



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

**CWP-17757-2020(O&M)
Date of decision: 13.11.2024**

Kuldeep Singh and others

... Petitioners

Versus

Haryana Shahari Vikas Pradhikaran (HSVP) and another

... Respondents

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

Present: Mr. Narender Singh, Advocate,
for the petitioners.
Mr. Deepak Sabherwal, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

The petitioners before this Court have prayed for the following
substantive relief:

**“Civil Writ Petition under Articles 226/227 of the
Constitution of India for the issuance of an appropriate
writ, order or direction in the nature of Mandamus for a
direction tot eh respondents to consider the Applications
(P-2, P-7) filed on behalf of the petitioners, under
Oustees quota and to allot suitable oustees plots in
favour of the petitioners as per their entitlement, in view
of the oustees policy issued by HSVP from time to time
and in accordance with later part of Clause D of
Instructions dated 08.05.2018 (P-5); AND,
Further for the issuance of an appropriate writ, order or
direction in the nature of Certiorari/Mandamus for
setting aside condition No.9 of the terms and conditions
of allotment of plots under oustee category in Public**



notice (P-6), whereby the allotment under oustees category has been made non-transferable for a period of 5 years from the date of issue of allotment letter, being illegal and arbitrary and in violation of policy instructions dated 11.08.2016 (P-4) and 08.05.18 (P-5); AND

Further for the issuance of such other appropriate order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice and fair play, AND/OR

As an ad-interim measure, the respondents may kindly be directed to provisionally reserve one plot for each petitioner as per their entitlement, in view of availability of limited number of plots under the oustee category, during the pendency of the writ petition, in the interest of justice and fair play.”

Learned counsel for the petitioners submits that petitioners are the successors-in-interest of the erstwhile landowners, whose landholdings were acquired by the Government for the public purpose. Thus, being oustees, they were entitled for allotment of suitable plot(s)/site(s) as per the prevalent policy. It is submitted that pursuant to advertisement dated November 5, 2018, each of the petitioners had separately applied for allotment along with Rs.50,000/- as application money. But, their grievance is that even though the petitioners were fully eligible for consideration of their claims, yet their names were not put in the draw of lots. He submits that even though years have rolled by, their claims have not been addressed. Nor, the amount deposited by them was refunded. As a result, they continue to suffer.



In response, learned counsel for the respondents submits that dehors the stand set out in the written statement filed to the petition, the entitlement of the petitioners for allotment of suitable site(s)/plot(s) under the oustees quota is not disputed. But, for the present, their claims cannot be considered. However, he submits that during the pendency of the petition, the authorities in its 127th meeting, held on November 8, 2024, presided by the Chairman, Haryana Shehri Vikas Pradhikaran (HSVP), have taken certain vital decisions, to address all pending claims of the oustees across the State of Haryana. The matter is at the final stage and is pending approval of the Chairman. Further, once the necessary formalities are carried out, an advertisement would be issued inviting applications from the oustees. And the petitioners would be free to apply and seek allotment of suitable site(s)/plot(s). He submits that although petitioner No.3 never applied in response to the earlier advertisement issued in November, 2018, but he too would be at liberty to move the requisite application since a fresh advertisement is likely to be issued soon. As regards petitioner No.14 (Karnail Kaur), he submits that she, in any case, would not be entitled for any such allotment as only 33% of her land-holding was acquired, while for eligibility at least 75% of the total land-holding was/is to be acquired.

Further, he fairly concedes that the amount deposited by the petitioners ought to have been returned immediately after their claims were rejected. But, he is on instructions to submit that the same shall be refunded along with interest @ 5.5% p.a. from the due date. And, the requisite amount would be credited in the accounts of the petitioners on furnishing of bank details by them.



To this, learned counsel for the petitioners submits that the petitioners would furnish their bank account details to the concerned authority within a week from today. Accordingly, he submits that let the petition be disposed of in terms of the statement of learned counsel for the respondents. For the petitioners except petitioner No.14 would apply, as indicated earlier, as and when a fresh advertisement is issued by the respondent-authorities.

However, he asserts that although, for the petitioner(s) had applied for allotment of suitable plot(s)/site(s) in November, 2018 itself, they would be entitled to allotment at the rates that were prevailing at the time of submitting their applications.

In response, learned counsel for the respondents submits that let these questions be kept open to be examined, if the petitioners apply pursuant a fresh advertisement and are successful.

In the wake of the position sketched out above as also the statements of learned counsel for the parties, the petition is accordingly disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

13.11.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO