



CWP-26135-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26135-2024Date of decision: 14.10.2024

Bijender Rana and others

....Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Satpal Bhasin, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of certiorari for quashing of impugned order dated 31.05.2024 (Annexure P-15) passed by respondent no.6, Whereby representation regarding allotment of industrial plot to the petitioners has been dismissed.

And

Further prayer for issuance of a writ in the nature of mandamus directing respondents to consider the Petitioner's claim vide Form-6 applications dated 03.10.2023 qua the allotment of industrial plots (Annexure P-10 to P-12), alongwith other applicants which is pending before the official respondents.

And

Issuance of a writ in the nature of mandamus, directing the respondents to issue notification for allotment of industrial plots in a time bound manner and to be allotted the plots as per rate applicable to the applicants, whose applications still pending for allotment of site.”



Learned counsel for the petitioners submits that land measuring 17 bigha 8 biswa, situated in village Kundal, Tehsil Kharkhoda, District Sonapat, owned by the petitioners, was acquired by the State Government for a public purpose, i.e. construction and development of Industrial Model Township (IMT). Further, he submits that in terms of the prevalent policies, petitioners, being oustees, were entitled to allotment of a suitable site/plot. However, for, a considerable time had elapsed and their claim remained unaddressed, they were constrained to approach this Court vide CWP-27478-2023. And, as learned counsel for the parties were *ad idem* that the matter in issue was squarely covered by our order dated 08.11.2023, rendered in **CWP-25256-2023 [Randhir Khokhar Vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another]**, the said petition was disposed of, in the same terms, vide order dated 07.12.2023 (P-14). Accordingly, the matter was considered by the respondent-Corporation, and vide impugned order dated 31.05.2024 (P-15), claim of the petitioners has since been rejected on the ground: the advertisements under R&R Policy-2010, dated 09.11.2010 (P-2), for allotment of commercial/industrial plots, were published in August, 2017, (closing date 30.09.2017) and June, 2018 (closing date 30.09.2018), but the petitioners failed to apply for any such allotment. However, it was observed that as and when fresh applications are invited by the Corporation under the said Policy, the petitioners, if so advised, could apply on the then prevailing allotment rate, and their claim would be considered, subject to their eligibility etc. Thus, it is urged that albeit, the petitioners would apply for allotment, as and when a fresh advertisement is issued, but the limited grievance that the petitioners have is: the authorities, as indicated above, have observed that any such allotment in favour of the petitioners would be at the then **prevailing allotment rate**, whereas, they are entitled to allotment at the rate that was prevailing when their land was acquired. Hence, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court. At the outset, he vehemently disputes the claim of the petitioners



and submits that the argument that the petitioners would be entitled to allotment at the rate that was prevailing at the time of acquisition of their land holding, is apparently misconceived and erroneous. In this regard, he places reliance on the law laid down by the Full Bench of this Court in *Rajiv Manchanda and others Vs. Haryana Urban Development Authority, Panchkula and others (CWP-22252-2016, decided on 22.11.2017)*, particularly, question No.8 (paragraph 5). Be that as it may, he submits, for a fresh advertisement is yet to be issued by the respondent-Corporation to satisfy the claim of the oustees, the petitioners may or may not respond thereto and at any rate, the allotment, if any, would be subject to the petitioners’ satisfying the eligibility conditions, it would be futile to examine the issue as regards the cost/rates of any such allotment, in the present proceedings.

Accordingly, having argued the matter at some length, learned counsel for the parties have reached a consensus: let the petition be disposed of, to enable the petitioners to apply for allotment and, in the event, any allotment is made in their favour, they would be at liberty to rake up the issue as regards price/consideration/rate of the allotment, if so advised.

In the wake of the position sketched out above and the consensus that has been arrived at between learned counsel for the parties, the petition is, accordingly, disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.10.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No