

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

106

**CWP-20445-2020 (O&M)
Date of decision: 16.11.2021**

SUMIT

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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

Mr. Rajesh K. Sheoran, Advocate
for HSVP.

TEJINDER SINGH DHINDSA. J. (ORAL)

CM-16701-CWP-2021

Notice in the application.

Mr. Rajesh Sheoran, Advocate representing the contesting
Haryana Shehri Vikas Pradhikaran, accepts notice.

Copy of the application already stood furnished.

In view of the averments made in the application and by
recording a no objection from Mr. Rajesh Sheoran, Advocate, prayer is
allowed.

The date of hearing in the main writ petition is pre-poned from

11th January, 2022 and the same is taken on board today itself.

Application is disposed of.

CWP-20445-2020

Petitioner raises a challenge to a rejection list (Annexure P-8) confined to the extent of his rejection for allotment of a plot under the Oustee's category.

Also under challenge is Memo dated 10th September 2020 (Annexure P-7) issued by the Chief Administrator, HSVP Panchkula, whereby the claim(s) of the legal heirs of the original oustee's were not to be considered.

The relevant date to be reckoned as per Annexure P-7 was the date of issuance of the Notification under Section 4 of the Land Acquisition Act.

At the very outset, we may note that Mr. Rajesh Sheoran, counsel for respondent-HSVP, has brought to the notice that the impugned Memo dated 10th September 2020 (Annexure P-7) has since been withdrawn and the claims of the legal heirs are also being considered.

Insofar as, the rejection of the claim of the petitioner at Annexure P-8 in the rejection list is concerned, we find that no reasons have been furnished to justify such rejection.

Mr. Rajesh Sheoran, informs us that even though the basis of rejection is not contained in the rejection list (Annexure P-8) but insofar as the petitioner is concerned, he has completed instructions in the matter and the rejection is on two counts.

(i) That the petitioner himself was not the owner of the

land on the date of issuance of notification under Section 4 of the Land Acquisition Act.

(ii) That the land acquired was only to the extent of 73%, whereas, the requirement is acquisition of land of at least 75%.

In any event, Mr. Rajesh Sheoran, submits that the decision has been taken by the Chief Administrator, HSVP to reconsider the claims of all the applicants, who had applied for allotment under the Oustee's category.

It is further stated that even the claim of the petitioner now would be reconsidered. Insofar as, the objection that the petitioner was not the owner of the land on the date of issuance of the notification under Section 4 of the Land Acquisition Act, the same would not come into operation, as the claims of legal heirs are also being considered.

The reconsideration now would be confined as regards the extent/percentage of land acquired.

Mr. Rajesh Sheoran, further submits that web portal of the HSVP would be open in the month of November itself. It would be open for the petitioner to apply afresh and in the eventuality of doing so, his application would be considered strictly as per law, under the various clauses of relevant oustee's policy.

The statement made by Mr. Rajesh Sheoran is accepted.

Needless to observe that the earlier rejection of the claim of the petitioner would not survive.

The HSVP would remain bound by the statement made by Mr. Rajesh Sheoran.

Writ petition is disposed of.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

16.11.2021
S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*