duly replied by the petitioner vide reply dated 29.10.2014 (Annexure P-7). The respondents vide draw of lots held on 8.9.2015, allotted 13 plots under the oustees quota. Thereafter, , the petitioner filed CWP-14040-2015 and this Court vide order dated 4.4.2016 (Annexure P-8) passed in CWP-6684-2014 disposed of a bunch of petitions with a direction to the respondents to reconsider the claim of each petitioner strictly in terms of the decisions referred to above. A policy dated 11.8.2016 (Annexure P-9) was framed by the HUDA wherein it was advised to the landowners to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and the earnest money would be refunded along with interest. Respondent No.3 vide letter dated 3.2.2017 (Annexure P-9) asked the petitioner to appear before respondent No.3 along with the relevant record. On the basis of the said policy, Annexure P-8, the respondents issued an advertisement dated

11.1.2017 (Annexure P-11) for e-auction of the plots in Sectors 2 and 6, MDC, Panchkula. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No