

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3167-2018

Date of Decision: 12.2.2018

Zile 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. Punit Malik, Advocate for the petitioner.

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 allot a plot to him out of vacant plot of 10 marlas in lieu of his acquired land.

2. The petitioner was owner of the land measuring 34 kanal 12 marlas situated at Gurgaon as per the jamabandi for the year 2001-02. The said land was acquired by the State of Haryana vide notification dated 27.8.1987 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by a notification dated 25.8.1998 issued under Section 6 of the Act for institutional area. The rehabilitation policies were framed on 9.5.1990, 18.3.1992 and 7.12.2007 for the allotment of plots under the oustees quota. Thereafter, a new policy was framed vide notification dated 9.11.2010. The petitioner moved a representation dated 6.11.2014 (Annexure P-2) to the Estate Officer, HUDA, Karnal and the Chief Administrator, HUDA, Panchkula for the allotment of a alternative plot under the oustees policy, but no response has been received till date.

Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 6.11.2014 (Annexure P-2) to the Estate Officer, HUDA, Karnal and the Chief Administrator, HUDA, Panchkula, but no action has so far been taken thereon. 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 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 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

February 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No