

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

**CWP No.11354 of 2021 (O&M)  
Date of Decision :07.11.2023**

**Hari Chand**

**.....Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

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

**Present : Ms. Divya Jyoti, Advocate for  
Mr. Ankur Malik, Advocate for the petitioner.**

**Mr. Deepak Bhardwaj, DAG, Haryana.**

**Mr. Deepak Sabherwal, Advocate for 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 the issuance of writ in the nature of mandamus or any other appropriate writ, directing the respondents to allot a plot of 1 kanal under oustee quota, in Sector 65, Faridabad in the name of the petitioner as he had applied on a prescribed performa alongwith 10% earnest money on the demand of the respondents, as the respondents without following the proper procedure, applied pick and choose policy and allotted only 26 plots out of 683 vacant plots, to a few oustees due to favouritism and extraneous reasons.”**

Pursuant to the acquisition proceedings, initiated by the State, the land holding of the petitioner measuring 10 kanals 8 marlas was acquired for the development of Sector 58, Tehsil Ballabhgarh District Faridabad.

Learned counsel for the petitioner submits that the petitioner in terms of the policy of the State Government was entitled to the allotment of a site, and thus, moved an application for allotment of a plot measuring 1 kanals in Sector 65, Urban Estate, Faridabad. She submits that even though the authorities were served with a representation dated 26.05.2020 (P6) for consideration of his claim and despite lapse of considerable time the matter has not made any tangible progress.

Records show that notices to the respondents were issued as back as on 30.06.2021, but no response has been submitted to the petition.

Learned counsel for the respondents-HSVP, on instructions, informs that Court that claim of the petitioner was considered and rejected by the Screening Committee, on 23.05.2022. For his land was situated in Sector 58, whereas he had applied for allotment of site in Sector 65. Hence, his claim could only be considered if he had applied for allotment of plot in Sector 58 itself. Concededly, no formal order of rejection was either served upon the petitioner or is placed on record. However, learned counsel for the respondents-HSVP fairly submits that the reasons assigned by the authorities for non-consideration of the claim of the petitioner are erroneous. For, the land of the petitioner, which was situated in Sector 58, was acquired for commercial and institutional purpose, and thus, allotment of a residential site in the said sector was not feasible. Thus, he submits that claim of the petitioner needs to be reconsidered/re-examined by the Screening Committee headed by the

Administrator, Faridabad.

Accordingly, he submits that let this petition be disposed of, at this stage, to enable the competent authority to re-visit the matter in issue and pass appropriate orders in accordance with law within 8 weeks from today. He submits that before any such orders are passed the petitioner shall also be afforded an opportunity of hearing.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents. Accordingly, she submits that let the petition be disposed of in terms of the statement made by learned counsel for the respondents-HSVP.

In the wake of the position, as sketched out above, the petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties. This Court is sanguine that as undertaken by learned counsel for the respondents-HSVP, the Screening Committee shall re-examine the claim of the petitioner in the right earnest and pass the necessary orders within the period indicated above.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party as the authority shall consider and decide the matter strictly in accordance with law.

**(ARUN PALLI)**  
**JUDGE**

**(VIKRAM AGGARWAL)**  
**JUDGE**

**07.11.2023**

*Manoj Bhutani*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |