

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3359-2017

Date of Decision: 5.4.2018

Anguri Devi

....Petitioner.

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. Ankur 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-5) and the letter dated 7.10.2016 (Annexure P-6). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner.

2. The petitioner was owner of the land measuring 6 kanal 5 marlas situated within the revenue estate of Jind as per the jamabandi for the year 2009-10 (Annexure P-1). The said land was acquired by the respondents for the development of Sectors 6 to 9, Jind vide award dated 6.9.2005. The respondents vide advertisement dated 22.9.2013 (Annexure P-2) invited the applications from the landowners whose land had been

acquired for the allotment of plots under the oustees quota. In response thereto, the petitioner applied for the allotment of a plot vide application dated 21.10.2013 (Annexure P-3) along with earnest money of ₹ 50,000/- vide draft dated 17.10.2013 (Annexure P-4). A policy dated 11.8.2016 (Annexure P-5) 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. On the basis thereof, respondent No.3 vide letter dated 7.10.2016 (Annexure P-6) advised the petitioner to apply for the allotment of plot in fresh advertisement to be issued in future inviting the claims from the oustees as per reservation in Sectors 6 to 9, HUDA, Jind. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that after the Full Bench judgment of this Court in **CWP-22252-2016 (Rajiv Manchanda and others v. Haryana Urban Development Authority, Panchkula and others)** decided on 22.11.2017, the matter is required to be revisited by the authorities. Accordingly, it was 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 5, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes