

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2127 of 2024 (O&M)
Date of Decision :12.02.2024

Davinder Lather and another.....Petitioners
Versus
State of Haryana and others..... Respondents

CWP No.2227 of 2024 (O&M)

Lakha Singh.....Petitioner
Versus
State of Haryana and others..... Respondents

CWP No.2273 of 2024 (O&M)

Jagdish Singh and others.....Petitioners
Versus
State of Haryana and others..... Respondents

CWP No.2464 of 2024 (O&M)

Mohit Lather and another.....Petitioners
Versus
State of Haryana and others..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL

Present : Mr. S.P.Khatri, Advocate with
Mr. Anil Dutt and Mr. Manish Deswal, Advocates
in CWPs-2127, 2227 and 2464-2024;
Mr. P.C.Yadav, Advocate in CWP-2273-2024;
for the petitioners.

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

Mr. Deepak Sabherwal, Advocate for HSVP.

ARUN PALLI, J. (Oral):

For the issue involved in this bunch of four (04) petitions is identical, these are being disposed of, vide a common order and judgment. However, the facts are being derived from CWP-2127-2024.

The land holding of the petitioners was acquired for development of residential and commercial Sectors 9, 32 and 33, Urban Estate, Karnal. To settle the claim of the oustees, vide advertisement dated 01.11.2018, the respondents invited applications. And, out of 134 applications, that were received, 17 applicants, including the petitioners, were found eligible. Accordingly, a draw of lots was held on 07.10.2020. Petitioner No.1, being successful in the draw was found entitled for allotment of a residential plot No.824-P Sector-33, Urban Estate, Karnal. The fact that finds resonance in the communication dated 27.10.2020 (P1), issued by the Estate Officer, HSVP, Karnal. Similarly, petitioner No.2, was found entitled for allotment of a residential plot No.764-P, Sector-33, Urban Estate, Karnal.

The limited grievance that the petitioners have is: even though, a considerable time has elapsed but they have yet not been issued the letters of allotment. So much so, vide a communication dated 10.08.2023 (P5), addressed to the Administrator, HSVP, Panchkula, the Estate Officer, Karnal, had sought instructions to convey the rates at which the proposed allottees/oustees were to be allotted the plots/sites. But to no avail. Rather, another lot of 19 oustees, who have purportedly been found eligible, a fresh draw of lots is sought to be conducted in Sectors 32 and 33, Urban Estate, Karnal, and the names of the petitioners are also being included in the proposed draw.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court. And, on instructions, he submits that it was owing to wrongful rejection of the applications, submitted by a few of the oustees, who too had applied, pursuant to the same advertisement, as the petitioners, their claim are also being addressed with the petitioners by holding a fresh draw. It is submitted that decision to hold a common draw of lots for all the 36 applicants/oustees had to be taken because the 17 allottees/oustees, including the petitioners, who were successful in the draw held on 07.10.2020, were proposed to be allotted preferential sites. Whereas, per the policy dated 11.08.2016, preferential sites/plots could only be allotted by way of e-auction. He submits that but for this, names of the 17 allottees/oustees would not have been clubbed with the other 19 applicants/oustees for a fresh draw. He fairly submits that neither the eligibility nor entitlement of the petitioners for allotment of a site/plot being oustees is in doubt. However, the Screening Committee would scrutinize the documents, appended with their applications, which is only a mere formality. And to address the apprehensions of the petitioners, he submits that claim of none of the 17 oustees, including the petitioners, would be rejected, on the ground of eligibility/entitlement. Further, he submits that as the number of sites/plots available in Sectors 32 and 33, Urban Estate, Karnal, are 186, therefore, claim of all the oustees (17+19) would be duly satisfied. And, in every likelihood, they would be issued the regular letters of allotment, within two months from today.

As regards the premium/price of the proposed sites, he submits that the same would be settled, as per law, in reference to the advertisement, issued in the year 2018.

That being so, learned counsel for the petitioners, on instructions, submits that so long as their eligibility/entitlement is not in dispute for allotment of a site/plot, to settle their claims, the petitioners would be satisfied, if they are allotted fresh plots/sites, pursuant to a proposed draw. Accordingly, he submits that the petitions be disposed of in terms of the stand set out by learned counsel for the respondents and the statement made by him.

In the wake of the position, as sketched out above, we are not required to delve any further into the merits. Accordingly, the petitions are disposed of in terms of the statements made by learned counsel for the parties.

However, if the grievance of the petitioners is still not redressed and they are aggrieved on account of any action/order/decision of the authorities, needless to say, they shall be at liberty to avail such other remedies as shall be admissible in law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.02.2024
Manoj Bhutani/vcgarg

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