

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-9558-2018

Date of Decision: 20.4.2018

Naresh Thakran

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sonu Giri, Advocate for
Mr. Sandeep Sharma, 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 direction to the respondents to allot a plot to the petitioner under the oustees policy dated 9.11.2010 (Annexure P-1). Further prayer has been made for quashing the policy dated 11.8.2016 (Annexure P-6) and the letter dated 6.11.2017 (Annexure P-7).

2. The petitioner was owner of the land situated at village Adampur, District Gurugram which was acquired by the respondents vide award dated 29.12.2005 for the development of sector road of Sector 51, Gurugram. As per the policy dated 9.11.2010 (Annexure P-1), the petitioner was entitled to the allotment of a plot under the oustees category.

Respondent No.3 vide public notice dated 28.9.2013 (Annexure P-2) invited

landowners whose land was acquired. In response thereto, the petitioner had applied for the allotment of a plot vide application dated 25.10.2013 (Annexure P-3) along with the earnest money of ₹ 50,000/- vide draft dated 25.10.2013 (Annexure P-4). Further, vide public notice dated 25.6.2015 (Annexure P-5), respondent No.3 had invited the applications for the allotment of plots to the landowners whose land was acquired for the development in Gurgaon, Rewari, Dharuhera and Narnaul. The respondents had decided to refund the earnest money along with interest vide policy dated 11.8.2016 (Annexure P-5) and vide letter dated 6.11.2017 (Annexure P-7) advised the petitioner to apply for allotment of plot in fresh advertisement which would be issued later and asked to submit the details of bank so that the earnest money deposited be refunded with interest. Hence, the present writ petition.

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

(AJAY KUMAR MITTAL)
JUDGE

April 20, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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