



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-30716-2024(O&M)
Date of decision: 09.12.2024

Bharat Singh ... 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. Vaneet Soni, Advocate, for
Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP.
...

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Petition under Article 226/227 of the Constitution of India praying for the issuance of a writ in the nature of mandamus directing the Respondents to consider the Petitioner's rightful claim for the allotment of a residential plot under the Oustees Quota, as per their advertisement for the Oustee scheme, which was issued vide Memo No. Admn/A-1/2018/12249 (Annexure P-6, dated 03.09.2018) wherein the Respondents themselves had earlier declared the Petitioner eligible for the allotment of a 14 Marla Plot in Sector-56, Gurgram as reflected in the list issued on 24.09.2020 (Annexure P-9, dated 24.09.2020).

AND/OR issue a writ in the nature of mandamus directing Respondents to maintain equity amongst the fellow Oustees who had made applications pursuant to the advertisement of the Oustee scheme which was made vide Memo No. Admn/A-1/2018/12249 (Annexure P-6, dated 03.09.2018) and allot him the plot as they have allotted to the petitioners of COCP 296 of 2021 and COCP 261 of 2022 as there is no



difference in the credentials of those who have been allotted plot under Oustee Quota and Petitioner.

AND/OR issue a writ in the nature of mandamus directing Respondents to clarify the rates of plot which are proposed to allotted to the Oustees in pursuance to their own policy (Annexure P-5, dated 08.05.2018) which categorically says that price of the plot which is to be given to allottee should be mentioned in such advertisement and same is missing in advertisement of Oustee scheme which was made vide Memo No. Admn/A-1/2018/12249 (Annexure P-6, 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 the Oustee scheme (Annexure P-6, dated 03.09.2018) till the adjudication of Oustees claim of Petitioner by this Hon'ble Court.”

Learned counsel for the petitioner submits that petitioner happened to be the erstwhile landowner, whose land-holding was acquired by the State Government for a public purpose. Thus, he was entitled to be allotted a suitable site/plot, per his entitlement under the Oustees' quota. Further, it is not in dispute that he was found eligible for such allotment. However, his claim was rejected vide communication (Annexure R-3).

Served with the advance copy of the petition, Mr. Vaneet Soni, Advocate, for the respondent-HSVP, is present in Court. At the outset, he, as always, fairly submits that although a formal reply controverting the claim of the petitioner has since been filed, it appears that the petitioner's claim was not correctly evaluated. Therefore, the matter needs to be re-examined. Accordingly, he submits that let the petition be disposed of, at this stage, to enable the competent authority to re-visit the whole issue and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, through his authorized representative, shall be heard, for which a formal communication would be issued, well in advance.

Accordingly, it is urged that the decision rejecting the petitioner’s claim be deemed to have been withdrawn/recalled.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondent-HSVP. However, he submits that the authorities be directed to take a decision within a specified time.

In response, learned counsel for the respondent(s) submits that appropriate orders shall be passed within a period of 8 weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the necessary orders within the time indicated by learned counsel for the respondent(s).

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 concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

09.12.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO