

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8725-2017

Date of Decision: 5.4.2018

Balkar Singh Kamboj 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. Shrey Goel, Advocate for the petitioners.

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 petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the policy dated 11.8.2016 (Annexure P-7). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioners under the oustees quota.

2. The petitioners were owners of the land situated at Patti Kaisth Seth, Tehsil and District Kaithal. The said land was acquired by the State of Haryana vide notification dated 9.8.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification under Section 6 of the Act. The award was passed on 5.8.2005 (Annexure P-1).

The petitioners applied for the allotment of plots under the oustees quota by

receipts (Annexures P-2 to P-6, respectively). A policy dated 11.8.2016 (Annexure P-7) was framed by the HUDA wherein it was advised to the landowners to apply for allotment of plot in fresh advertisement which would be issued after determination of reservation and the earnest money would be refunded along with interest. The respondents issued a public notice, Annexure P-8, vide which it was stated that the persons who had applied for the residential plot under the oustees quota, their applications were being returned along with 5.5% interest on the amount deposited. The interested persons could apply again for the plot as and when an advertisement would be issued. Accordingly, the petitioners sent the legal notices dated 25.1.2017 and 21.1.2017 (Annexures P-9 and P-10, respectively) to the respondents for not refunding the amount already deposited and to allot the plots under the oustees category, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have served the legal notices dated 25.1.2017 and 21.1.2017 (Annexures P-9 and P-10, respectively) upon the respondents, but no action has so far been taken thereon. He, however, 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 5, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No