

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

**CWP No.11052 of 2022 (O&M)
Date of Decision: 21.12.2023**

Ram Niwas

.....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. B.S.Rana, Sr. Advocate with
Mr. Nayandeep Rana and Ms. Niharika Singh, Advocates
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate.

Mr. Amit Jaiswal, Advocate for respondents No.2 to 4.

ARUN PALLI, J. (Oral):

Concededly the land holding of the father of the petitioner (Chander Bhan) was acquired by the State Government for a public purpose. It is not disputed that the petitioner being an oustee, is entitled for allotment of a plot/site as per his entitlement, in terms of the Government Policy. And pursuant to the advertisement dated 23.12.2021 (R-1) the petitioner had applied, vide application dated 08.02.2022, for allotment of site/plot in Sector 3 Rohtak.

Learned counsel for the respondents submits that eligibility/entitlement of the petitioner for allotment of site/plot is not disputed. Rather, he submits that even earlier the petitioner had applied for allotment and being successful in the draw of lots was even allotted a plot No.2244-B, Sector 3, Rohtak. But for the reasons, set out in the written statement and owing to a

technical infeasibility, the process of allotment was scrapped. Therefore, pursuant to a fresh advertisement, as indicated above, he had applied again. However, in reference to the order dated 23.05.2022, passed by this Court, he submits that allotment of plot No.2244-B, Sector 3, Rohtak, allotted earlier to the petitioner, to any other person was stayed. And the said order is operative to date. But, he submits that in terms of the provisions of the policy the claim of the petitioner cannot be considered. For, Chander Bhan was succeeded by his son (Ram Niwas), daughter (Satwanti Devi) and widow (Sona Devi), therefore, and unless a no objection certificate/affidavit of the other heirs of Chander Bhan is furnished, allotment of plot/site is not feasible. Thus, he submits that if the petitioner submits the no objection certificate from the other heirs of Chander Bhan with the Competent Authority his claim for allotment shall be considered. And necessary orders in this regard shall be passed within three weeks from receipt of the No Objection Certificate.

Learned Senior counsel for the petitioner is agreeable to the course suggested by learned counsel for respondents.

He submits that the petitioner shall submit the No Objection Certificate with the competent authority within two weeks from today. However, he submits that if still for any reasons the petitioner is aggrieved, he be granted liberty to approach the Court.

In the wake of the position, as sketched out above, the petition is accordingly disposed of. This Court is sanguine that the competent authority shall consider the matter in the right earnest and pass the necessary orders within the time indicated above. As agreed by learned counsel for the parties, the interim order dated 23.05.2022, shall continue to operate till the matter is

decided by the competent authority. However, the petitioner, if still aggrieved, shall be at liberty to avail the remedy as shall be admissible in law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.12.2023
Manoj Bhutani

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