

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7423-2018

Date of Decision: 23.3.2018

Smt. Dhanno 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. Ashwani Talwar, 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 them under the oustees policy dated 18.3.1992 (Annexure P-3) in lieu of acquisition of land.

2. The predecessor-in-interest of the petitioners was owner in possession of the land measuring 8 kanal 8 marla situated within the revenue estate of village Taraf Afgan, District Panipat. State of Haryana acquired the said land vide notification dated 12.9.2001 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") for the development and utilization of land for shifting of dying units in Sector 29, Part II, Panipat. The award was passed on 11.4.2002. A notice dated 15.3.2002 (Annexure P-1) under Section 9 of the Act was issued to the

certificate dated 23.1.2008 (Annexure P-2). As per the oustees policies dated 18.3.1992 and 12.3.1993 (Annexures P-3 and P-4, respectively), the petitioners were entitled to the allotment of a plot. On the basis of the order dated 16.5.2011 passed by this Court in CWP-19927-2009, the respondents had framed a policy dated 11.8.2016 (Annexure P-5) and as per the said policy, the petitioners were also entitled to the allotment of a plot under the oustees category. The petitioners moved an application dated 2.9.2008 along with documents and earnest money by way of demand draft (Annexure P-6 Colly) to the respondents for the allotment of a plot under oustees quota, 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 had moved an application dated 2.9.2008 along with documents (Annexure P-6 Colly), 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 23, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No