

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8498-2016

Date of Decision: August 14, 2018

Om Parkash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Jagjit Gill, Advocate for the petitioner.

Mr.Deepak Sabharwal, Addl.AG, Haryana.

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SURYA KANT, J.(ORAL)

The petitioner claims that Plot No.354 in Auto Market, Fatehabad, was allotted to him vide allotment letter No.637 dated 18.05.1995. The said allotment was later on annulled vide order dated 30.05.2000 (Annexure P-3), which was challenged by the petitioner in this Court by way of CWP No.11899 of 2000. This Court set aside the above-stated order with liberty to the authorities to decide the matter afresh and in accordance with law. Thereafter the respondent-Authority reviewed the order of cancellation of allotment and restored the allotment. The possession was, however, not given which compelled the petitioner to initiate contempt proceedings. It is thereafter that the Deputy Commissioner, Fatehabad, passed the impugned order dated 13.08.2015 stating that there is no proof of payment of *teh Bazari* or any rent by the petitioner, hence he is

not entitled to any allotment.

[2] It further appears that the Deputy Commissioner has drawn such conclusion on the basis of vigilance enquiry report, a copy of which was never supplied to the petitioner. Otherwise also, the order passed by the Deputy Commissioner is totally cryptic and does not assign any sound reason to turn down the claim of the petitioner, more so when his possessory rights were consistently acknowledged in the past. Be that as it may, the impugned order surely violates the principles of natural justice and fair play. The writ petition is accordingly allowed to the extent that the impugned order dated 13.08.2015 is set aside. The petitioner has now got a copy of the enquiry report submitted by the Vigilance Bureau and attached with the written statement. The petitioner is permitted to submit his objections against the said report within a period of one month from the date of receipt of a certified copy of this order alongwith the documents in support of his claim for allotment. The entire material shall be considered by the Deputy Commissioner, Fatehabad afresh, who shall decide the petitioner's claim by way of a reasoned order and after giving him personal hearing. Let an appropriate order be passed within a period of four months from the date of submission of objections by the petitioner.

(SURYA KANT)
JUDGE

August 14, 2018
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |