

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

Sr. No.107

CWP-14299-2020

Date of Decision: 11.11.2020

RANDHIR SINGH

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Anil Kumar Rana, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Additional Advocate General,
Haryana.

S.N. SATYANARAYANA, J.

The matter has been taken up through video conferencing
in the light of COVID-19 pandemic.

The petitioner, who is claiming himself to be an oustee,
is approaching this Court seeking a writ of mandamus, directing the
respondents to allot a plot to him, under Oustees Policy dated
18.03.1992, and also seeking quashing of Clauses 5, 11, 15 and 16 of
the impugned policy dated 11.08.2016 (Annexure P-5), quashing of
Clauses C.11 and D.15(a) of policy dated 08.05.2018 (Annexure P-6)
and advertisement dated 03.09.2018 (Annexure P-7) as well as
impugned public notice dated 28.08.2020 (Annexure P-12). Besides
the same, he is also seeking other appropriate reliefs.

Admittedly, the petitioner has made an application on
28.07.2015 (Annexure P-3) along with a Demand Draft for
Rs.50,000/- seeking allotment of plot in lieu of acquisition of land in

pursuance of earlier advertisement dated 25.06.2015 (Annexure P-2).

It is seen that the draw of plot, which was considered pursuant to advertisement dated 25.06.2015, the petitioner was not successful in the said draw in getting a plot allotted in his favour. Thereafter, for a long time, there was no further progress, the money amounting to Rs.50,000/-, which was deposited by him along with application dated 28.07.2015, remained with respondent and the same was not returned.

It is stated that there was further advertisement on 03.09.2018, vide Annexure P-7, calling upon the oustees to apply for allotment of plot in lieu of compensation, if they so desire. In the instant case, it is stated that the petitioner has not applied afresh and has requested the authorities to consider the application, which was already made in the year 2015 and also make use of Rs.50,000/-, which was available with them for allotment of plot, however, there is nothing on record to show that there was a written application by the petitioner to consider his application of 2015 itself for allotment of plot and to treat the amount, which is lying with them, as the required deposit for allotment of land.

After hearing learned counsel for the parties, we are of considered opinion that in the event of there being any written request by the petitioner to the respondent authorities, seeking allotment of plot under the Oustees Scheme, without insisting for fresh application and fresh deposit, the same should be considered and his name should be included in the draw. If there is no such written application given by him, subsequent to the application, which was filed by him in the year 2015, then we are of considered opinion that his prayer, sought in

the present writ petition, cannot be considered.

It is made clear that only in the event of there being a written request by the petitioner to the respondents, seeking allotment of plot on the basis of the application, which is filed in the year 2015, the same shall be considered and the amount, which is deposited in the year 2015, should be taken into consideration as if the same is earnest money deposited pursuant to the application called for, in the year 2018, and his request should be considered as it is an application pursuant to advertisement of 2018. If written request is not there as above, the respondent is not under any obligation to consider his name for inclusion in the allotment proceedings.

With such observation, this writ petition is hereby disposed of.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

11.11.2020
himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No