

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5356-2017

Date of Decision: 15.2.2018

Pawan Kumar and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjiv Gupta, Advocate for the petitioners.

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 petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to make allotment of 10 Marla plot each separately to them in Sector 12, Panipat for which the petitioners had applied in lieu of advertisement dated 6.2.2017 (Annexure P-10) vide applications (Annexures P-11 to P-11/B, respectively); to conduct the draw of lots within 30 days from the last date of submission of application form by including the name of the petitioners as per policy dated 11.8.2016 and to charge the rate of allotment as applicable in the year 2011 and not of the year 2016-17 as demanded vide advertisement (Annexure P-10).

2. The father of petitioner No.1 and husband of petitioners No.2 and 3 was owner of the land measuring 34 kanal 13 marlas to the extent of his share situated within the revenue estate of village Taraf Afgan, Tehsil and District Panipat. Government of Haryana framed the policies dated 10.9.1987, 28.8.1998 and 27.3.2000 (Annexures P-1 to P-3, respectively)

for the allotment of residential plots/commercial sites to the oustees whose land was compulsorily acquired by the Haryana Urban Development Authority (HUDA). Government of Haryana acquired the said land for the development of Sector 12, Panipat vide award dated 14.2.1979. Government of Haryana framed a policy for the allotment of plot under oustees quota on the basis of the directions issued by the Supreme Court vide order dated 3.1.2011 (Annexure P-4). In view of the said policy, the HUDA vide advertisements dated 30.11.2011 and 8.11.2011 (Annexures P-5 and P-6, respectively) invited applications for the allotment of plots under the oustees quota. The HUDA framed another policy dated 11.8.2016 (Annexure P-7) and as per the said policy, all the co-sharers were entitled to the allotment of separate plots according to their share in the acquired land. On the basis of the said policy, the HUDA conducted the draw of lots on 17.3.2016 and issued allotment letters including the allotment letter dated 28.10.2016 (Annexure P-8). Further, in pursuance to the policy, Annexure P-7, the HUDA invited applications from the oustees whose land was acquired for the development of Sector 25, Part II and Sector 12, Panipat and from the oustees of adjoining sectors vide advertisements dated 16.1.2017 (Annexure P-9) and dated 6.2.2017 (Annexure P-10). The petitioners applied for the allotment of 10 marla plots in Sector 12, Panipat vide applications (Annexures P-11 and P-11/B, respectively). Hence, the present writ petition.

3. Learned counsel for the petitioners 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 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

February 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes