

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4261-2019
Date of decision: 09.04.2024

Vinod KumarPetitioner
Versus
State of Haryana and othersRespondents

CWP-4267-2019

SapnaPetitioner
Versus
State of Haryana and othersRespondents

CWP-4270-2019

Raj BalaPetitioner
Versus
State of Haryana and othersRespondents

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

Present: Mr. Sanjeev Kodan, Advocate,
for the petitioner(s).

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

For, learned counsel for the parties submit that the matter in issue in all these three cases is identical, these are being disposed of by a common order and judgment. However, the facts are being derived from CWP No.4261-2019.

The petitioner has prayed for the following substantive relief:-

***“Civil Writ Petition under Articles 226/227 of the
Constitution of India for issuance of an appropriate writ***

order or direction especially in the nature of certiorari for setting aside the order dated 27.02.2018 (Annexure P-2) whereby claim of the petitioner was rejected being wrong, illegal, arbitrary and against the judgment passed by the full bench of this Court in Rajiv Manchanda and Ors. Vs. Haryana Urban Development Authorities Panchkula & Ors in CWP No. 22252/2016 decided on dated 22.11.2017 and in case LPA No.2096 of 2011 titled “Haryana Urban Development Authority & others Vs. Sandeep & others” decided on 25.04.2012.

AND

Further a writ in nature of Mandamus directing the respondents to consider the claim of the petitioner and to allot a plot to the petitioner under the Oustees quota in accordance with his entitlement as per policy dated 18.3.1992 (Annexure P-3) and further notification issued by the respondents dated 7.12.2007 (Annexure P-4) and notification dated 9.11.2010 (Annexure P-5).”

Post notice of motion, written statement on behalf of respondents No.2 to 4 has since been filed. In essence, the defence set out by the respondent authorities is that eligibility and entitlement of the petitioner for allotment of a site/plot, being a displaced person, is conceded. However, despite that, the petitioner chose not to respond to the advertisement that was issued, pursuant where to, his claim could be considered/satisfied.

In reference to clause 15 of the Policy dated 11.08.2016 (R-2), learned counsel for the respondent-HSVP submits that as and when a fresh advertisement is issued, the petitioner would be free to respond thereto and seek allotment, in terms of his entitlement. And, in that eventuality, the authorities would consider the claim of the petitioner in the right earnest and pass necessary orders, in accordance with law. Further, he submits, for the petitioner had earlier moved an application dated 21.10.2013, along with earnest money of Rs. 50,000/-, he would be free to carry out necessary formalities, to enable the authorities to refund the said amount along with interest @ 5.5% per annum, which would be

without prejudice to the rights/interest of the petitioner. For, he would always be at liberty to apply for allotment, pursuant to a fresh advertisement as and when issued.

Faced with this, learned counsel for the petitioner(s) submits that let these petitions be disposed of, in terms of the statement made by learned counsel for the respondent-HSVP.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the writ petitions are accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No