

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4384-2017

Date of Decision: 13.3.2018

Saraswati

....Petitioner.

Versus

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 18.3.1992 (Annexure P-4). Further, a writ of certiorari has been sought for quashing the public notice dated 10.9.2016 (Annexure P-5).

2. Smt. Ako, mother of the petitioner was owner of the land measuring 19 kanal 18 marla situated in village Abheypur, District Panchkula which was acquired vide award dated 11.7.1978 for the development of Industrial Area, Phase I, Panchkula as is clear from the

dated 4.10.1982 (Annexure P-2), Smt. Ako had died on 29.9.1982. The petitioner is the legal heir of said Smt. Ako being daughter. The petitioner filed CWP-17899-2006 and this Court vide order dated 14.11.2006 (Annexure P-3) disposed of the said writ petition with a direction to respondent No.4 to take a final decision on the legal notice sent by the petitioner therein. Government of Haryana framed the policies dated 18.3.1992, 28.8.1998 and 27.3.2000 (Annexure P-4 Colly) as per the said policies, the petitioner was entitled to the allotment of plot under the oustees category. The respondents had started e-auction of plots and issued a public notice dated 10.9.2016 (Annexure P-5). Further, vide public notices dated 10.9.2016 and 16.9.2016 (Annexures P-6 and P-7, respectively), the respondents had invited applications for the allotment of plots to the oustees. The HUDA vide circular dated 26.6.2013 (Annexure P-8) had fixed the rates of residential plots in various Urban Estates of HUDA for the year 2013-14. Respondent No.4 vide letter dated 29.11.2012 (Annexure P-9) rejected the representation of the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the representation of the petitioner for the allotment of plots was rejected by respondent No.4 vide letter dated 29.11.2012 (Annexure P-9). He further 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

March 13, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No