

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7270-2017

Date of Decision: 21.3.2018

Roop Rekha Sharma

....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. Hari Om 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 18.3.1992 (Annexure P-1). Further, a prayer has been made for quashing the order dated 7.12.2016 (Annexure P-10).

2. The petitioner was owner of the land measuring 605 square yards which was acquired by the respondents vide notification dated 19.1.2006 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by the notification dated 20.1.2006 under Section 6 of the Act for commercial and residential purposes. The award was

passed on 24.7.2007. The respondents framed the policies dated 18.3.1992 and 12.3.1993 (Annexures P-1 and P-2, respectively) to rehabilitate the farmers whose land was acquired for the development of Panchkula. Vide public notice dated 4.3.2012 (Annexure P-3), 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 17.4.2012 (Annexure P-6) along with certificate dated 30.4.2012 (Annexure P-4), draft details dated 17.4.2012 (Annexure P-5) and the drafts dated 16.4.2012 (Annexures P-7 and P-8, respectively). When no action was taken thereon, the petitioner filed CWP-2284-2013 and this Court vide order dated 11.4.2014 (Annexure P-9) disposed of the said writ petition with a direction to the respondents to make the allotment before 31.7.2014. Respondent No.3 vide letter dated 7.12.2016 (Annexure P-10) refunded the earnest money to the petitioner. The petitioner accepted the said amount under protest vide letter dated 20.12.2016 (Annexure P-11). Respondent No.3 vide letter dated 12.11.2014 (Annexure P-12) informed one Mrs. Neha Mittal 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-13), the respondents had held the draw of lots of 10-marla and 1 kanal plots only in Sectors 2 and 6, MDC, Panchkula. This Court vide order dated 20.12.2013 (Annexure P-14) passed in CWP-25886-2012 had directed the Chief Secretary, Haryana to hold a probe in the entire allotment of plots to the land oustees in Sectors 2, 4 and 6, MDC, Panchkula. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No