

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7772-2017

Date of Decision: 25.4.2018

Smt. Resham Devi 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. Sanjay Vashisth, Advocate for the petitioners.

Mr. D.R. Singla, Deputy 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 certiorari for quashing the instructions dated 11.8.2016 (Annexure P-18) whereby it has been decided to return the pending application of oustees quota to the claimants along with already deposited earnest money and for quashing the decision, if any, for e-auctioning of the vacant and unallotted residential plots in Urban Estate, Rewari, in pursuance

to the decision published in the newspaper dated 27.9.2016 (Annexure P-20). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioners under the oustees quota for which they had already submitted the applications.

2. The petitioners were owners in possession of the land situated within the revenue estates of village Dumawas, Tehsil and District Rewari. Government of Haryana vide notification dated 30.3.1990 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 27.3.1991 (Annexure P-2) under Section 6 of the Act acquired the said land for the development of residential, commercial and institutional, Sector 4, Rewari. The award dated 24.3.1993 (Annexure P-3) was passed. The petitioners submitted their respective applications along with ₹ 50,000/- as earnest money as is clear from Annexures P-4 to P-9, respectively. Vide advertisement dated 25.6.2015 (Annexure P-10), respondent No.4 invited the applications from the oustees of Gurgaon, Rewari, Dharuhera and Narnaul. As per the lists, Annexures P-11 to P-13, respectively, there were vacant/unallotted plots in Sectors 3, 4, 18 and 19, Urban Estate, Rewari. A policy dated 7.12.2007 (Annexure P-14) was framed for the first time to rehabilitate and re-settle the oustees fixing the cut-off date of applicability of the said policy as 5.3.2005. The said cut-off date was held to be illegal in order dated 25.4.2012 passed in LPA-2096-2011 as also clarified vide order dated 20.8.2014 (Annexure P-15) passed in CWP-2212-2014. Another policy dated 9.11.2010 (Annexure P-16) was also framed for the allotment of plots for acquisition of land/vacant area. Further, vide letter dated 4.12.2015 (Annexure P-17), respondent No.3 made partial modifications in the

policies dated 6.5.1997 and 7.3.2011. The instructions dated 11.8.2016 (Annexure P-18) were issued by respondent No.4 whereby it was decided to return the pending application of oustees quota to the claimants along with already deposited earnest money. Further, the letters including the letter dated 20.9.2016 (Annexure P-19) were received by the petitioners to supply the bank details for remitting the earnest money. Vide news item dated 27.9.2016 (Annexure P-20), it was published that 20000 vacant plots had been earmarked by the HUDA for auction. As per HUDA portals dated 27.10.2016 and 31.10.2016 (Annexures P-21 and P-22, respectively), e-auctioning of plots of Panchkula and Rohtak had been started. Hence, the present writ petition.

3. Learned counsel for the petitioners 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

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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