

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7033-2017

Date of Decision: 17.4.2018

Jagbir 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. Tanuj Kumar, Advocate for
Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional 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 mandamus directing the respondents to allot a plot to him in view of order dated 16.9.2013 (Annexure P-5) passed in CWP-5492-2012.

2. The petitioner was owner of the land measuring 24 kanals to the extent of his 2/3rd share. The said land was acquired by the respondents vide notification dated 19.5.2008 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") for the development and utilization of land for extension of water work in Gurgaon. The award was passed on 21.12.2009. The petitioner filed a reference under Section 18 of

(Annexure P-1) passed in LAC-261-2010 enhanced the compensation along with all benefits. Respondent No.4 invited the applications from the landowners whose land was acquired for the allotment of a plot under the R&R Policy. In response thereto, the petitioner applied for the allotment of a plot vide application dated 21.10.2013 (Annexure P-2) along with earnest money of ₹ 50,000/-. Some landowners filed CWP-15255-2012 which was disposed of by this Court in view of order dated 25.4.2012 passed in LPA-2096-2011. Thereafter, the respondents vide public notice dated 28.9.2013 (Annexure P-3) invited applications for the allotment of plots from the oustees. In response thereto, the petitioner submitted the application dated 21.10.2013 along with earnest money of ₹ 50,000/-. According to the petitioner, the respondents were allotting the plots to some landowners whose land was acquired for the sector road 99 to 115 in Gurgaon and they were called for the draw to be held on 12.4.2016 for the allotment of plot vide letter dated 6.4.2016 (Annexure P-4). Some landowners whose land was acquired for the sector road 99 to 115, filed CWP-5492-2012 and this Court vide order dated 16.9.2013 (Annexure P-5) disposed of the said writ petition in terms of the order dated 31.7.2013 passed in CWP-9352-2012. Thereafter, the petitioner moved a representation dated 13.12.2016 (Annexure P-6) to respondent No.1 for the allotment of plot under the oustees policy in view of the order, Annexure P-5, but no response has been received till date. As per the policy dated 9.11.2010 (Annexure P-7), the petitioner was entitled to the allotment of a plot under the oustees category. 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

13.12.2016 (Annexure P-6) to respondent No.1, 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 his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No