

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

101

Civil Writ Petition No.37019 of 2019
Date of Decision: March 16th, 2023

Subhash Chander

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Pravindra S. Chauhan, Sr. Additional Advocate General,
Haryana.

Mr. Anil Chawla, Advocate
for respondents No.2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Having considered the claim as has been put forth by the petitioner for allotment of plot as an oustee and keeping in view the reply, which has been filed by the respondents, where it has been categorically held that earlier the father of the petitioner had applied for a plot for which an amount was also deposited, which was returned to the father of the petitioner through a cheque on 09.02.2006, which although was not encashed by him initially but subsequently he moved an application for issuance of a fresh cheque for refund of the amount. The said cheque having been issued bearing No.264302 dated 09.05.2011, which has been duly encashed by Shri Om Parkash, father of the petitioner, the claim of the petitioner cannot be accepted. Apart from that, it has been pointed out that as per the policy prevalent as also the Full Bench judgment of this Court in ***CWP No.22256 of 2016*** titled as ***Rajiv Manchanda Versus State of Haryana and others***, decided on 26.11.2017, the oustess can claim for allotment of a plot in pursuance to the advertisement which may be issued

for allotment of plot for the oustees. The advertisement was issued in the

year 2018 in pursuance of which no application has been submitted by the petitioner.

In view of the above, the claim as has been put forth by the petitioner, cannot be accepted. However, it would be open to the petitioner to apply in pursuance to an advertisement to be issued by the respondents for allotment of a plot under the oustees quota and in case such an application is moved along with the requisite fee, the same shall be considered and a decision taken thereon accordingly.

The writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 16th, 2023
Puneet

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No