

CWP No. 2577-2020

Date of Decision: 25.05.2022

Ram Kishan

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Jai Bhagwan, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks issuance of a writ in the nature of '*certiorari*' setting aside the policy dated 11.08.2016 (copy Annexure P-2), the order dated 28.11.2016 (copy Annexure P-3) and the order dated 28.11.2018 (copy Annexure P-5),

He further seeks issuance of a writ in the nature of '*mandamus*' directing the respondents to consider the claim of the petitioner under the 'oustee quota' for allotment of a one '*kanal*' plot in pursuance to acquisition of the land of the petitioner.

The operative part of the impugned order (Annexure P-5), dated 28.11.2018, reads as follows:-

“After careful examination of the detailed facts and circumstances of the case, it has been found the land of the petitioner was acquired vide Award No.4 dated 27.07.1998 for the development of Sector 9, Bahadurgarh. The petitioner is owner of total land measuring 8 Kanal 0 Marla which fall in Khatoni

No.2758 Khasra No.136/5 of village Jhajjar. The applications for allotment of plots under oustees quota were invited by the department in year 2013. The applicant/petitioner submitted application along with 10% earnest money for a plot against the advertisement. Now he is claiming for allotment of plot under oustees quota. The claim of the petitioner is hereby decided in terms of judgment in Sandeep's case and Rajiv Manchanda's case, with the direction that the petitioner has to apply afresh under oustees policy dated 11.08.2016 and later modified on 08.05.2018 for allotment of plot under oustees quota as and when applications will be invited for the same through public notice; and if the petitioner will be found entitled for allotment of plot under Oustee's Category in lieu of his acquired land, then the claim of the petitioner will be decided accordingly as per HUDA policy prevailing at that time. Further the Estate Officer, Bahadurgarh is directed to refund the deposited amount of the petitioner as per policy and applicant/petitioner is free to get the deposited amount by submitting his Bank Account Details.”

Upon query to learned counsel for the petitioner as to the fault in the order, in terms of the ratio of the judgments referred to therein, specifically that of the Full Bench of this court in **Rajiv Manchanda and others** vs. **Haryana Urban Development Authority and another** 2018 (4) RCR (Civil) 508, he submits that no other sector has been developed after the year 2013 in Bahadurgarh, District Jhajjar, by the respondents.

Obviously, if that is so, as and when an advertisement is issued by the respondents inviting applications for allotment of plots,

the petitioner would always be at liberty to apply afresh as has already been stated in the impugned order.

The petition is disposed of with the aforesaid observations.

(AMOL RATTAN SINGH)
JUDGE

May 25, 2022
nitin

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.