

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8538-2016 (O&M)
Date of Decision: 1.3.2018

Rajni Chugh and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Anil Chawla, 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 petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot the plots to the petitioners in Sectors 2 and 6 or in any other sector of Mansa Devi Complex (MDC) under the oustees quota. Further, a prayer has been made for quashing the letters (Annexures P-1 to P-3, respectively) issued to the petitioners declining the allotment in Sectors 2, 6 and MDC, Panchkula on the ground that the acquired land falls in Sectors 1 and 4, MDC, Panchkula.

2. The petitioners along with Ranbir Sabharwal and Roopbani Sabharwal were co-sharers in the land measuring 75 kanal 2 marla situated within the revenue estate of village Bhainsa Tibba, Tehsil Kalka, District Ambala. Out of the aforesaid, the land measuring 45 kanal 19 marlas was acquired by the State of Haryana vide notification dated 27.8.1991 (Annexure P-6) issued under Section 4 of the Land Acquisition Act, 1894

(in short “the Act”) and the award dated 2.2.1984 (Annexure P-4) for the development and utilization of land as commercial and residential and commercial area for Panchkula extension in Urban Estate, Panchkula and the remaining land measuring 29 kanal 3 marlas was acquired vide notification dated 16.3.1999 issued under Section 4 of the Act and award dated 9.10.2003 (Annexure P-5) for the development and utilization of land as residential, commercial, industrial, recreational in Sectors 1 to 3, 5B, 5C and 6 for Panchkula Extension, MDC in Urban Estate, Panchkula. Haryana Urban Development Authority (HUDA) vide advertisement, Annexure P-7, invited applications along with 10% of total value of the plot for the allotment of plots under the oustees quota in Sectors 2 and 6, MDC, Panchkula. In response thereto, the petitioners applied for the plots vide applications along with earnest money and certificates dated 10.4.2012 (Annexures P-8 to P-10 Colly). Vide letters dated 4.8.2014 (Annexure P-11 Colly), the petitioners were called along with the relevant records. Petitioner No.1 moved a representation dated 16.4.2012 (Annexure P-12) to the respondents for the allotment of residential plot as per the entitlement under the policy. However, the Estate Officer, HUDA, Panchkula vide letters dated 10.6.2015 (Annexures P-1 to P-3, respectively) declined the allotment of the plots and refunded the earnest money to the petitioners. Thereafter, the petitioners vide the representations including the representation dated 17.8.2015 (Annexure P-13) requested the Estate Officer, HUDA, Panchkula for consideration of their applications for allotment of plots under oustees quota in any of the oustee allotment scheme in MDC, Panchkula, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claim in the writ petition, the petitioners have moved the representations including the representation dated 17.8.2015 (Annexure P-13), but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioners 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 petitioners 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 petitioners 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 petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 1, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE