IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3833-2017
Date of Decision: 12.2.2018

Smt. Neeraj Jain

....Petitioner.

Versus

The State of Haryana and another

...Respondents.

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

PRESENT: Mr. T.N. Singh, Advocate and
Mr. Karan Singla, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
Mr. Deepak Sabharwal, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to issue an advertisement to invite application for the allotment of plot in favour of the petitioner from oustees quota and to allot a residential plot in lieu of acquisition of her land.

2. The petitioner was owner of the land measuring 8 kanals situated in village Medawas, Tehsil and District Gurgaon on the basis of the registered sale deed dated 24.4.2006 (Annexure P-1) and the petitioner got sanctioned the mutation as is clear from the extract of revenue register dated 5/9.6.2006 (Annexure P-2). State of Haryana issued a Rehabilitation and Resettlement Policy vide notification dated 7.12.2007 (Annexure P-3) as adopted by the Haryana Urban Development Authority (HUDA) and further the said policy was made applicable to all those lands where award of

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compensation was announced on or after 5.3.2005. Government of Haryana acquired the land measuring 5 kanal and 12 marlas out of 8 kanals including the land of the petitioner vide notification dated 24.6.2008 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 14.7.2008 (Annexure P-5) issued under Section 6 of the Act for the public purpose, namely, for the development and utilization of land for sector roads for Sectors 58 to 67, Gurgaon. A notice dated 15.7.2009 (Annexure P-6) under Section 9 of the Act was issued to the petitioner and the award dated 12.8.2009 was passed. The petitioner vide application, Annexure P-7, requested respondent No.3 for the allotment of a residential plot in lieu of her acquired land. The petitioner also filed a reference under Section 18 of the Act which was allowed by the Additional District Judge, Gurgaon vide award dated 15.12.2012 (Annexure P-8). Thereafter, the petitioner moved another application dated 14.3.2013 (Annexure P-9) to respondent No.3 for the allotment of a residential plot. A reply dated 10.4.2013 (Annexure P-10) was received by the petitioner that as per the direction of this Court, the allotment to the oustees shall be made through public advertisement. When nothing was heard in the matter, the petitioner vide application dated 16.5.2016 (Annexure P-11) sought information regarding the allotment of a residential plot to her. The petitioner also sought information under the Right to Information Act, 2005 by moving an application dated 6.8.2016 (Annexure P-12). However, no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has sent the applications (Annexures P-7, P-9 and P-11) to respondent No.2

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for the allotment of a residential plot in lieu of her acquired land, but no action has so far been taken thereon except the reply dated 10.4.2013 (Annexure P-10). He, however, 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 her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

February 12, 2018 **(ANUPINDER SINGH GREWAL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes**

Whether Reportable **Yes**

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