

2025:PHHC:013535-DB



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-28003-2023

Reserved on: 09.01.2025

Pronounced on: 29.01.2025

GAJRAJ SINGH AND ANR.

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Lalit Rishi, Advocate with
Mr. Satwant Singh, Advocate and
Mr. Rohit Singh, Advocate
for the petitioners.

Mr. Deepak Sabherwal, Advocate
for the respondent - HSVP.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioners herein, pray for the quashing of the impugned order/letter dated 28.09.2022 (Annexure P-28), as made/issued by the Administrator (HQ), HSVP, Panchkula whereby, the allotment of oustee plot No. 2739BP, Sector 57, Gurugram to the petitioner was held illegal and further directions were issued to the Administrator, Gurugram to pass speaking order accordingly.

2. Further prayer is made for quashing of the impugned speaking order dated 12.09.2023 (Annexure P-31), as made by the

2025:PHHC:013535-DB



Administrator HSVP, Gurugram, wherebys, the petitioners were held not entitled for an oustee plot.

Factual Background and inferences of this Court.

3. Initially the land of the petitioners was acquired for development of Sector 57, Gurugram vide award No. 56 dated 21.07.2003. Thereafter, HUDA issued advertisement for allotment of plots in Sector – 57 in various categories including Oustees Quota. In pursuance to the said advertisement issued by HUDA, the petitioners vide application dated 12.03.2004, duly applied for residential plot under the oustees quota by depositing the requisite fee along with earnest money. The petitioners' application was rejected, thus on the ground that the acquired land of the petitioners was less than 75 % of the land therebys, they were ineligible to apply under the oustees quota.

4. The petitioners filed CWP-8405-2010 against the said rejection order, which was disposed of vide order dated 10.05.2010 with a direction to the respondents to decide the claim of the petitioners within three months. In compliance to the said order, respondent No. 4-Administrator HUDA rejected the claim of the petitioners by holding that the acquired land of the petitioner is 71.38 % which was less than the required 75 %.

5. Thereafter, the petitioners filed CROCP No. 3 of 2010. However, during the pendency of the said criminal contempt, the Oustees Court passed an order dated 13.05.2011 (Annexure P-4), wherebys the petitioners were declared to be eligible for allotment of 1

2025:PHHC:013535-DB



kanal plot under the Oustees quota but subject to order dated 10.12.2007 passed in Rattan Lal's case wherein **it has been held that any allotment of plot to any oustee without due advertisement in any case would be viewed seriously as the existing process without advertisement is likely to be misused.**

6. Since the supra condition as made in Annexure P-4, whereby the petitioners were to file a fresh application, for allotment against the oustee quota, thus brought grievance to the present petitioners, thereupon, the petitioners filed CWP -15754-2012. In the said writ petition, a specific plea became raised that the orders passed in Rattan Lal's case (supra) would not be applicable to the present petitioners case. The said writ petition was disposed of in terms of the verdict dated 25.04.2012 passed in LPA-2096 of 2011 titled as "Haryana Urban Development Authority and Others Vs. Sandeep and Others".

7. Feeling aggrieved, the petitioners approached the Hon'ble Apex Court through filing an SLP thereagainst. The said SLP was disposed of with liberty to the petitioners to file review petition before the High Court within 30 days. The said review petition was dismissed as withdrawn with liberty to the petitioners to avail alternative remedy as available to them in accordance with law.

8. Thereafter, the petitioners filed CWP-22403-2014 before this Court. The said writ petition was disposed of vide order 28.01.2016 with a direction to the respondents to consider the claim of the

2025:PHHC:013535-DB



petitioners for allotment of a plot under the oustees quota in accordance with law. For non compliance of the order (supra), the petitioners filed COCP No. 3245 of 2016 before this Court. The said contempt petition was disposed of vide order dated 23.07.2019 with the following observations:

“Learned counsel for the respondents has produced a letter dated 3.7.2019, same is taken on record as Mark-A. Copy given to counsel for the petitioners.

On the basis of the said letter, learned counsel for respondents submits that he has instructions to state that the mini draw of lots of one kanal available in Sector 57, Gurugram is going to be held for compliance of the order of this Court.

In view of the said statement, learned counsel for the petitioners states that no cause of action survives in pursuing the present contempt petition, however, he seeks liberty to avail remedy in accordance with law, if aggrieved of any further action of the respondents.”

9. Thereafter, the respondent-department issued letter of allotment to the petitioners vide memo No. HSVP/EO-11/2019/Astt./57/672 dated 11.12.2019 which was followed by letter of possession dated 01.10.2020.

10. Further, the present petitioners transferred the said plot to one Pawan Kumar on 13.01.2021. While seeking permission for the said transfer of plot, the respondent-Department had taken an undertaking in written from the petitioners to the effect that it is the petitioners who would be bound to pay the enhanced approved rate by

2025:PHHC:013535-DB



11. Aggrieved from the afore demand notice, the petitioners filed CWP-15639-2021, which was disposed of by this Court vide order dated 16.08.2021, with a direction to the respondents therein, to examine the grievance of the petitioners. Further, for non compliance of the afore order, the petitioner filed COCP-2503-2021. The said contempt petition became disposed of vide order dated 05.01.2023, relevant part of the said order is extracted hereinafter.

*“Learned counsel for the respondent submits that in compliance with the aforesaid order, a speaking order stood passed by the respondent, which has already been challenged by way of filing a writ petition bearing **CWP-13855-2022**, in which the petitioner is also a party. This fact is not disputed by learned counsel for the petitioner.*

In view of the same, the present petition is rendered infructuous.”

12. It is pertinent to mention here that CWP-13855-2022, wherebys demand notice(s) as raised by the Estate Officer-II, HSVP, Gurugram, have been challenged by the petitioners, **is pending before this Court for 18.02.2025.**

13. Thereafter, letter dated 28.09.2022 (Annexure P-28) has been issued by the Administrator, HSVP, Gurugram, relevant part of the said letter is extracted hereinafter.

“.... Ld. CA HSVP had ordered that allotment of plot no.2739BP, Sector 57, Gurugram was itself illegal and not as per rules position. Direction has been issued to the Administrator, Gurugram to pass speaking order accordingly and supply action taken report within 7 days.”

2025:PHHC:013535-DB



14. Further, the Administrator, HSVP, Gurugram, had passed the impugned order dated 12.09.2023 (Annexure P-31), whereby, the allotment of plot to the petitioner has been declared illegal and the Administrator HSVP, Gurugram, has further directed the Estate Office – II HSVP Gurugram, to take necessary action regarding cancellation of the said plot. The operative part of the impugned order is extracted hereinafter.

“ xxxx

4. *I have perused the report submitted by the Estate Officer-II HSVP Gurugram. As per HSVP policy, HSVP issued a public notice in September, 2018 in leading newspapers inviting applications from all oustees including those who have applied against earlier advertisement in Gurugram Urban Estate. It was made clear in the public notice that the applications so made will be considered in accordance with the policies dated 11.08.2016 and 08.05.2018 but the petitioners (Gajraj Singh etc) failed to apply therein. Since as per policy guideline, judgments of the Hon'ble High Court an advertisement was issued wherein petitioners (Gajraj Singh etc) failed to submit any application, therefore, in the totality of the circumstances the petitioner (Gajraj Singh etc) is not entitled for an oustee plot. The allotment which was made earlier was not in accordance with the HSVP policy but was quite wrong action which cannot held legal prudent in view of the cited law laid down by the Hon'ble Apex Court in case reported as 1996 AIR 520, 1996 SCC(1) 334. The Estate Office-II HSVP Gurugram is directed to take necessary action regarding cancellation of allotment of Plot No.2739BP Sector-57 Gurugram.”*

15. The imperative underlinings of the supra extracted order, is that, it is in consonance with the necessity of transparency becoming

embarked upon by the authority vis-a-vis the makings of allotments to

2025:PHHC:013535-DB



the oustee applicants. The further underlining thereof but is that, the respondents were required to issue a publication/advertisement, thus for the relevant purposes, so that responses thereto are invited, from the concerned, but though applications in the said regard becoming filed before the authority.

16. Significantly, since the present petitioners, did not respond to the said advertisement, through theirs filing an application before the competent authority. Resultantly when the supra order is well banked upon the expostulations of law, as cited therein, thereby, the omission supra on the part of the concerned, thus work as a handicap against them rather for theirs claiming allotments against the oustee quota.

17. It is apt to mention here that the petitioners have also filed COCP No. 2271 of 2022 titled as Gajraj and Others Vs. Ajit Balaji Joshi and Others against the cancellation of allotment of plot made in favour of the petitioners. The said COCP became dismissed by this Court vide order dated 03.05.2023. Further, the petitioners filed review application seeking recalling of the order dated 03.05.2023 which was also dismissed on 19.05.2023.

18. Thereafter, the petitioners assailed the afore dis-affirmative orders before the Hon'ble Apex Court through theirs filing an SLP. However, the said SLP became dismissed vide order dated 15.09.2023.

19. Now, the petitioners have filed the instant writ petition against the issuance of order/letter dated 28.09.2022 (Annexure P-28)

2025:PHHC:013535-DB



besides to the issuance of order/letter dated 12.09.2023 (Annexure P-31).

20. Since the supra cancellation of allotment made to the petitioner has been upheld by the Hon'ble Apex Court, thereby, this Court is of the firm view that there is no merit in the instant writ petition as through the instant writ petition, the petitioners are ill attempting to circumvent the binding and conclusive orders, as made by the Apex Court, whereby, became confirmed the apposite order of cancellation of plot allotted to the petitioners, and, as became recorded by the authority concerned.

Final Order of this Court.

21. In aftermath, this Court finds no merit in the writ petition and with observations above, the same is dismissed.

22. The impugned orders, as passed by the Authorities concerned are maintained and affirmed.

23. Since the main case itself has been decided, thus, all the pending application(s), if any, are disposed of as such.

(SURESHWAR THAKUR)
JUDGE

29.01.2025
kavneet singh

(VIKAS SURI)
JUDGE

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