

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

CWP-21137-2020

Date of decision: 1.11.2021

Tejpal and others**....Petitioners****Versus****State of Haryana and others****...Respondents**

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

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

Mr. Aman Bahri, Additional Advocate General, Haryana

Mr. R.K. Sheoran, Advocate for the respondents-HSVP.

TEJINDER SINGH DHINDSA. J. (ORAL)

Petitioners who are 3 in number are aggrieved of the action of the respondents Haryana Shehari Vikas Pradikaran, Sector-6, Panchkula wherein their names figured in rejection list Annexure P-9 whereby the claim for allotment of plots under the oustees category had been rejected on the ground that only 64% land has been acquired.

Case projected on behalf of the petitioners is that such finding is perverse and the basis of rejection cannot sustain as the entire land holding of the petitioners was acquired.

We may also take note of the submission made by learned counsel that even though the rejection is on the ground that the percentage of land acquired was less than the norm of 75% but another issue that would need to be addressed is that on the date of issuance of notification under Section 4 of the Land Acquisition Act, the petitioners herein were not owners of the land. Rather they were pressing their claim for allotment of plot under the oustee category on the basis of being the legal heirs of original land owners.

Mr. Rajesh Sheoran, learned counsel representing respondent-

Haryana Shehari Vikas Pradikaran meets the submission advanced by the counsel by submitting that in either case i.e. whether the land acquired was less than the norm of 75% or the petitioners not being the land owners, a decision has been taken in principle to reconsider the matter of allotment of plot(s) under the oustee's category.

Mr. Rajesh Sheoran, learned counsel further submits that it would now be open for the petitioners to apply afresh on the web portal of the Haryana Shehari Vikas Pradikaran within period of 15 days from today.

In the eventuality of the petitioners doing so their claim for allotment under the oustee's category would be considered as per eligibility conditions under the relevant oustee's policy and by way of passing reasoned speaking order within a time frame of three months thereafter.

He further submits that by virtue of such subsequent development the order of rejection of the claim of the petitioners as reflected at Annexure P-9 would cease to operate.

Statement made by Mr. Rajesh Sheoran, learned counsel is accepted. No further directions are required to be passed.

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

01.11.2021

Vishal sharma

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