

206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP- 29506 of 2022

Date of decision : 27.01.2023

Prem Kumari

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ajit Malik, Advocate  
for the petitioner.

Ms. Kirti Singh, D.A.G., Haryana.

Mr. Deepak Sabherwal, Advocate  
for respondents no.2 to 4.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

In pursuance to the order dated 21.12.2022, which reads as follows:-

*“The claim of the petitioner for allotment of plot under oustees quota has been rejected on the ground that the acquired land of the petitioner is less than 75% of the total land. With reference to paragraph 3 of the petition, learned counsel for the petitioner states that the entire land of the petitioner situated in both the separate revenue estates of Village Sultanpur and Fazilpur has been acquired, hence proportion given by the Screening Committee holding him ineligible is incorrect.*

*Notice of motion.*

*Ms. Tanisha Peshawaria, DAG, Haryana and Mr. Deepak Sabherwal, Advocate accept notice on behalf of respondent Nos.1 & 5 and respondent Nos.2 to 4 respectively. They pray for time to have instructions.*

*List on 27.01.2023.*

*A specific affidavit be filed in response to the averments made in paragraph 3 of the petition.”*

reply by way of affidavit of Sh. Dharendra Khadgata, IAS, Administrator, Haryana Shehri Vikas Pradhikaran (HSVP), Rohtak, has been filed on behalf of respondents No.2 to 4. The same is taken on record.

In paras 6 and 7, it has been stated as follows:-

“6. Now in the present writ petition the petitioner is claiming that her land falling in village Fazilpur Sonipat was also acquired for the development of Sector 12 Sonipat. However, in the online application the petitioner herself had claimed that her land measuring 14 Kanal 6 Marla was acquired in village Sultanpur Sonipat only. The petitioner also submitted a duly signed hard copy of her application form in the office of Estate Officer HSVP Sonipat which was received vide diary no. 6705 dated 24.12.2018 wherein again the petitioner in column no.6 submitted that her total land measuring 14 Kanal 6 Marla was acquired for Sector 3-7 and Sector 5-6 in village Sultanpur Sonipat. A copy of the same is attached as **Annexure R-1**. The Estate Officer HSVP Sonipat vide memo no. 1536 dated 26.06.2020 sought relevant documents from the petitioner for settlement of her oustees claim. In reply of the same the petitioner also submitted an affidavit duly attested on dated 25.07.2020 stating therein that her land situated within revenue estate of village Sultanpur, Sonipat was acquired by Government of Haryana. A copy of the petitioner duly attested affidavit dated 25.07.2020 is attached as **Annexure R-2**.

7. It is pertinent to mention here that nowhere in her online oustees application form, hard copy of application form and duly attested affidavit, the petitioner mentioned that her land falling in village Fazilpur Sonipat was also acquired for the development of Sector 12, Sonipat which she is now claiming in the present writ petition. Accordingly the claim of the petitioner for allotment of oustees quota plot was rightly rejected by the oustees screening committee. It is further submitted that the petitioner herself had not claimed against her land acquired in village Fazilpur for the development of Sector 12, Sonipat for the reasons best known to her and has now raised the issue only after rejection of her claim. Therefore, her claim for allotment of oustees quota plot is not entitled to be reconsidered by the oustees screening committee.”

A perusal of the above reply as has been filed, would indicate that the

non mentioning or detailing therein about the land which was acquired has led to a

decision to be taken by the respondents dis-entitling the petitioner to the allotment of a plot or treating her as an oustee.

Let the petitioner now submit details with regard to the said land within a period of six weeks before respondent no.4-Estate Officer, HSVP, Sonipat. If such documents as required and detailed in para 6 and 7 are submitted within the time as stated by the counsel for the petitioner recorded above, respondents shall proceed to decide the claim of the petitioner afresh as per the Policy dated 11.08.2016 (Annexure P-9).

In the light of the above, we dispose of the writ petition without going into the merits of the case or commenting thereon, directing respondent no.4-Estate Officer, HSVP, Sonipat, to consider and decide the claim of the petitioner within a period of six weeks from the date of receipt of documents stated above. The decision so taken be conveyed to the petitioner forthwith.

In case the petitioner is found entitled to some benefit, the benefit be released to her within a further period of four weeks.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**27.01.2023**  
*R.sharma*

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

*Whether speaking/reasoned      :*      *Yes/No.*  
*Whether reportable                :*      *Yes/No.*