

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

(108)

**2023:PHHC:109181-DB
CWP-13882-2021
Date of Decision: 22.08.2023**

Ravinder Kumar & another

--Petitioners

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. Saurabh Dalal, Advocate for petitioners.

Mr. Deepak Sabharwal, Advocate for HSVP.

G.S. SANDHAWALIA.J (Oral)

1. In the present petition, petitioners seek quashing of order dated 17.7.2020 (Annexure P-3) and the amendment of Clause 11 dated 8.5.2018 of the Oustees Policy (Annexure P-4). Directions are also sought to allot plot to the petitioners under the Oustee Quota in the same sector.

2. In the order which is subject matter of challenge, it has been noticed by the competent authority that the allotment was for a 10 marla size plot in Sector-9/9A, Bahadurgarh against the advertisement in question. The complete documents had been examined by the competent authority and it was transpired that the land of the father of petitioner Sh. Umed comprising in Khasra No.2069(1-12), 3842/2074(0-6), 3838/2072(0-13), 3836/2072(0-14), 2062(0-5), 3840/2073(0-3), 2054(0-4), 2056(0-4) was acquired vide award No.1 dated 24.04-1998. However, in view of the order passed in CWP-3542-1998 the land measuring 580 sq. yards in Khasra No.2072 and 2073 was released from the acquisition as it was falling outside 10 meter road. Resultantly, keeping in view the clause 11 of policy dated 8.5.2018 that where an oustee whose land and/or constructed

house/factory etc. was notified under section 4 of the Land Acquisition Act was released subsequently in its entirety or a part thereof, the benefit of oustee quota plot is to be denied, was a ground, as such, to reject the case of the petitioner. The issue of release of land from acquisition from disentitlement of an oustee was discussed by the Division Bench of this court in case of *Haryana Urban Development Authority and others Vs. Sandeep and others, 2012 (67) R.C.R (Civil) 691*, wherein considering the earlier Rehabilitation and Re-settlement Policy it was held that release from acquisition would also disentitle the oustee from such a status since the object of the Policy was to rehabilitate and not to allot alternative land was the relevant factor.

3. We are of the considered opinion that since the legal question has already been answered against them, as such, for a similar policy the petitioners cannot raise any grouse against the denial of the claim as it is based on reasonable classification.

4. Resultantly, we do not find any ground to entertain the present petition and the same is accordingly, dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

22.08.2023
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(HARPREET KAUR JEEWAN)
JUDGE

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