



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 15550 of 2024

Date of decision: 10.07.2024

Sheela Devi

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Rohan Moudgil, Advocate for
Mr. Anil Kumar Rana, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner prays for a direction to the respondents to allot a suitable site/plot to her under the oustees category in the Urban Estate, Hansi, District Hisar.

Learned counsel for the petitioner submits that pursuant to the sale deed dated 01.06.2004, the petitioner had acquired 3/142th share in Khasra No.476//22 (0-3 marlas) in Hansi. The said land, he submits, was acquired by the State Government vide notification dated 29.08.2005, issued under Section 4 of the Land Acquisition Act, 1984 (Act), for development of Sector 3, 5 and 6, Urban Estate, Hansi. He submits that the petitioner being the oustee had sought allotment of a suitable site/plot vide application dated 14.10.2013 (P-2) and had even deposited Rs.50,000/- as an earnest money. However, her claim was rejected by the authorities vide order dated 16.07.2014 (P-4). It is submitted that apparently the reasons assigned by the authorities to reject her claim are erroneous, for it was observed that as the petitioner had acquired the ownership/title of the acquired land post issuance



of notification under Section 4 of the Act, she was ineligible for allotment of any such site/plot.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court on behalf of the respondents-HSVP. As always, he fairly submits that the order dated 16.07.2014 is apparently indefensible, for the notification under Section 4 of the Act was issued post the petitioner had acquired title in the acquired land. However, he points out that after the order dated 16.07.2014 was passed, the petitioner moved a formal application to the authorities seeking refund of the earnest money deposits. And, the said amount was refunded to her on 30.01.2015.

Be that as it may, he submits that it was owing to an error at the end of the respondent authorities that led to the rejection of her claim. The representation dated 17.08.2014 (P-5), that is alleged to be pending consideration, shall be taken cognizance of by the competent authority. And *de hors* the refund of the earnest money, the same shall be considered in accordance with law and necessary orders thereon, shall be passed. Further, he submits that before any such orders are passed, the petitioner shall also be afforded an opportunity of hearing. And a formal communication in this regard will be issued to her, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondents-HSVP and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.



To this, learned counsel for the respondent-HSVP submits that the necessary orders in this regard shall be passed within eight weeks from today.

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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned counsel for the respondents-HSVP, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

10.07.2024
deepak

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