

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-9784-2017

Date of Decision: 26.3.2018

Krishan Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Abhishek Yadav, Advocate for the petitioner.

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 petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the instructions dated 11.8.2016 (Annexure P-13) issued by respondent No.3 deciding to return the pending applications for consideration to the claimants of the oustees quota plots along with already deposited earnest money and to quash to decision for e-auctioning the vacant and unallotted plots in Urban Estate, Rewari in pursuance to the advertisements dated 27.9.2016, 18.4.2017 and 20.4.2017 (Annexures P-15 to P-17, respectively). Further, a writ of mandamus has been sought directing the respondents to allot a plot to the petitioner under the oustees

2. Government of Haryana vide notification dated 23.1.1990 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 22.1.1991 (Annexure P-2) under Section 6 of the Act acquired the land of the petitioner for the development of residential, commercial and institutional at Rewari. The award was passed on 25.3.1993 (Annexure P-3). The petitioner applied for the allotment of a residential plot under the oustees quota vide application along with earnest money of ₹ 50,000/- by way of draft dated 20.7.2015 (Annexure P-4 Colly). Respondent No.4 vide advertisement dated 25.6.2015 (Annexure P-5) invited the applications from the oustees of Gurgaon, Rewari, Dharuhera and Narnaul. As per the lists (Annexures P-6 to P-8, respectively), there were certain unallotted plots in Sectors 3, 4, 18 and 19, Rewari. A policy dated 7.12.2007 (Annexure P-9) was framed to rehabilitate and re-settle the oustees whereby cut-off date of applicability of said policy was fixed as 5.3.2005. The said cut-off date was held to be illegal by this Court vide orders dated 25.4.2012 passed in LPA No.2096 of 2011 and 20.8.2014 (Annexure P-10) passed in CWP-2212-2014. In the order, Annexure P-10, a specific direction was issued by this Court for issuance of fresh advertisement inviting applications from all land owners whose land was acquired for Sectors 29 and 29-A, Gurgaon. Another policy dated 9.11.2010 (Annexure P-11) was framed regarding multi dimensional benevolent benefits for the oustees. Further, respondent No.3 vide letter dated 4.12.2015 (Annexure P-12) made partial modifications in the policies dated 6.5.1997 and 7.3.2011 for reservation of the residential plots for various categories in view of order dated 25.4.2012 passed by this Court.

Respondent No.3 vide instructions dated 11.8.016 (Annexure P-13) ordered

return of the applications for the allotment of plots under oustees quota along with the already deposited earnest money to the claimants. The petitioner received the letter dated 28.9.2016 (Annexure P-14) for supply of bank details for remitting the earnest money. Vide news item dated 27.9.2016 (Annexure P-15), 20000 vacant plots had been ear-marked by the respondents to be auctioned. As per e-auction notices dated 18.4.2017 and 20.4.2017 (Annexures P-16 and P-17, respectively), e-auctioning of the plots of different Sectors in Rewari had been started. However, the plot had not been allotted to the petitioner till date. Hence, the present writ petition.

3. Learned counsel for the petitioner 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 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 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. 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