

CWP No. 3074 of 2018 (O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3074 of 2018 (O&M)

Date of Decision : 14.02.2018

Savita Devi

...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 Verma, Advocate for the petitioner.

Ajay Kumar Mittal, J.(Oral)

1. The petitioner has approached this Court by filing a writ petition under Article 226 of the Constitution of India for issuance of a writ of certiorari seeking quashing of order dated 20.09.2016 (Annexure P-8) and Policy dated 11.08.2016 (Annexure P-9), whereby the amount deposited by the petitioner has been ordered to be refunded under oustees quota for the allotment of plot. Further a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner under oustees quota and to allot a plot in pursuance to the acquisition of her land under Section 4 of the Land Acquisition Act, 1894.

2. Learned counsel for the petitioner, inter alia, submitted that in view of the judgment of the Full Bench passed in CWP No. 22252 of 2016, titled ***Rajiv Manchanda and others Vs. HUDA***, decided on 22.11.2017, the petitioner is entitled to the allotment of a plot under the Oustees quota.

He, however, submitted that the petitioner shall file a detailed and

comprehensive representation before respondent No. 3 for the relief claimed in the present writ petition. However, a prayer was made that a time bound direction be issued to the said authority to decide the same after affording an opportunity of hearing to the petitioner and by passing a speaking order in accordance with law.

3. After hearing learned counsel for the petitioner, 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 respondent No. 3 from the date of receipt of certified copy of this order and also make reference to the judgment of the Full Bench, ***Rajiv Manchanda and others(supra)***. 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. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

February 14, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*