

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6269-2017

Date of Decision: 25.4.2018

Nafe Singh Saini

....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. Satyapal Khatri, Advocate and
Mr. Anil Dutt, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Anil Chawla, 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 certiorari for quashing the Policy dated 11.8.2016 (Annexure P-9). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner in Sectors 12 and 13, Sonapat as he had already applied on the prescribed proforma along with 10% earnest money on 1.2.2001 being oustees.

2. The petitioner was owner of the land situated within the revenue estate of village Sultanpur, Tehsil and District Sonapat as is clear from the jamabandis for the years 1996-97, 1998-99 and the mutation dated

17.5.1990 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification under Section 6 of the Act acquired the said land for the development of Sector 12, Sonapat. Sector 13, Sonapat was also carved out along with Sector 12 in the same land. The award was passed on 12.5.1993. In January, 2001, the respondents had invited the applications from the oustees and in response thereto, the petitioner had applied for the allotment of a plot in Sector 13, Sonapat vide application dated 1.2.2001 along with 10% earnest money vide acknowledgment dated 1.2.2001 (Annexure P-2). The application of the petitioner was not included in the oustees draw and the earnest money was refunded to the petitioner vide letter dated 4.6.2004 (Annexure P-3). The petitioner filed CWP-8967-2006 and this Court vide order dated 31.5.2006 disposed of the said writ petition with a direction to respondent No.3 to consider the claim of the petitioner and if he is required to deposit any earnest money, the same shall be communicated and thereafter his claim shall be considered in accordance with law. In pursuance thereto, respondent No.3 vide order dated 27.9.2007 (Annexure P-4) rejected the claim of the petitioner. As per the policies dated 10.9.1987 and 18.3.1992 (Annexure P-5 Colly), the petitioner was entitled to the allotment of a plot in Sector 12/13, Sonapat. The petitioner made a complaint dated 5.5.2008 (Annexure P-6) to the Chief Minister, Haryana, but to no effect. The petitioner filed CWP-21223-2011 and this Court vide order dated 25.4.2012 (Annexure P-7) disposed of the said writ petition in terms of HUDA v. Sandeep case. Thereafter, the petitioner moved a representation dated 8.8.2012 (Annexure P-8) to respondent No.3 for the allotment of a plot under the oustees quota, but no response has been received till date. The

respondents also framed a policy dated 11.8.2016 (Annexure P-9) wherein, it was decided that the oustees can apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and the earnest money would be refunded along with interest. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 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 keeping in view the principles of law enunciated by the Full

Bench of this Court in **Rajiv Manchanda's case (supra)**. 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