

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3096-2017

Date of Decision: 21.3.2018

Jagdish and others

....Petitioners.

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 petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Balyan, 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 direction to the respondents to allot a plot to the petitioners under the oustees policy dated 9.11.2010 (Annexure P-1)

2. The petitioners were owners of the land which was acquired by the State of Haryana vide award dated 5.7.1990 for the development of Sectors 55 and 56, Urban Estate, Gurugram. Government of Haryana framed a policy dated 9.11.2010 (Annexure P-1) and as per the said policy, the petitioners were entitled to the allotment of a plot. In response thereto, the petitioners applied for the allotment of the plots vide application dated 10.5.2013 (Annexure P-2) along with earnest money of ₹ 50,000/- vide draft

dated 11.5.2013 (Annexure P-3). When no action was taken thereon, the

petitioners filed CWP-22758-2013 and this Court vide order dated 11.10.2013 (Annexure P-4) disposed of the said writ petition with a direction to respondent No.4 to consider and decide their application. The petitioners moved a representation dated 5.1.2006 (Annexure P-5) to respondents No.1 and 2 for the allotment of the plot under the oustees policy, but to no effect. Thereafter, the petitioners filed COCP-44-2016 which was dismissed as withdrawn with liberty to avail of appropriate remedy in accordance with law vide order dated 13.1.2016 (Annexure P-6). The petitioner again filed CWP-8664-2016 and this Court vide order dated 5.5.2016 (Annexure P-7) disposed of the said writ petition with a direction to the respondents to decide the representation by 31.7.2016. Thereafter, the petitioners moved a representation dated 12.5.2016 (Annexure P-8) to the respondents for the allotment of plot under the oustees quota, but no response has been received till date. The respondents had framed a policy dated 11.8.2016 (Annexure P-9) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. 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 a representation dated 12.5.2016 (Annexure P-8) to the respondents, 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 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No