

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3706-2017

Date of Decision: 21.3.2018

Surinder Singh

....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. Sandeep Sharma, 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 direction to the respondents to allot a plot to the petitioner under the oustees policy dated 9.11.2010 (Annexure P-1).

2. The petitioner was owner of the land situated at village Samaspur, District Gurgaon which was acquired by the respondents in the year 2000 for the development of Sector 51, Urban Estate, Gurgaon. As per the policy dated 9.11.2010 (Annexure P-1), the petitioner was entitled to the allotment of a plot under the oustees category. In response thereto, the petitioner applied vide application dated 17.10.2013 (Annexure P-2) along with earnest money of ₹ 50,000/- vide demand draft dated 17.10.2013

(Annexure P-3). When no action was taken thereon, the petitioner filed CWP-19463-2012 and this Court vide order dated 28.9.2012 (Annexure P-4) disposed of the said writ petition in terms of the order dated 25.4.2012 passed in LPA-2096-2011. Thereafter, the petitioner moved a representation dated 28.1.2015 (Annexure P-5) to respondents No.3 and 4 for the allotment of a plot under the oustees quota, but to no effect. After that, the petitioner filed COCP-43-2016 which was dismissed as withdrawn with liberty to avail of appropriate remedy in accordance with law vide order dated 13.1.2016 (Annexure P-6). Thereafter, the respondents had framed a policy dated 11.8.2016 (Annexure P-7) vide which it was decided to refund the earnest money of the applicants whose claims were pending. However, no plot had been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner has 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. The petitioner shall be entitled to lead any evidence to substantiate his 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