

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29409-2017

Date of Decision: September 06, 2018

Ishwar Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Narender Singh, Advocate for the petitioner.

Mr.R.D.Sharma, DAG, Haryana.

Mr.Deepak Sabharwal, Advocate for HUDA.

.....

SURYA KANT, J.(ORAL)

The petitioner who was in the rank of Sub Major/Honorary Captain in Indian Army, applied for allotment of a plot by HUDA in the reserved category of Defence & Para-Military Forces Personnel. The plots were reserved in Sector 18 (Defence), Rewari. The petitioner was successful in draw of lots for allotment of Plot No.511, Sector-18, Rewari measuring 10 marla. His allotment letter was, however, with-held on the ground that he being Honorary Captain was not eligible to apply for a plot measuring 10 marla, namely, he could apply for a plot of smaller size measuring 8 marla or so.

[2] The classification based upon Ranks for the purpose of eligibility to seek allotment of plots to the Defence Personnel was set aside by this Court vide judgment dated 10.10.2012 passed in CWP-13630-2012

(Chander Bhan Sharma vs Haryana Urban Development Authority and others). The judgment has attained finality as Special Leave Petition against it was dismissed on 12.07.2016. The said judgment has been subsequently followed including in an identical matter in CWP-5736-2013 decided on March 08, 2017 **(Krishan Kumar and another vs Haryana Urban Development Authority and others)**.

[3] In this view of the matter, claim of the petitioner for issuance of allotment letter for Plot No.511, Sector 18 (Defence), Rewari measuring 10 marla is squarely covered by the above-cited decisions.

[4] The plea taken by the respondents in the written statement that they are willing to make allotment at the rate of year 2017-18 does not appear to be sound as the petitioner was successful in draw of lots held in the year 2010 and the allotment was with-held on a ground which was found un-tenable. The writ petition is, accordingly, allowed with a direction to the respondents to issue allotment letter to the petitioner at the same rate on which the other eligible ex-Army Personnel have been allotted in the same sector in the year 2010. The petitioner shall be liable to pay interest on the delayed payments. Needful be done within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

September 06, 2018
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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No