

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8196-2017

Date of Decision: 25.4.2018

Hanuman Singh 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. B.K. Bagri, 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 orders dated 27.9.2016 and 18.10.2016 (Annexures P-18 to P-20, respectively) passed by respondent No.3 rejecting the claim of the petitioners and for quashing the Policy dated 11.8.2016 (Annexure P-17). Further, a writ of mandamus has been sought directing the respondents to allot plots to the petitioners under the oustees policy dated 9.11.2010 (Annexure P-7).

2. The petitioners purchased a plot measuring 10 marla in village

Chandpur, Tehsil and District Rewari from S/Shri Amar Nath, Jaswant, Ramesh and Raja Ram vide registered sale deed dated 18.8.1998 and mutation dated 15.12.1998 (Annexure P-1) was sanctioned in their favour. The respondents vide notification dated 27.1.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 23.1.2004 under Section 6 of the Act acquired the said land for the development of Sector 18, Rewari. The award was passed on 20.1.2006. The respondents vide public notice, Annexure P-2, invited the applications for the allotment of plots to the oustees. In pursuance thereto, the petitioners applied for the allotment of plots in Sector 18, Rewari and deposited the earnest money vide receipts dated 15.10.2008 (Annexures P-3 to P-5, respectively). Vide letters dated 11.12.2009 (Annexure P-6 Colly), respondent No.3 requested the petitioners to appear before the Screening Committee for the settlement of oustees claim. The respondents framed a policy dated 9.11.2010 (Annexure P-7) and as per the said policy, the plots were to be allotted to the landowners under the oustees quota whose land was acquired. The entire land of the petitioners was acquired as is clear from the letter, Annexure P-8. After rejection of their claim, the petitioners filed CWP-7116-2011 and this Court vide order dated 25.4.2012 (Annexure P-9) along with LPA-2096-2011. Thereafter, the petitioners made a representation dated 17.1.2013 (Annexure P-10) to respondent No.3 for the allotment of plots under the oustees quota. In response thereto, respondent No.3 vide letter dated 18.2.2013 (Annexure P-11) asked the petitioners to appear in person along with the relevant documents. The petitioners appeared and submitted the reply dated 26.2.2013 (Annexure P-12). When no action was taken thereon, the petitioners served a legal notice dated

25.8.2014 (Annexure P-13) upon respondents No.2 and 3 for the allotment of plots under the oustees quota, but to no effect. Accordingly, the petitioners filed CWP-25691-2014 and this Court vide order dated 16.12.2014 (Annexure P-14) disposed of the said writ petition in terms of the order dated 25.4.2012 passed in LPA-2096-2011. The respondents vide public notice, Annexure P-15, invited the applications from the land owners whose land was acquired for the establishment of sectors 18, 19 and other Sectors of Rewari. In response thereto, the petitioners submitted their applications dated 29.7.2015 (Annexure P-16 Colly) along with balance amount after adjusting the earlier amount. The respondents had framed a policy dated 11.8.2016 (Annexure P-17) vide which it was decided to refund the earnest money along with interest to the applicants whose claims were pending. Respondent No.3 vide orders dated 27.9.2016 and 18.10.2016 (Annexures P-18 to P-20, respectively) advised the petitioners to apply for allotment of plot in fresh advertisement which would be issued later and requested to submit the bank details for refunding the earnest money along with interest. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that after the Full Bench judgment of this Court in **CWP-22252-2016 (Rajiv Manchanda and others v. Haryana Urban Development Authority, Panchkula and others)** decided on 22.11.2017, the matter is required to be revisited by the authorities. Accordingly, it was 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 keeping in view the principles of law enunciated by the Full Bench of this Court in **Rajiv Manchanda's case (supra)**. 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