

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6495-2017

Date of Decision: 25.4.2018

Gurmukh 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. Dharender Sharma, Advocate for
Mr. Sanjeev Kodan, Advocate for the petitioner.

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

Mr. Deepak Balyan, 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-4) and the order dated 2.12.2016 (Annexure P-5). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioner for the allotment of plot in lieu of acquisition of the land.

2. The petitioner was co-owner of the land measuring 60 kanal 15 marlas to the extent of 1/6th share situated in village Saketri, Tehsil and District Panchkula. Government of Haryana vide notification dated 16.3.1999 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 land of the petitioner for the development and utilization of Sectors 1, 2 and 7, MDC, Panchkula. The award was passed on 9.10.2003. State of Haryana framed the policies dated 9.5.1990, 18.3.1992, 7.12.2007 and 9.11.2010 for the allotment of plots to the landowners whose land was acquired by the HUDA. Vide public notice dated 3.3.2015, respondent No.3 invited the applications for the allotment of plots to the oustees. In response thereto, the petitioner submitted his application dated 26.4.2012 (Annexure P-1) along with 10% earnest money. The petitioner moved the applications dated 12.8.2014 and 5.11.2014 (Annexure P-2) to the Principal Secretary, Government of Haryana, Town and Country Planning Department, Chandigarh for the allotment of a plot under the oustees quota. Respondent No.3 vide notice dated 1.5.2015 asked the petitioner to submit the documents/NOC from the other co-sharer. In response thereto, the petitioner submitted reply dated 3.11.2014 along with an affidavit duly attested by the Executive Magistrate and requested for the allotment of a plot. Again vide notices dated 14.5.2015 and 15.6.2015, respondent No.3 asked the petitioner to submit the documents and NOC from the other co-sharer. When no action was taken on the application of the petitioner, the petitioner filed CWP-20984-2015 and this Court vide order dated 11.5.2016 (Annexure P-3) disposed of the said writ petition in view of the order dated 4.4.2016 (Annexure P-3) passed in CWP-6684-2014 and other connected writ petitions. The respondents had framed a policy dated 11.8.2016 (Annexure P-4) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending and they may apply afresh as and when the applications would be invited for the allotment of plots. However, respondent No.3 vide order dated 2.12.2016

(Annexure P-5) disposed of the claim of the petitioner that as and when any advertisement was issued in future inviting claims from the oustees as per reservation subject to availability of plots, then the petitioner would be at liberty to make an application as per his entitlement, as per policy and as per terms of the advertisement and ordered for refund of the earnest money along with interest. The petitioner moved the representations dated 15.2.2017 and 10.3.2017 (Annexures P-6 and P-7, respectively) to respondent No.2 for the allotment of a plot under the oustees quota, but no response has been received till date. However, respondent No.2 vide letter dated 11.8.2016 ordered for disposal of left out plots through auction. 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