

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5361-2021(O&M)
Date of decision: 24.01.2024

Rajpal and others
... Petitioners
Versus
Haryana Urban Development Authority and another
... Respondents

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

Present: Ms. Arunima Agashe, Advocate, for
Mr. Rohit Mittal, Advocate, for the petitioners.
Mr. Ankur Mittal, Advocate,
Mr. Arvind Seth, Advocate,
Ms. Kushaldeep Kaur, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“The Present Petition is Under Article 226 & 227 of the Constitution, Praying therein for granting the Writ of ‘Mandamus’ & or any other Writ, Direction, Order as this Hon’ble Court deems fit under the facts and circumstances & nature of the case by directing the respondents to allot the plot in oustee’s quota pursuant to the petitioner’s land having been acquired and as per the scheme of oustees the petitioner having acted upon as per instructions in the Public notice of respondent dt. 25.06.2015 (Annexure P-3) published in Dainik Jagran for Settlement of Oustees Claims Scheme of the respondent vide Memo No.UB-A-5-2016/ 46608-09 Dt 11.08.2016 annexure P-2 AND regarding which application dated 23.07.2015 for the allotment of plot under the oustees quota whereby in accordance with the

various Judgments of this Hon'ble Court and Hon'ble Supreme Court the respondent had made such notice whereafter the Petitioner deposited Rs.50,000/- along with all the requisite documents & formalities which money having been beneficially credited in the respondent account & retained till date but no allotment made as per the Public Notice and the Scheme of oustees while the respondent is bound to act upon the same by the principle of estoppel.

Hence, the Present Petition before this Hon'ble Court."

Learned counsel for the petitioners submits that land of the petitioners was acquired pursuant to notification dated 16.11.1981, issued under Section 4 of the Land Acquisition Act, 1894. Therefore, in terms of the policy of the Government, and being oustees, petitioners were entitled for allotment of a plot/site. She submits that in response to advertisement dated 25.06.2015, published in Dainik Jagran, petitioners submitted their claim for allotment, and had even deposited Rs.50,000/-. But to date neither the authorities have made any allotment nor the amount deposited by the petitioners has been refunded. As a result, she asserts, the rights/interests of the petitioners are severely marred.

Notice was issued to the respondents, and the written statement on their behalf has since been filed.

In reference to the averments set out in para 3 of the return, learned counsel for the respondents (HSVP) submits that post decision of the Full Bench of this Court in Rajiv Manchanda and others v. Haryana Urban Development Authority and another, 2018(4) RCR (Civil) 508, a fresh

advertisement, dated 04.09.2018, for allotment of plots in oustee quota, was issued in leading newspapers. And, in terms of the policies in vogue, applications were invited from the oustees to settle their respective claims. He submits that applications in this regard were required to be submitted by 17.12.2018, with all the requisite documents. Further, per condition No.4 of public notice/advertisement, if any of the allottees had already applied along with the application money, the authorities were obliged to refund the said amount along with interest @ 5.5% p.a. And, as regards his/her right for allotment, a fresh application was required to be moved in response to the said advertisement. It is stated that since the petitioners chose not to respond to advertisement dated 04.09.2018, there was no occasion for the authorities to still consider their claim.

Accordingly, learned counsel for the respondents submits that let this petition be disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances of the petitioners, as also legal notice dated 12.10.2020 (P-5), the authorities are alleged to have been served with. Further, he submits, if the amount (Rs.50,000/-), deposited by the petitioners in the year 2015, has not been refunded so far, necessary steps to disburse the same with interest, shall be taken. And, the amount would be disbursed within three weeks from today. In so far as the claim/entitlement of the petitioners for allotment of site/plot: the specific stand of the respondents is that petitioners could always apply as and when a new advertisement is issued, and their claim would be considered, in accordance with law.

Learned counsel for the petitioners is agreeable with the course suggested by learned counsel for the respondents. And submits, let this petition

be disposed of in terms of the statement made by learned counsel for the respondents.

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

24.01.2024
Rajan

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