

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7012-2017

Date of Decision: 21.3.2018

Jai Bhagwan and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. R.S. Malik, Advocate for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Saurabh Mago, 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 petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot to the petitioners under the oustees policy in accordance with their entitlement to all the co-sharers as per the policies dated 18.3.1992, 7.12.2007 and 9.11.2010 (Annexures P-5 to P-7, respectively).

2. The petitioners were owners of the land measuring 16 kanal 19 marla situated within the revenue estate of village Shadipur, Tehsil and District Sonapat as per the jamabandi for the year 2006-07 (Annexure P-1). The said land was acquired by the State of Haryana vide notification dated 17.5.1990 issued under Section 4 of the Land Acquisition Act, 1894 for the

respondents had invited the applications from the oustees. In response thereto, the petitioners applied for the plot vide applications along with 10% earnest money and documents (Annexure P-2 Colly). Thereafter, respondent No.4 vide letters dated 8.2.2002 and 11.3.2002 (Annexures P-3 and P-4, respectively) informed the father of the petitioners regarding the meeting for the allotment of plot under oustees quota in Sectors 12-13, Sonapat and Sector 7, Gohana. As per the policies dated 18.3.1992, 7.12.2007 and 9.11.2010 (Annexures P-5 to P-7, respectively), the petitioners were entitled to the allotment of a plot in lieu of their acquired land. Accordingly, the petitioners sent a legal notice dated 15.10.2016 (Annexure P-8) to respondent No.4 for the allotment of a plot under the oustees quota, but response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners had served a legal notice dated 15.10.2016 (Annexure P-8) upon respondent No.4, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioners 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 petitioners 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 petitioners 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 petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No