

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4432-2017

Date of Decision: 26.3.2018

Yatender Singh Saini and others

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Ranjit Saini, Advocate for the petitioners.

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 petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the oustees policy dated 11.8.2016 (Annexure P-6), letter dated 31.1.2017 (Annexure P-7) passed by respondent No.3 rejecting the claim of the petitioners and the e-auction notice/advertisement, Annexure P-8. Further, a writ of mandamus has been sought directing the respondents to allot plots to the petitioners in Sector 12, Panipat under the oustees quota.

2. The land of the petitioners along with other landowners was acquired by the State of Haryana for residential and commercial purpose for setting up Sector 12, Panipat vide awards dated 27.9.1985 and 4.11.1985.

They filed CWP-16784-1989 on 20.11.1989 (Annexure P-1) for the allotment of plots under the oustees category. The respondents filed written

statement dated 4.11.1993 (Annexure P-2) and admitted the claim of the petitioners in para 6 therein that they were entitled to the allotment of plot on preferential basis. This Court vide order dated 1.6.1994 passed in CM-2938-1994 modified its earlier order dated 21.12.1989 to the extent that 30 plots be kept reserved for the petitioners as per their entitlement subject to the outcome of the said writ petition. In response thereto, respondent No.3 vide order, Annexure P-3, reserved 30 plots for the allotment to the petitioners. This Court vide order dated 8.12.2010 (Annexure P-4) disposed of the said writ petition with a direction to the respondents to consider the case of the petitioners and to pass a speaking order in accordance with law. In compliance therewith, respondent No.1 vide order dated 2.5.2011 (Annexure P-5) rejected the claim of the petitioners. The petitioners challenged the order, Annexure P-5, by filing CWP-13666-2011. The said writ petition was heard along with LPA-2096-2011 and this Court vide order dated 25.4.2012 passed various directions. Thereafter, the respondents had framed a policy dated 11.8.2016 (Annexure P-6) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending and to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation. Petitioner No.1 requested respondent No.3 regarding the plot reserved by the HUDA in the earlier round of litigation but he was informed vide letter dated 31.1.2017 (Annexure P-7) that the orders were passed in accordance with rules on 2.5.2011 despite the fact that the said order was under challenge in CWP-13666-2011 and this Court had disposed of the writ petition along with LPA-2096-2011 and the order dated 2.5.2011 could not be said to be in existence. The respondents vide e-auction notice, Annexure

P-8, started e-auction of 30 reserved plots. However, no plot had been allotted to the petitioners till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted 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 petitioners, 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 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No