

2024:PHHC:109281



217-a **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP-1678-2023
Decided on:-23.08.2024

Manjeet Singh

....Petitioner..

VS.

Sh. Ajit Balaji Joshi (IAS), Chief Administrator
HSVP and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajit Malik, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 12 of the Contempt of Courts Act, 1971, prayer has been made for initiation of contempt proceedings against the respondents on account of alleged non-compliance of order dated 25.01.2023 passed by this Court in CWP-773-2023. The order thereof is reproduced hereunder:-

“Petitioner has approached this Court with a grievance that the competent authority i.e. the Estate Officer, HSVP, Sonapat, has wrongly rejected his claim for allotment of the plot under the oustees quota, although the petitioner has asserted that all the documents, as required, were duly submitted/uploaded online but the communication dated 24.01.2023, as has been received by learned counsel for the respondents from the Estate

Officer, HSVP, Sonapat, states as follows:-

“The petitioner Manjeet Singh and his brother Praveen Kumar submitted online application claiming that the land of their grandfather Sh. Sultan Singh was acquired for Sector 3-7 Sonipat. However the petitioner and his brother did not submit the certificate of Tehsildar regarding legal heirs of deceased land owner Sultan Singh with complete pedigree table and no objection affidavit from the legal heirs and were claiming on the basis of will dated 17.10.2013 but no copy of will was submitted online therefore their claim was rejected. Copy of the oustees screening committee proceeding is attached as Annexure-C. The recommendations of the Oustees Screening Committee was sent to the Chief Administrator HSVP Panchkula vide Administrator HSVP Rohtak office memo no. 3917 dated 14.07.2022.”

Be that as it may, in case the petitioner submits all the relevant documents, as have been referred to above, to the Estate Officer, HSVP, Sonapat-respondent No.4 within a period of two weeks from today, the same shall be considered and a decision taken thereon within a further period of six weeks thereafter. Decision so taken be conveyed to the petitioner forthwith.

In case the petitioner is found entitled for the claim of the plot under the oustees quota, his case be dealt with in accordance with the prevalent rules.

The writ petition stands disposed of accordingly.”

2. As a matter of fact, the aforesaid order was assailed by the respondents before the Hon’ble Apex Court, however, SLP came to be dismissed vide order dated 02.06.2023.

3. Learned counsel for the respondents submits that in the proceedings dated 02.06.2023 before the Oustees Screening Committee, the

petitioner even found entitled for allotment of 01 kanal under the oustees quota, however, he submits that the process of draw of lots and allotment may take some time on account of ensuing legislative assembly election.

4. I have heard learned counsel for the parties and gone through the paper book.

5. As per the record, the process of acquiring the land of the petitioner commenced in the year 1992, thereby, making him entitled for allotment of plot under the oustees category, however, the respondents have taken around 32 years to decide his entitlement qua the same, though, the application was made in the year 2012 and from that date almost 12 years has expired, still the actual allotment has not been made in their favour and during the past almost 10/12 years, the cost of construction has gone sky high. In such, circumstances, the respondents are directed to conclude the aforementioned process of carrying out draw of lots and issuance of allotment letter including the delivery of actual physical possession in favour of the petitioner after demarcation of the land from the concerned officer within a period of two months from today. In case, there is any default on the part of the respondents, considering the fact that the process is going on for the past so many years, the officer concerned shall be liable to pay a sum of Rs.2 lakhs to the petitioner from his/her own pocket.

Disposed of accordingly. Rule stands discharged.

23.08.2024
sonika

(HARKESH MANUJA)
JUDGE

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