

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

**CWP-4280-2022(O&M)
Date of Decision:04.03.2022**

Dharmender

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

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

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.

As per pleadings on record petitioner herein had applied for allotment of a plot under the oustee quota pursuant to land measuring 0 Bighas 9 Biswas 1 Biswansi, falling in Killa/Khasra Nos.199, 200, 201, Khewat No. 153, Khatauni No. 162 at village Haidarpur Viran, Revenue Estate of Wazirabad, District Gurugram having been acquired.

Challenge in the instant petition is to a rejection list/order dated 20.11.2020 (Annexure P-5) qua the petitioner himself at serial No.20 whereby his claim has been rejected on the ground that only 24% land was acquired.

The categoric case put forth by counsel for the petitioner is that as per relevant Oustee Policy the requirement for consideration of allotment of a plot under the oustee category was for 75% of the land of the applicant having been acquired and rather in the present case it is asserted that 100%

of the land was acquired. It is argued that the rejection of the claim of the petitioner herein for a plot under the oustee category is perverse and contrary to the record. In such regard counsel has placed reliance upon a certificate issued by the Tehsildar at Annexure P-8 dated 12.10.2020 reflecting that 100% land of the petitioner namely Dharmender stood acquired in terms of issuance of Notification under Section 4 dated 17.04.1989 and passing of the Award No.8 dated 05.07.1990.

Notice of motion.

Mr.Aman Bahri, Addl.AG, Haryana accepts notice on behalf of respondent No.1 and waives service.

Mr.Pravindra Singh Chauhan, Advocate enters appearance on behalf of respondents No.2, 3 and 4 and waives service.

Complete copies of the writ paper book already stood furnished to counsel representing the respondents.

Mr.Chauhan, counsel for the respondent-Haryana Shehri Vikas Pradhikaran (HSVP) takes a very fair stand that a decision in principle has already been taken by the Chief Administrator, HSVP, Panchkula as regards reconsideration/re-examination of the rejection list at Annexure P-5 including that of the petitioner as well. It is further submitted that the application of the petitioner will now be re-examined/reconsidered as regards allotment of a plot under the oustee quota and a final decision in regard thereto would be taken positively within a period of four weeks from today.

Statement is accepted.

Needless to observe that in the light of such stand taken on

behalf of the Pradhikaran, the rejection of the application of the petitioner as reflected at serial No.20 in the rejection list dated 20.11.2020 at Annexure P-5 would not survive.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

04.03.2022
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No