

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

CWP No.525 of 2023 (O&M)

Date of Decision :09.11.2023

Rani Devi

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE
HON'BLE MR.JUSTICE VIKRAM AGGARWAL, JUDGE**

**Present : Mr. Ankit Aggarwal, Advocate for
Mr. Pankaj Bali, Advocate for the petitioner.**

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Deepak Sabharwal, Advocate for respondents-HSVP.

ARUN PALLI, J. (Oral):

The petitioner herein has prayed for the following substantive relief:

“Civil Writ Petition Under Articles 226/227 of the Constitution of India, for issuance of an appropriate writ, especially in the nature of certiorari for quashing of the impugned order dated Nil (Annexure P-6) vide which the claim of the petitioner for allotment of residential plot under oustee quota has been rejected on the ground that Smt. Mam Kaur expired and as such the application no longer remains maintainable, which is totally against the principle of natural justice.

AND

It is further prayed for issuance of a writ in the nature of mandamus, directing the respondents to allot the residential plot to the petitioner as per her entitlement as an oustee, as the petitioner is the legal heir of Smt Mam Kaur as per registered Will dated 19.03.2009 (Annexure P-7), because all the formalities has already been completed by Smt. Mam Kaur and have deposited the earnest money as per policy decision issued by the State Government.”

Learned counsel for the respondents-HSVP has produced the policy instructions dated 26.10.2021 in the Court today, which is taken on record as Mark ‘X’. Accordingly, it is submitted that in terms of the policy, the petitioner is required to move a fresh application, appended therewith the necessary certificate of Tehsildar, as indicated in Clause IV of the Policy, for allotment of a site. He submits that once such an application is moved, the Zonal Committee under the Chairmanship of the Administrator shall consider the claim of the petitioner and pass appropriate orders, in accordance with law.

In response, learned counsel appearing for the petitioner submits that petitioner shall file the required application within four weeks from today. However, he submits that the authorities be directed, in case, any such application is moved, to pass the necessary orders within a specified time.

To this, learned counsel for the respondents-HSVP submits that the competent authority shall pass appropriate orders within three months from the receipt of any such application.

The petition is accordingly disposed of in terms of the statement made by learned counsel for the respective parties.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.11.2023
Manoj Bhutani

Whether speaking/reasoned Yes/No
Whether reportable Yes/No