

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7731-2017

Date of Decision: 15.3.2018

Kishan Kumar

....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 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 direction to the respondents to allot a plot to the petitioner as per the oustees policy dated 18.3.1992 (Annexure P-1). Further, a writ of certiorari has been sought for quashing the policy dated 11.8.2016 (Annexure P-7).

2. The petitioner was owner of the land situated in village Jharsa, District Gurugram which was acquired by the State of Haryana in the year 1989 for the development of Sector 32 (Institutional), Gurugram. As per the policies dated 18.3.1992 and 28.8.1998 (Annexures P-1 and P-2, respectively), the petitioner was entitled to the allotment of a plot under the

oustees category. Respondent No.3 vide public notice dated 25.6.2015 (Annexure P-3) invited the applications for the allotment of plot under oustees category from the landowners whose land was acquired. In response thereto, the petitioner applied for the allotment of plot vide application dated 15.7.2015 (Annexure P-4) along with earnest money of ₹ 50,000/-. When nothing was done, the petitioner filed CWP-15285-2016 and this Court vide order dated 1.8.2016 (Annexure P-5) disposed of the said writ petition with a direction to respondent No.4 to take a decision on the application, Annexure P-4, within a period of three months. Thereafter, the petitioner moved a representation dated 9.8.2016 (Annexure P-6) to the respondents for the allotment of a plot under the oustees quota, but no response has been received till date. Further, the respondents had decided to refund the earnest money vide policy dated 11.8.2016 (Annexure P-7). Hence, the present writ petition.

3. Learned counsel for the petitioner has submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 9.8.2016 (Annexure P-6) to the respondents, 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

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No