

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5582-2017

Date of Decision: 25.4.2018

Raman Chabra

....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 1 kanal plot in Sector 13-17, Panipat to the petitioner.

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). Land Mukand Lal was owner of the land measuring 48 kanal 8 marla situated within the revenue

estate of village Taraf Insaar, Tehsil and District Panipat as per the jamabandi for the year 1983-84. State of Haryana vide notification dated 2.3.1993 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 13-17, Panipat. The award was passed on 21.2.1992. Said Shri Mukand Lal had expired on 19.6.2015. He executed a registered Will dated 21.10.2011 (Annexure P-5) in favour of the petitioner and as per the said Will, the petitioner was entitled to the allotment of 1 kanal plot. Respondent No.4 vide letter dated 6.6.2016 (Annexure P-6) informed the petitioner that he can apply in future as and when the applications for the allotment of plots would be invited from the oustees. The respondents had framed a policy dated 11.8.2016 (Annexure P-7) 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 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