

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-660-2017 (O&M)

Date of Decision: 15.3.2018

Neha Mittal

....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. Sandeep Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional 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 of mandamus directing the respondents to allot a plot to the petitioner under the oustees policy dated 7.12.2007 (Annexure P-11).

2. The petitioner was owner of the land measuring 630 square yards which was acquired by the respondents vide awards dated 24.7.2009 and 1.2.2010 for the development of Sector 6, MDC, Panchkula. The respondents framed the policies to rehabilitate the farmers whose land was acquired for the development of Panchkula. Vide public notice dated 4.3.2012 (Annexure P-1), the respondents invited the applications from the

oustees for the allotment of plots. In response thereto, the petitioner applied for the allotment of a plot under oustees policy vide application dated 16.4.2012 (Annexure P-2) along with documents including the certificate dated 9.1.2012 (Annexure P-3) and 10% earnest money vide demand draft dated 16.4.2012 (Annexure P-4). When nothing was done in the matter, the petitioner filed CWP-966-2014 and this Court vide order dated 21.1.2014 (Annexure P-7) disposed of the said writ petition with a direction to the respondents to do the needful within a period of three months from the date of receipt of a certified copy of the order. The petitioner made a representation dated 20.2.2014 (Annexure P-8) to respondent No.2 for the allotment of a plot in terms of the order, Annexure P-7. Respondent No.4 vide letter dated 12.11.2014 (Annexure P-9) informed the petitioner that as per the proceedings of the Screening Committee, she was eligible for a 4-Marla plot and her claim would be considered in terms of the order dated 26.4.2012 passed in LPA-2096-2011. As per the new item dated 22.10.2015 (Annexure P-10), the respondents had held the draw of lots of 10-marla and 1 kanal plots only in Sectors 2 and 6, MDC, Panchkula. As per the policy dated 7.12.2007 (Annexure P-11), the petitioner was entitled to the allotment of a plot under the oustees category. Respondent No.2 framed a rehabilitation and resettlement policy dated 25.8.2008 (Annexure P-12). Thereafter, the petitioner moved another representation dated 11.1.2016 (Annexure P-13) to respondent No.1 for the allotment of plot under the oustees policy, but to no effect. Accordingly, the petitioner filed CWP-16225-2016 and this Court vide order dated 11.8.2016 (Annexure P-14) disposed of the said writ petition with a direction to respondent No.1 to take a decision on the representation, Annexure P-13, within a period of

three months from the date of receipt of certified copy of the order. Thereafter, the petitioner moved a representation dated 19.8.2016 (Annexure P-15) to respondent No.1 for the allotment of plot in view of the order, Annexure P-14. Vide letter dated 29.9.2016 (Annexure P-16), the petitioner was asked to attend the hearing on 19.10.2016. The respondents vide public notice dated 13.1.2017 (Annexure P-17) had started e-auction of the plots of the oustees quota. Hence, the present writ petition.

3. Learned counsel for the petitioner has submitted that for the relief claim in the writ petition, the petitioner has moved a representation dated 19.8.2016 (Annexure P-15), 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 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 her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No