

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8210-2017

Date of Decision: 25.4.2018

Rakesh Kapoor

....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. Parminder Singh, Advocate for the petitioner.

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 Article 226 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 in the light of the communication dated 9.11.2015 (Annexure P-8) or to consider his representation dated 30.11.2015 (Annexure P-9) for the allotment of a plot under the oustees category.

2. The petitioner was owner of the land measuring 29 bighas situated in Karnal. The said land was acquired by the respondents vide award dated 6.7.1981 for the development and utilization as residential and commercial area in Sector 6, Karnal and the possession thereof was taken.

The respondents had framed the policies dated 9.5.1990 (Annexure P-1), 18.3.1992, 12.3.1993 (Annexure P-2), 28.8.1998, 7.12.2007 (Annexure P-3) and 7.9.2010 for the allotment of plots to the oustees whose land was acquired by the HUDA. Thereafter, the petitioner sent a legal notice dated 28.8.2013 (Annexure P-4) to respondent No.2 and 3 for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-5757-2014 and this Court vide order dated 26.3.2014 (Annexure P-5) disposed of the said writ petition with a direction to the respondents to consider the claim of the petitioner. However, respondent No.3 vide order dated 6.8.2014 (Annexure P-6) rejected the claim of the petitioner. Against the order, Annexure P-6, the petitioner filed CWP-16867-2015 and this Court vide order dated 17.8.2015 (Annexure P-7) disposed of the said writ petition with a direction to respondent No.3 to inform the petitioner about the balance plot available in Sector 6, Karnal and then consider his application for the allotment of plot. In pursuance thereto, respondent No.3 vide letter dated 9.11.2015 (Annexure P-8) informed the petitioner that plot No.814, Sector 6, Karnal was available for allotment under the oustees category. The petitioner moved a representation dated 30.11.2015 (Annexure P-9) to respondent No.3 for depositing the amount and handing over the possession of plot No.814, Sector 6, Karnal, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 30.11.2015 (Annexure P-9) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the

present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 30.11.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No