

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

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Civil Writ Petition No.5039 of 2021

Date of Decision: March 3rd, 2021

Ranbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vikram Singh, Advocate
for the petitioner.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 20.11.2020 (Annexure P-8) passed by the respondents rejecting the claim of the petitioner for allotment of a plot under the oustees category.

2. A perusal of the impugned order dated 20.11.2020 (Annexure P-8) would show that there are two grounds on which the request of the petitioner has been declined. First and foremost ground is that the petitioner had not applied within the time stipulated as per the advertisement issued for allotment of plots to the oustees and the second ground is that the name of the petitioner did not figure in the revenue record at the time of issuance of Section 4 notification under the Land Acquisition Act, 1894, as an owner.

3. Counsel for the petitioner states that the father of the petitioner was the owner of the property and unfortunately he died and, therefore, it is now the successor i.e. the petitioner, who is entitled to the benefit of the scheme.

4. Having considered the submissions made by the counsel for the

petitioner and on going through the impugned order, we are of the considered view that the basic ground on which the claim of the petitioner has been rejected is the delayed application on the part of the petitioner being beyond the last date of submission of such application. The ancillary ground, which has been taken, appears to be hypertechnical as it appears that the father of the petitioner Shri Hirda Ram was recorded as the owner of the land which was acquired. Merely because Shri Hirda Ram died and the petitioner is a successor would not disentitle him the benefit of the scheme as floated by the respondents for the allotment of oustees quota. The matter qua this aspect requires to be re-looked by the competent authority, however, in the light of the fact that the petitioner had not filed his application prior to the cut-off date, the rejection order dated 20.11.2020 (Annexure P-8) of the claim of the petitioner cannot be faulted on this score. We leave the question of eligibility of the petitioner for applying for the plot under the oustees quota in case of fresh advertisement issued for the claim of the oustees for allotment of a plot. The competent authority shall consider the claim of the petitioner at that stage without being influenced by the observations and the reasoning given by the Estate Officer, Karnal, while passing the order dated 20.11.2020 (Annexure P-8).

5. The writ petition is disposed of with above observations.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 3rd, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No