



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28660 of 2024 (O&M)

Date of Decision :22.10.2024

Dharam Pal

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Pankaj Yadav, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for HSVP.

ARUN PALLI, J. (Oral):

The petitioner (Dharam Pal), has prayed for the following substantive relief:-

“Petition under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing respondents to consider the Petitioner rightful claim for the allotment of residential plot under Oustees Quota as per their advertisement of Oustee scheme which was made vide Memo No.Admn/A-1/2018/12249 (Annexure P-5, dated 03.09.2018) because Respondents have now declared him ineligible on 02.08.2024 on wrong and arbitrary grounds that their “Applied for Plot Size Higher than his Entitlement” whereas Respondents had themselves declared Petitioner eligible for the allotment of 10 Marla Plot in Sector-51, Gurugram vide the List issued on 24.09.2020 (Annexure P-7, dated 24.09.2020).

And/Or issue a writ in the nature of mandamus directing Respondents to allot the oustees Quota Plot on the basis of entitlement/eligibility as per Respondent’s Re-Habilitation



Policy and not to exclude the name of Petitioner from the proposed draw of plots under Oustees Quota as advertised under the 2018 Oustees Scheme (Annexure P-5, dated 03.09.2018).

And/Or issue a writ in the nature of mandamus directing Respondents not to hold any draw for Oustees pursuant to Oustee scheme (Annexure P-5, dated 03.09.2018) till the adjudication of Oustees claim of Petitioner by this Hon'ble Court."

At the outset, learned counsel for the petitioner submits that prior to the institution of this petition the petitioner had even represented to the respondents-authority vide representation dated 09.09.2024 (P13), but to no avail.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court, for the respondents. At the outset, on instructions, he submits, for the matter is under active consideration of the competent authority, it would be expedient, if the petition is disposed of, at this stage, to enable the respondents-authority to deal with the concerns/grievances of the petitioner as sought to be raised in the petition. And, pass necessary orders on the representation submitted by him, in accordance with law. He further submits that before any such orders are passed, the petitioner shall also be afforded an opportunity of hearing for which a formal communication shall be issued, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents and submits that let this petition be disposed of in terms of the statement made by him. However, it is urged that the competent authority be directed to decide the matter within a



specified time.

In response, learned counsel for the respondents submits that appropriate orders shall be passed within four weeks from today.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the respondents-authority 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.

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

22.10.2024
Manoj Bhutani

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