

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6629-2018

Date of Decision: 19.3.2018

Smt. Birbati 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: Ms. Meenakshi Sharma, Advocate for the petitioners.

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 mandamus directing the respondents to allot a plot to the petitioners in lieu of their acquired land situated within the revenue estate of village Harsaru, Tehsil and District Gurugram in pursuance to the advertisement dated 28.6.2015 (Annexure P-4) for which the husband of petitioner No.1 and father of petitioners No.2 to 5 had already moved the application dated 8.12.2010 (Annexure P-2) and to consider and accept the application, Annexure P-2, for the allotment of plot under the oustees quota. Further, a prayer has been made for declaring the policies dated 11.8.2016 and 29.8.2017 (Annexures P-7 and P-8, respectively) as illegal and arbitrary.

2. Shri Tej Pal, husband of petitioner No.1 and father of

petitioners No.2 to 5 was owner in possession of the land situated within the revenue estate of village Harsaru, Tehsil and District Gurugram. State of Haryana vide notification dated 29.1.2003 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by a notification dated 28.1.2004 issued under Section 6 of the Act acquired the land of various villages including the village of the petitioners for setting up Industrial Complex for Special Economic Zone. The award was passed on 27.1.2006 (Annexure P-1). As per the death certificate dated 27.1.2017 (Annexure P-1/A), said Shri Tej Pal died on 12.1.2017. Shri Tej Pal applied for the allotment of a residential plot vide application dated 8.12.2010 (Annexure P-2) along with the oustee certificate (Annexure P-3) and the affidavit dated 6.12.2010 (Annexure P-4) duly attested by the Executive Magistrate. As per the policy dated 7.12.2007 (Annexure P-5), the petitioner was entitled to the allotment of a 350 square yard plot. The said policy was superseded by the policy dated 9.11.2010 (Annexure P-6). Further, a policy dated 11.8.2016 (Annexure P-7) was framed by the respondents for the allotment of a plot under the oustees quota followed by another policy dated 29.8.2017 (Annexure P-8) for One Time Scheme for settlement of HUDA oustees claims. However, no response has been received from the respondents regarding the allotment of a plot under the oustees quota. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners has applied for the plot vide application dated 8.12.2010 (Annexure P-2) along with certificate (Annexure P-3) and the affidavit dated 6.12.2010 (Annexure P-4), 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 petitioners, 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

March 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No