

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4947-2017

Date of Decision: 24.4.2018

Narender Kumar and another

....Petitioners.

Versus

HUDA (Haryana Urban Development Authority), Panchkula and another
...Respondents.

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

PRESENT: Mr. Sunny Namdev, Advocate for
Mr. Saurabh Dalal, 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 mandamus directing the respondents not to conduct the auction before the settlement of their right as oustees and to allot a plot to them under the oustees quota.

2. The land of the petitioners was acquired by the State of Haryana vide notification dated 12.5.1995 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 10.5.1996 under Section 6 of the Act for residential Sectors 9 and 9A, Bahadurgarh. The award was passed on 20.4.1998. As per the oustees policy, the petitioners were entitled to the allotment of a plot. In March, 2017, the respondents issued a notice vide advertisement (Annexure P-1) for

Annexure P-2, the e-auction was to be conducted on 20.3.2017. Hence, the present writ petition.

3. Learned counsel for the petitioners prayed 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 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 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

April 24, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No