

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6669-2018

Date of Decision: 26.3.2018

Jai Chand

...Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Ms. Jyotika, Advocate for
Mr. HPS Ishar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the policy dated 11.8.2016 (Annexure P-8 and the letter dated 7.12.2016 (Annexure P-9). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner in Sector 2, MDC, Panchkula.

2. The petitioner was owner of the land to the extent of his share situated within the revenue estate of village Saketri, Panchkula as per jamabandi for the year 1996-97 (Annexure P-1). Government of Haryana acquired the said land for the development of Sectors 2 and 6, MDC, Panchkula. The respondents vide advertisement dated 4.3.2012 (Annexure P-2) invited the applications along with 10% earnest money from the

the oustees category. In response thereto, the petitioner had applied vide application, Annexure P-3, along with 10% earnest money vide draft dated 24.4.2012. On scrutiny, the application of the petitioner was found in order and vide letter dated 31.7.2014 (Annexure P-4), respondent No.3 informed the petitioner to appear along with record and 'No Objection Certificate' (NOC) from other co-sharers. As such, the petitioner appeared and submitted his reply. Again respondent No.3 vide letters dated 20.10.2014, 1.5.2015 and 15.6.2016 (Annexure P-5 Colly) insisted the petitioner for the NOC from the other co-sharers. The petitioner duly replied the said letters vide replies dated 10.5.2015 and 14.7.2016 (Annexure P-6 Colly). This Court vide order dated 4.4.2016 (Annexure P-7) while disposing of a bunch of writ petitions had directed the respondents to reconsider the claim of each petitioner strictly in terms of the decision referred therein and the relevant policies. In pursuance thereto, the respondents framed a policy dated 11.8.2016 (Annexure P-8). Respondent No.3 vide letter dated 7.12.2016 (Annexure P-9) had refunded the earnest money of the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 petitioner 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 petitioner, 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 petitioner 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 petitioner 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 petitioner 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 petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No