

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2249-2024(O&M)
Date of decision: 08.02.2024

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

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

Present: Mr. S.P. Soi, Advocate, for the petitioners.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate.
Mr. Deepak Sabherwal, Advocate,
for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

On February 2, 2024, this Court had passed the following order:

“A Certiorari is prayed for, to quash the order/memo No.86 dated 08.01.2024 (P-8), whereby claim of the petitioner for allotment of a plot/site, as an oustee, has since been declined being ineligible. Learned counsel for the petitioner submits that father of the petitioner (late S. Inderjit Singh) was the owner in possession of land situated in village Sonda, Tehsil and District Ambala. And out of his land holding, a land measuring 39 Kanal 08 marla was acquired by respondent Haryana Shehri Vikas Pradhikaran. It is not in dispute that father of the petitioner applied for allotment of a plot measuring 1 kanal in Sector-10, Urban Estate, Ambala City, vide application dated 19.12.2018. And also deposited Rs.50,000/-. However, unfortunately, he passed away on 02.06.2019.

Whereafter, the petitioner continued to pursue the matter with the authorities, but, vide impugned communication/order dated 08.01.2024 (P-8), his claim has since been rejected:-

“In compliance of Chief Administrator, HSVP, Panckhula letter No.A- Panckhula letter No.A-6-UB-2023/248463 dated 20.11.2023 2023/248463 dated 20.11.2023 upon the subject cited above.

It is intimated that you have applied It is intimated that you have applied It is intimated that you have applied for plot for plot under oustees quota vide application No. OUST0000002108 and deposited amounting to Rs.50,000/- and deposited amounting to Rs.50,000/- at the time of at the time of application. During scrutiny, you have been found ineligible for allotment of plot under oustees category. As per instructions issued vide letter under reference app instructions issued vide letter under reference application lication money deposited by you is required to be refunded to you in accordance with the HSVP policy.

You are therefore requested to send your Bank You are therefore requested to send your Bank particulars i.e. Bank Account Number, Branch and IFSC code so that refund of application money may be ref code so that refund of application money may be refunded as unded as per HSVP policy.”

Learned counsel for the petitioner asserts that, ex facie, the order indicated above is perverse, for no reason has been assigned, as to on what grounds, the petitioner was termed or held ineligible for allotment.

Served with the advance copy of the petition, Mr.

Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he fairly concedes that the order, being bereft of any reason, is unsustainable.

In the wake of the position sketched out above, we have the option to set aside the impugned communication/order dated 08.01.2024 (P-8) and require the competent authority to pass orders afresh. But, considering that claim of the petitioner has not been addressed since long and years have rolled by, and therefore, requiring the authorities to pass a fresh order would possibly lead to another round of litigation. Thus, the respondents are directed to submit a specific affidavit and clarify, as to how the petitioner was/is ineligible. And if, in terms of the policies in vogue, he was eligible and entitled for allotment, then why he was deprived of his legitimate due all this while.

Adjourned to 08.02.2024.”

In compliance to the order referred to above, the necessary affidavit of Administrator (HQ), HSVP, Panchkula, dated 08.02.2024, on behalf of respondents No.2 to 4, has been filed in Court today, which is taken on record. Copy furnished.

Learned counsel for respondents No.2 to 4 submits that in terms of the stand set out in paragraphs 13, 14 & 15 of the said affidavit, nothing substantive survives in the petition as the concerns/grievances of the petitioner would be considered and addressed.

In response, learned counsel for the petitioner submits that let this petition be disposed of, at this stage, in terms of the affidavit (**ibid**) filed on behalf of the respondents No.2 to 4.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

08.02.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO