

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5561-2017

Date of Decision: 25.4.2018

Rameshwar Lal

....Petitioner.

Versus

The 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 and
Mr. Gaurav Singla, Advocate for the petitioner.

Mr. D.R. Singla, Deputy 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 petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to make allotment of 10-Marla plot in Sector 24, Panipat to the petitioner for which he had already deposited an amount of ₹ 50,000/- which was refunded back.

2. The Haryana Urban Development Authority (HUDA) framed a policy dated 10.9.1987 (Annexure P-1) for the allotment of plots to the landowners whose land has compulsorily been acquired by the HUDA. The said policy was amended vide policies dated 9.5.1990, 18.3.1992 and 12.3.1993 (Annexures P-2 to P-4, respectively). The petitioner was owner

of the land measuring 1 kanal 14 marla situated within the revenue estate of village Taraf Afgan, Tehsil and District Panipat. State of Haryana vide notification dated 2.3.1993 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by the notification dated 1.3.1994 under Section 6 of the Act acquired the said land for the development and utilization of land for Sector 24, Panipat. The petitioner served a legal notice dated 25.5.2014 (Annexure P-6) upon respondents No.2 to 4 for the allotment of a plot under the oustees quota. The petitioner also deposited an amount of ₹ 50,000/- with the respondents. However, respondent No.4 vide letter dated 2.2.2016 (Annexure P-7) refunded the said amount. The respondents had framed a policy dated 11.8.2016 (Annexure P-8) and as per the said policy, the petitioner was entitled to the allotment of a plot under the oustees quota. However, till date no plot has been allotted to the petitioner under the oustees category. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner had sent a legal notice dated 25.5.2014 (Annexure P-6) to respondents No.2 to 4, but no action has so far been taken therein. He, however, 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. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No