

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

**CWP-14836-2021(O&M)
Date of Decision:06.08.2021**

Sahdev Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

**Present: Mr. B.S.Rana, Senior Advocate with
Mr.Nayandeep Rana, Advocate for the petitioner.**

Mr.Lokesh Sinhal, Advocate for the respondents-HSVP.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

It is pleaded that land of the petitioner as also of his co-sharers measuring 46 Kanal 5 Marla was acquired vide award dated 16.08.1995 for development of Sector 2, Rohtak. Subsequently more land of the petitioner was also acquired making the total acquired land to be 55 Kanal 8 Marla. Petitioner initially applied for allotment of a plot under the oustees quota but such application was rejected in the year 2007 on the ground that out of 77 Kanal 14 Marla land owned by the petitioner and other co-sharers, only 55 Kanal 8 Marla land was acquired which came to be 71% of the total land and as such petitioner was not eligible for allotment under the oustees quota. It is averred that in subsequent acquisition proceedings in the years 2008 to

2010, 11 Kanal 15 Marla land of the petitioner and co-sharers for public purposes and thereafter 2 Kanal land for purposes of Sector dividing road of Sectors 26-28, Rohtak, was acquired. Petitioner is stated to have applied for allotment of a 14 Marla plot under the oustees quota in the year 2012 and had deposited an earnest money of Rs.50,000/- by way of bank draft.

Instant writ petition has been filed raising a twofold grievance:-

(i) a writ of certiorari is sought seeking quashing of e-auction notice (Annexure P-16) whereby three plots of 14 Marla in Sector 3, Rohtak are being put to auction which is slated today itself i.e. 06.08.2021. Categorical averment made in the petition as also submission advanced by Senior counsel is that these three plots of 14 Marla in Sector 3, Rohtak which are being put to auction were earmarked for the oustee category. Contention raised is that such action is patently unfair and unjust as the claim of the petitioner for allotment of an oustee category plot has till date not been finalised and on the other hand plots of 14 Marla earmarked for oustee category are being reflected against general category and are being put to auction;

(ii) writ of mandamus is sought directing the respondents to finalise the claim of the petitioner for allotment of a 14 Marla plot under the oustee category.

Since an advance copy of the writ petition had already been served upon the respondents, Mr.Lokesh Sinhal, Advocate joined proceedings on behalf of the respondents-HSVP. We had requested Mr.Sinhal to complete instructions in the matter and had passed over the case.

The matter having been taken up subsequently, Mr.Lokesh

Sinhal, upon instructions from Madam Shweta Suhag, Estate Officer, HSVP, Rohtak informed us that the three plots measuring 14 Marla pertaining to Rohtak which are being put to e-auction vide notice at Annexure P-16 have not been earmarked for the oustee category and are belonging to the general category.

In the light of such categoric stand taken on behalf of the respondents-HSVP, we are not inclined to interfere with the e-auction process which is slated today itself. Such prayer raised in the petition and as afore-noticed is hereby rejected.

Insofar as second prayer for finalisation of the claim of the petitioner for allotment of 14 Marla plot under the oustee category, Mr.Sinhal undertakes that such claim would be considered in accordance with law and as per the relevant policy governing the issue and a final decision would be taken within a period of eight weeks from today and would be duly communicated to the petitioner.

Statement is accepted.

No further directions are required to be passed.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

06.08. 2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No