

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP 10273/2020
Date of decision:03.09.2020

Rajesh Kumar Sharma and another

.....Petitioners

v.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh
Hon'ble Mr.Justice Ashok Kumar Verma

Present:- Mr. Mohit Rathee,Advocate for the petitioners.

Mr.Ankur Mittal, Addl. AG Haryana for respondents
1 and 4.

Mr.Arvind Seth,Advocate for respondents 2 and 3.

Jaswant Singh,J.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court]

Petitiones are successor-in-interest of Late Hari Chand Sharma, who was allegedly owner in possession of land comprised in Hadbast No.55, Khasra No.1989 to 1997 to the extent of half share each of total land measuring 6 bighas 10 biswas situated in revenue estate of Village Gurgaon, Tehsil and District Gurugram. The said land was acquired in the year 1973 by State of Haryana for public purpose after issuance of notifications under Section 4 and 6 of the Land Acquisition Act and consideration of objections under Section 5-A of the Act. On 25.6.2015 a public notice was issued inviting applications for allotment of plot under the oustees quota.

Petitioners applied for same vide Applications dated 29.7.2015 Annexures P-2 and P-3 by depositing earnest money etc. Since the claim of petitioners was not considered, they filed CWP 20722/2018 which was disposed of by this Court vide order dated 20.8.2018 (P-9) with a direction to respondents to decide the claim of the petitioners by treating the said petition as their representation. In compliance thereof, the Estate Officer, HSVP- respondent no.3 passed order dated 18.6.2019 (P-10) whereby it was observed that in view of policy dated 11.8.2016 the petitioners were entitled to get refund of their earnest money alongwith interest and that their claim would be decided alongwith other applicants. Again, pursuant to notification dated 5.2.2019, petitioners applied for allotment of plot alongwith requisite earnest money and the said application is still pending. In the meantime, respondents issued notification dated nil (P-12) for e-auction of the plots meant for oustees. Hence the present petition inter alia praying for allotment of plot under oustees quota.

Notice of motion was issued.

On the last date of hearing learned counsel for respondents 2 and 3 submitted that speaking order dated 21.8.2020, attached as Annexure R-5 with the written statement, stood passed whereby claim of the petitioners for allotment of plot under the oustees category had been declined. Learned counsel for the petitioner sought time to go through the written statement.

At the time of hearing today, learned counsel for the petitioners prays for permission to withdraw the writ petition to enable

the petitioners to challenge order dated 21.8.2020 (R-5).

Dismissed as withdrawn with liberty aforesaid.

(Jaswant Singh)
Judge

03.09.2020.
joshi

(Ashok Kumar Verma)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No