

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-9392-2018

Date of Decision: 19.4.2018

Karam 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: Mr. Karan Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 21.3.2011 (Annexure P-8) vide which the claim of the petitioner for the allotment of a plot under oustees category has been rejected by respondent No.2. Further, a writ of mandamus has been sought directing respondents No.2 to 4 to allot a plot to the petitioner under the oustees category.

2. The father of the petitioner was owner of the land measuring 23 kanals situated within the revenue estate of village Ratgal, District Kurukshetra which was acquired by the Government of Haryana vide notification dated 21.4.1992 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by the notification dated 8.4.1993 under Section 6 of the Act for the development of Sector 8, HUDA,

framed a policy dated 10.9.1987 (Annexure P-1) for the allotment of plots to the landowners whose land was acquired by the HUDA for the development of residential/commercial/industrial sectors. The said policy was amended vide policies dated 9.5.1990, 18.3.1992, 12.3.1993 and 28.8.1998 (Annexures P-2 to P-5, respectively). After the death of his father, the petitioner served a legal notice dated 10.3.2010 (Annexure P-6) upon respondent No.4 for the allotment of a plot under the oustees quota, but to no effect. Accordingly, the petitioner filed CWP-18313-2010 and this Court vide order dated 8.10.2010 (Annexure P-7) disposed of the said writ petition with a direction to respondent No.2 to decide the claim of the petitioner within a period of three months. In pursuance thereto, respondent No.2 vide order dated 21.3.2011 (Annexure P-8) rejected the claim 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

April 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No