

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5037-2017

Date of Decision: 24.4.2018

Hari Singh

....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. B.K. Bagri, 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 Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 20.9.2016 (Annexure P-11) passed by respondent No.3 rejecting the claim of the petitioner and for quashing the Policy dated 11.8.2016 (Annexure P-10). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees policy dated 9.11.2010 (Annexure P-3).

2. The petitioner was owner of the land measuring situated at village Chandpur, Tehsil and District Rewari which was purchased vide

registered sale deed dated 11.3.1997. On the basis thereof, mutation dated 27.5.2000 (Annexure P-1) was sanctioned in favour of the petitioner. State of Haryana vide notification dated 27.1.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 23.1.2004 under Section 6 of the Act acquired the said land for Sectors 17, 18, 19 and 20 Part. The award was passed on 20.1.2006 and the petitioner was paid the compensation of ₹ 82,664/- vide cheque dated 9.11.2012 (Annexure P-2). The respondents framed a policy dated 9.11.2010 (Annexure P-3) and as per the said policy, the plots were to be allotted to the landowners under the oustees quota who were owners prior to the issuance of notification under Section 4 of the Act. This Court vide order dated 25.4.2012 (Annexure P-4) passed in LPA-2096-2011 held that the fixation of different dates in different policies leading to conflicting rights and interest and, therefore, to have uniformity in respect of applicability of the policies for the allotment of plots to the oustees, the date of notification under Section 4 of the Act was a reasonable date. The petitioner received a certificate dated 9.11.2012 (Annexure P-5) regarding the acquisition of land and accordingly moved a representation dated 16.11.2012 (Annexure P-6) to respondent No.3 for the allotment of a plot under the oustees quota. The HUDA vide public notice, Annexure P-7, invited the applications for the allotment of plots under the oustees quota. In response thereto, the petitioner applied for the allotment of a plot vide application dated 9.7.2015 (Annexure P-8) along with the earnest money of ₹ 50,000/- which was received by the respondents vide receipt dated 13.7.2015 (Annexure P-9). The respondents had framed a policy dated 11.8.2016 (Annexure P-10) vide which it was decided to refund the earnest

money along with interest to the applicants whose claims were pending. Respondent No.3 vide order dated 20.9.2016 (Annexure P-11) advised the petitioner to apply for allotment of plot in fresh advertisement which would be issued later and requested to submit the bank details for refunding the earnest money along with interest. Hence, the present writ petition.

3. Learned counsel for the petitioner 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

April 24, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No