

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23960 of 2022 (O&M)

Date of Decision :19.01.2024

Jagdish @ Jagdish Chand

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Amit Jaiswal, Advocate for respondents No.2 and 3.

ARUN PALLI, J. (Oral):

The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India, praying for a writ in the nature of mandamus to direct the respondents to consider the claim of the petitioner for releasing land/plots of the petitioner or in alternate for allotment of plot under the Oustees Policies issued from time to time and allot a plot to the petitioner being eligible in all respects.

And/Or

Further in alternative issue necessary & proper directions to the official respondents to decide legal notice dated 04.07.2022 (Annexure P-9) within a time bound manner in view of settled principles of law as laid down in case titled as “Ghanshyam Dass Vs. State of Haryana, 1997 (2) RSJ 168 (P&H) (DB)”, in the interest of justice, equity & fair play”.

Learned counsel for the petitioner submits that pursuant to a notification, under Section 4 dated 02.03.1993, the land holding of the petitioner was acquired for a public purpose. He submits that in terms of the policy of the Government, he is entitled to allotment of a plot/site, as per his entitlement, under the said policy. And, vide legal notice dated 04.07.2022 (Annexure P-9), the respondents-authority have been served with, he asked for release of his land or in the alternative for allotment of a plot under the oustees policy. It is urged that the limited grievance of the petitioner is: that even though the matter is pending with the competent authority, no decision, so far, has been taken, qua his concerns/grievances.

Learned counsel for the respondents-HSVP, at the outset, submits that it would be expedient, if the petition is disposed of to enable the competent authority to take cognizance of the grievance of the petitioner and pass necessary orders on the representation/legal notice (ibid), the authorities are alleged to have been served with, in accordance with law.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents-HSVP. Accordingly, he submits that let this petition be disposed of in terms of the statements made by learned counsel for the parties. However, he submits that as the claim of the petitioner has not been addressed for years, the authorities be directed to decide the matter within a specified time.

To this, learned counsel for the respondents-HSVP submits that the necessary orders, as indicated above, shall be passed within three months from today and before any such orders are passed, the petitioner shall also be afforded a hearing.

In the wake of the position as 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, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondents. However, if the matter is not concluded or no order is passed within that time, the petitioner shall be at liberty to move an appropriate application in this petition itself for its restoration and necessary orders.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

19.01.2024
Manoj Bhutani

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