

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.110

CWP-8644-2022 (O&M)

Date of decision : 17.07.2023

Mohini Kamboj

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Anand Dabar, Advocate and
Mr. Amit Kohar, Advocate, for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana

Ms. Vasundhra Asija, Advocate for
Mr. P.S. Chauhan, Advocate, for the respondent-HSVP.

G.S. SANDHAWALIA, J. (Oral)

The present writ petition under Article 226/227 of the Constitution of India has been filed challenging the order dated 04.05.2021 (Annexure P-11), whereby, the claim of the petitioner for allotment of the plot in the oustees quota has been rejected on the ground that case of the petitioner was never been considered or rejected by the Committee in lieu of the land acquired before 10.09.1987 as per policy dated 08.05.2018.

2. In the affidavit of the Administrator, HSVP Gurugram dated 13.03.2023, filed in pursuance to the order dated 30.05.2022, which is passed by this Court, it is admitted that the petitioner had applied for the plot in the oustees category. However, the only distinction is sought to be made

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that she applied before the Estate Officer-I, HSVP, Gurugram, whereas it should have been applied before the Estate Officer-II, HSVP, Gurugram.

3. In the said affidavit, it has further been mentioned that in pursuance of the order dated 30.05.2022, the Estate Officer-II, HSVP, Gurugram has intimated that there are 02 numbers of 01 kanal, 02 numbers of 14 marlas and 03 numbers of 10 marla category plots in Sector-31, 32-A, Gurugram as per HSVP oustee policy which had been advertized in 2018. It has further been mentioned that as per information received from the Estate Officer-II, HSVP, Gurugram at present, there are two 01 kanal plots which are preferential category bearing No. 191-P and 192-P, whereas there are 05 plots of 14 marlas available in Sector 31 and 32A, Gurugram bearing Plot Nos. 1351, 1353, 1356, 1357 & 1358. No other objections have been raised.

4. It is not disputed that the petitioner's entitlement case is not being considered on account of the Notification dated 30.01.2023, wherein it has been mentioned that plot 'P' and 'SP' shall not be allotted under the oustees category plot. It is apparent that the said order has come into force recently in January, 2023. The petitioner's case as such is pending consideration as the land was acquired in 1986.

5. Resultantly, we are of the considered opinion that the petitioner is entitled for a 01 kanal plot for which she is admittedly eligible and the said notification being prospective in nature would not curtail her per se existing right. Accordingly, needful be done and the allotment be made within a period of four weeks from the date of receipt of certified copy of this order.

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6. The writ petition is disposed of.

(G. S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

17.07.2023
Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No