

CWP-13754-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-13754-2024Date of decision: 31.05.2024

Jatinder Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Yamin, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 22.11.2023 (P-15), vide which, claim of the petitioner for allotment of a suitable site/plot, under the Oustees Quota, has since been rejected.

Learned counsel for the petitioner submits that land measuring 103 bigha 18 biswa, comprised in specific numbers, situated in Kasba Karnal, Tehsil and District, Karnal, owned by father of the petitioner (Sh. Dalel Singh) and his grandfather, was acquired pursuant to a notification dated 04.06.1980, issued under Section 4 of the Land Acquisition Act, 1894. In reference to the impugned order, he submits that the reasons assigned by the respondent authorities to reject the claim of the petitioner are apparently erroneous and unsustainable. For, it is indicated that since at the time of issuance of the notification (*ibid*), it was not the petitioner (Jatinder Singh), but his father (Dalel Singh), was recorded to be the owner of the acquired land, he was not entitled for allotment. Further, per the report of Tehsildar, Karnal, and LAO,



Panchkula, only 30.55% of the land of the father of the petitioner was acquired. Therefore, in terms of clause 6 and 7 of the guidelines dated 11.08.2016, claim of the petitioner could not be countenanced.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP is present in Court. At the outset, he, on instructions, fairly concedes that the observation/reason assigned by the authorities that it was the father of the petitioner, who was the owner of the land at the time of issuance of the notification (*ibid*), and, therefore, the petitioner would not be entitled to allotment, is indefensible. Further, as regards claim of the petitioner that not just 30.55%, but his entire land holding was acquired, he submits that the petitioner may furnish necessary documents in support of his claim. Accordingly, he submits that the order dated 22.11.2023 be deemed to have been recalled/withdrawn, for the competent authority shall pass fresh orders, in accordance with law. And, before any such orders are passed, petitioner shall be heard, for which, a formal communication shall be issued to him, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondent-HSVP, and submits that the petitioner shall submit the requisite documents to substantiate his claim within a period of two weeks from today. However, it is urged, for a considerable time has already elapsed, the authorities be directed to re-examine the matter and take a final decision, within a specified time.

In response, learned counsel for the respondent-HSVP submits that appropriate orders shall be passed within a period of eight weeks from today.



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

This Court is sanguine that the authorities shall look into the matter in the right earnest. And appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by learned counsel for the respondent-HSVP.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No