

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

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CWP No.13733 of 2020(O&M)

Date of Decision: 01.04.2022

Ramesh Chand

...Petitioner.

Versus

State of Haryana and others

....Respondents.

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

Present: Mr. Gopal Sharma, Advocate for the petitioner.

Mr. Aman Bahri, Additional A.G., Haryana
for respondent No.1-State.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabharwal, Advocate for
respondents No.2 to 4 - HSVP.

Amol Rattan Singh, J.(Oral)

By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus seeking a direction to the respondents to consider and include the application dated 29.07.2015 (Annexure P-1) and receipt of earnest money (Annexure P-2) which is stated to be lying with the respondents, for allotment of plots under the oustee policy, in the draw of lots in pursuance of the public notice, Annexure P-5. The petitioner has further prayed that respondents No.3 and 4 be restrained from holding a draw of lots without including and considering the application of the petitioner.

Learned counsel for the petitioner submits that the petitioner in fact would come within the ambit of the policy of the respondents themselves, dated 11.08.2016 (Annexure P-7); and consequently he never having been informed of any rejection of his original application made in the year 2015, he would be entitled to be considered in the draw of lots to be now held again, pursuant to an advertisement issued on 04.09.2018.

Learned counsel for the respondent-HSVP, on the other hand, submits that pursuant to the said advertisement of 2018 having been issued, the petitioner never applied in the oustee quota and therefore, other than the fact that he would be governed by the ratio of the judgment of a Full Bench of this Court in ***Rajiv Manchanda and others Vs. Haryana Urban Development Authority and another, 2018 (4) RCR (Civil) 508*** and other connected matters, even as regards the process initiated on 04.09.2018, that came under challenge before another Division Bench of this Court in a batch of writ petitions, the first of which was titled as ***Jagan Nath Batra Vs. State of Haryana and others*** (CWP No.19304 of 2020 decided on 06.12.2021), whereby it was recorded as follows:-

“...We find that there would be no occasion for this Court to examine the merits of these cases as also the challenge laid on behalf of the petitioners in view of the stand taken by Mr.Deepak Sabherwal, learned counsel representing respondent-HSVP. Mr. Sabherwal has fairly conceded that certain discrepancies and infirmities have taken place in the draw of lots as also the proceedings of the Screening Committee pursuant to the public notice dated 04.09.2018.

Accordingly a decision has been taken to scrap the entire process including the draw of lots held on 21.09.2020 as also the proceedings of the Screening Committee dated 05.09.2020 and 21.09.2020. Mr.Sabherwal would clarify that such stand is being taken in the light of a memo dated 16.08.2021 issued from the office of the Chief Administrator, HSVP, Panchkula and addressed to all the Administrators of the HSVP as also the Estate Officers.

We have been informed that now the entire process including the scrutiny of applications, draw of lots etc. would be conducted afresh and concluded within a period of three months from today.

Mr.Sabherwal would further clarify that such process of reconsideration would be confined to the applicants who had initially applied in response to the public notice dated 04.09.2018 (Annexure P-9).

In view of the above, nothing survives for adjudication in this bunch of writ petitions.

The same are disposed of.”

Very obviously, though it was on a statement made by learned counsel for the respondent-HSVP, a co-ordinate Bench had accepted that statement, to the effect that the process for reconsideration of allotment of plots to oustees, pursuant to the public notice dated 04.09.2018, would be confined to the applicants who had initially applied in response to such public notice.

That being so, if the petitioner is aggrieved in any form of that order, obviously the remedy is not by way of this petition.

Consequently, finding no merit in the petition, it is dismissed.

The petitioner naturally would be at liberty to file any application if he

wishes to as regards any modification sought in the aforesaid order, which would come up before the Bench concerned and would be obviously considered at the discretion of their Lordships.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

01.04.2022
D.Gulati

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