

CWP-8920-2021

Date of decision: 28.07.2021.

KRISHAN KUMAR

...PETITIONER

VERSUS

FINANCIAL COMMISSIONER AND PRINCIPAL
SECRETARY TO GOVT. OF HARYANA AND ORS.

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURIPresent: Ms. Neha Sonawane, Advocate
for the petitioner.Mr. Ankur Mittal, Advocate
for respondent No.2.

TEJINDER SINGH DHINDSA, J. (ORAL)

The case has been taken up through video-conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Counsel for the petitioner confines the prayer in the instant writ petition as regards issuance of writ mandamus to consider the case of the petitioner for an allotment of the plot under the R&R policy dated 09.11.2010 (Annexure P-12).

It is not in dispute that the land admeasuring 1 Kanal 12 Marlas under the ownership of the petitioner had been acquired.

Since notice of motion had been issued in the instant writ petition. A Written statement of the Divisional Town Planner, HSIIDC on behalf of respondent No.2 has been filed and placed on record. Copy has also furnished to counsel for the petitioner.

Paragraphs 6 and 7 of the written statement would be relevant in so far as the limited prayer pressed on behalf of the petitioner and the same are

“ That as far as the claim of the petitioner under Rehabilitation and Resettlement policy, dated 09.11.2010 is concerned, it is submitted that under policy the landowner is entitled for residential or industrial/commercial plot based upon the criteria prescribed therein. As far as allotment of Industrial Plot is concerned, only such landowners are eligible whose minimum one acre of land is acquired as provided in clause 9(i) of the Policy and since the land acquired of the petitioner is 1 Kanal 12 marla, therefore he is not eligible for same. However, the petitioner is eligible for R&R residential plot as against acquired land area of 1 Kanal 12 marla i.e. 968 sq. Yds., the eligibility of the petitioner for R&R residential plots works out to 150 sq. mtrs. and the petitioner is at liberty to apply for the same as and when as advertisement is issued inviting applications for R&R Residential Plots. The eligibility criteria as provided under R&R Policy is as follows:-

Allotment of in cases where only land is acquired (Outsee Quota Plots)			
Scheme applicable up to 06.09.2010		Scheme revised w.e.f 07.09.2010	
Land/Area acquired	Size of residential plot to be allotted	Land/Area acquired	Size of residential plot to be allowed
100 to 500 sq. yards	3 Marla	100 to 500 sq. yards	90 sq. mtrs
501 to 1000 sq. yards	4 Marla	501 to 1000 sq. yards	150 sq. mtrs
1001 sq. yards to ½ acre	6 Marla	1001 sq. yards to ½ acre	200 sq. mtrs
½ acre to ¾ acre	8 Marla	½ acre to ¾ acre	300 sq. mtrs
Above ¾ acre to 1 acre	10 Marla	Above ¾ acre to 1 acre	350 sq. mtrs
One acre and above	14 Marla	One acre and above	450 sq. mtrs

True copy of policy is annexed herewith as Annexure R-1 for the kind consideration of this Hon’ble Court.

That it is respectfully submitted that till date no application has been received from the petitioner for allotment of plot at IMT Kharkhauda under R&R Policy, however, presently the answering respondent has issued advertisement inviting applications for allotment of R&R Residential Plots of which the last date for submission of applications is 31.07.2021 and therefore, the petitioner can submit his application for the same

before the last date. True copy of the advertisement is being annexed herewith as Annexure R-2 for the kind consideration of this Hon'ble Court."

As per stand taken in the written statement, counsel for the petitioner concedes that the petitioner would not be eligible for allotment of an Industrial and Commercial.

The respondents have taken a categorical stand that as per the relevant R&R Policy, in lieu of the acquired land of the petitioner admeasuring 1 Kanal 12 Marlas i.e. 968 sq. yards the eligibility works out to 150 sq. mtrs of a residential plot. It has been further been submitted that till date no application has been received from the petitioner for allotment of the plot i.e. IMT Kharkhauda under R&R Policy. However, it is stated that it will be open for the petitioner to submit an application for allotment of residential plot pursuant to an advertisement that has already been issued and in which the last date for submission of applications is 31.07.2021.

Counsel for the petitioner is accepting the stand taken on behalf of the respondents. A practical difficulty however has been pointed out to us that till date the application has not been submitted which is otherwise to be sent by registered post and keeping in view the short time frame a prayer is made that application of the petitioner along with all requisite documents be accepted physically in the office of the concerned respondent-Authority.

Mr. Ankur Mittal, Advocate representing respondent No.3 does not oppose the prayer.

In view of the above, writ petition is disposed of with a direction that in case the petitioner submits an application along with all requisite documents with applicable fee, if any, pursuant to the advertisement appended as Annexure R-

in the office of Estate Manager, IMT Kharkhauda, District Sonapat.

Writ petition is disposed of.

We may however clarify that the instant order is only to facilitate the process of consideration of the claim of petitioner for allotment of a residential plot under the R&R Policy dated 09.11.2010 (Annexure P-12) as per eligibility. All other issues including that of the rate to be applied in the eventuality of the petitioner being successful in the draw of lots are kept open.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

28.07.2021

renubala

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No