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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-6410-CWP-2025 IN/AND
CWP-35848-2019 (O&M)
Date of Decision: May 02, 2025**

Rohit Bector

.....Petitioner

versus

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Sukesh K. Jindal, Advocate and
Ms. Komal Jindal, Advocate for the petitioner.

Mr. Ankur Mittal, Additional AG Haryana with
Mr. Gaurav Bansal, DAG Haryana.

Mr. Priyavrat Parasher, Advocate and
Mr. Ravinder Kumar, Advocate
for respondents No.2 to 4 – HSVP.

SUDHIR SINGH, J.

CM-6410-CWP-2025

Application herein is for restraining the respondents from allotting plot No.51-P, Sector 34 (Part), Ambala Cantt. to any third party, during the pendency of the present appeal.

2. Instead of rendering piecemeal decision on the application vis-à-vis writ petition, it is deemed appropriate that main petition itself is heard. Accordingly, the main case is taken on Board for hearing today itself.

By way of present petition, the petitioner seeks issuance of a writ in the nature of Certiorari quashing the order dated 15.03.2019 (Annexure P-10) passed by respondent No.3, whereby, the claim of the petitioner has been disposed of with a direction to the petitioner to apply for allotment of the plot in the advertisement to be issued in the future. A further writ has been sought directing the respondents/authorities to allot plot No.51-P, Sector 34 (Part), Ambala Cantt. or any other equivalent size plot on the same price as was at the time of letter dated 30.01.2007 (Annexure P-2).

2. The facts, in brief, are that the petitioner claims to be the owner in possession of the land measuring about 4 acres situated at village Shahpur, Tehsil and District Ambala. The said land was acquired by the State government in 2003 for the purpose of development and utilization of land for residential use as well as industrial purposes. The petitioner was paid an amount of Rs.14,10,600/- as compensation. As per the policy dated 10.09.1987, the petitioner being eligible, had applied for allotment of One Kanal plot under Oustees quota by depositing 10% earnest money of the total cost of the plot. In the draw of lots held, the petitioner was allotted a plot, which was intimated to him vide letter dated 30.01.2007 (Annexure P-2) issued by respondent No.4 and the petitioner was asked to subject “No Objection Certificate” from his co-sharers. CWP-19961-2010 filed by the petitioner was disposed of on 19.07.2012 (Annexure P-5) in terms of decision rendered in **CWP-10941-2010** titled as “**Bhagwan Singh and others versus State of Haryana and others**”, decided on 26.04.2012. It is the case of the petitioner

that in terms of decision of the Full Bench in **Jarnail Singh and others versus**

State of Punjab and others, AIR 2011 P&H 1, and further the decision in **LPA-2096-2011** titled “**Haryana Urban Development Authority and others versus Sandeep and others**”, decided on **25.04.2012**, where against, the SLP was dismissed by the Hon’ble Supreme Court, the petitioner is entitled to the allotment of a plot by the respondent/authorities.

3. Learned counsel for the petitioner submits that once the petitioner was allotted plot in question, the condition of demand of “No Objection Certificate” by the respondents/authorities will not be applicable in view of the aforesaid judgment of the Full Bench of this Court and the decision in **LPA-2096-2011 (supra)**. It is further argued that the impugned order passed by respondent No.3 is not tenable in the eyes of law for the simple reason that it is not the case of the petitioner that he is yet to be allotted a plot, as noticed above. Learned counsel argues that the plot was already allotted in the year 2007. It is further argued that the aforesaid plot allotted to the petitioner has not been put to auction by the respondent/authorities till date and rightly so, as the same was allotted in favour of the petitioner.

4. On the other hand, learned State counsel as well as learned counsel for respondents No.2 to 4 – HSVP submit that no right has accrued in favour of the petitioner for allotment of the aforesaid plot on the basis of the letter dated 30.01.2007 (Annexure P-2). It is further submitted that the said plot was only earmarked, subject to the petitioner submitting “No Objection Certificate” from his co-sharers. It is further argued that as per clause 15 of the instructions dated 11.08.2016 (copy tendered in course of arguments, marked as ‘X’ for reference), an oustee is to apply for allotment of plot in fresh

advertisement. It is further argued that the petitioner has not applied afresh till date and that the total money deposited by him as against the plot in question has since been refunded to him along with interest i.e., total Rs.2,48,830/-.

5. While countering the aforesaid submission made by the learned counsels for the respondents, learned counsel for the petitioner denies having received the aforesaid amount till date.

6. We have heard learned counsel for the parties and have gone through the case file.

7. The only question that arises for consideration in the present writ petition is whether the petitioner is entitled for allotment of the aforesaid plot, which was allotted to him vide letter dated 30.01.2007 (Annexure P-2), but no further proceedings took place for want of “No Objection Certificate”.

8. Before proceeding further, it would be apposite to extract the relevant portion of the letter dated 30.01.2007 (Annexure P-2):-

“Subject:- Regarding allotment of plot No.51-P, Sector ~~32~~ 34 (Part), Ambala Cantt. (Oustees Quota).

On the aforesaid subject, you are hereby informed that under the Oustees quota in Sector 34 (Part), Ambala Cantt., plot No.51-P, Sector ~~32~~ 34 (Part) Ambala Cantt has been allotted to you through draw of lots. In this regard, you are again desired to submit the No Objection Certificate of the other co-sharers to his office within a period of 10 days from the date of issuance of this letter so that the allotment letter can be issued in your name otherwise in allotment letter the name of the other co-sharers shall be mentioned.”

9. A perusal of the aforesaid extract clearly shows that the said letter is regarding allotment of plot No.51-P, Sector 34 (Part), Ambala Cantt. (Oustees Quota). Thus, there is no force in the argument raised by learned counsels for the respondents that no plot was allotted in favour of the

petitioner. Still further it may be noticed that pursuant to the issuance of aforesaid letter, the petitioner was asked to submit “No Objection Certificate” from his co-sharers. However, after the decision of the Full Bench in **Jarnail Singh’s case (supra)**, there was no requirement to submit any such “No Objection Certificate”, and therefore, the objection taken by the respondents that allotment of the said plot cannot be said to be an allotment for want of “No Objection Certificate”, is not sustainable. Yet further, clause 15 of the instructions *ibid* relied upon by learned counsels for the respondents is only in respect of the oustees, whose applications are either pending or were rejected. The said clause reads thus:-

“15. An oustee who has made an application for allotment of plot under oustees policy on any previous occasion and said application either is pending for decision or was rejected on any ground and said rejection order was impugned before any court of law or Authority or forum of any nature and the matter has been remanded back to the Authority for fresh decision, shall be informed of the decision in Bhagwan Singh’s case and Sandeep’s case and may be advised to apply for allotment of plot in fresh advertisement which will be issued after determination of reservation and their earnest money may be refunded along with interest @ 5.5% per annum from the date of deposit till date of payment. However, where litigation is pending then the court of law or authority or forum where it is pending may be informed of the aforesaid decision and efforts may be made to get the litigation disposed off in terms specified therein.”

10. The contention of learned counsels for the respondents that the respondent/authorities have refunded the earnest money deposited by the petitioner along with interest to him, cannot be accepted for the reason that not only the petitioner had denied having received the said amount, but nothing has been placed on record by the respondent/authorities to substantiate said claim. Rather, it has not been disputed by learned counsels for the respondents that

plot in question has not yet been put to auction till date, and rightly so for the obvious reason that the same was allotted to the petitioner.

11. In view of the above, present petition is allowed. The impugned speaking order dated 15.03.2019 (Annexure P-10) is hereby quashed.

12. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

May 02, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No