

CWP No. 29731 of 20221

206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP- 29731of 2022

Date of decision : 27.01.2023

Raghbir Singh

....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, DAG., Haryana.

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

In pursuance to the order dated 22.12.2022, which reads as follows:-

“Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana and Mr. Deepak Sabherwal, Advocate accepts notice on behalf of respondents No. 1,5/State and 2 to 4-HSVP respectively.

A specific reply be filed in respect of the averments made in paragraph No.3 of the petition.

Adjourned to 27.01.2023.

To be heard alongwith CWP No. 29506-2022.”

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 his land falling in village Fazilpur Sonipat was also acquired for the development of Sector 12 Sonipat and in village Sultanpur for the

*development of Sector 5-6 Sonipat. However in the online application the petitioner himself had claimed that his land measuring 2 Kanal 14 Marla was acquired in Village Sultanpur Sonipat only. The petitioner also submitted a duly signed hard copy of his application form in the office of Estate Officer HSVP Sonipat which was received vide diary no.6702 dated 24.12.2018 wherein again the petitioner in column no.4 and 6 submitted that his total land measuring 2 Kanal 14 Marla was acquired for Sector 3-7 Sonipat in village Sultanpur. A copy of the same is attached as **Annexure R-1**. The Estate Officer HSVP Sonipat vide memo no.1542 dated 26.06.2020 sought relevant documents from the petitioner for settlement of his oustees claim. In reply of the same the petitioner also submitted an affidavit duly attested on dated 28.07.2020 stating therein that his land situated within revenue estate of village Sultanpur, Sonipat was acquired by Government of Haryana for the development of Sector 3-7 Sonipat. A copy of the petitioner duly attested affidavit dated 28.07.2020 is attached as **Annexure R-2**.*

7. It is pertinent to mention here that nowhere in his online oustees application form, hard copy of application form and duly attested affidavit, the petitioner mentioned that his land falling in village Fazilpur Sonipat was also acquired for the development of Sector 12, Sonipat and in village Sultanpur for the development of Sector 5-6 Sonipat which is he 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 himself had not claimed against his land acquired in village Fazilpur for the development of Sector 12, Sonipat and in village Sultanpur for the development of Sector 5-6 Sonipat for the reasons best known to him and has now raised the issue only after rejection of his claim. Therefore, his 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

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

Let the petitioner now submit details with regard to the said land within a period of two 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 him 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.*