

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6398-2017

Date of Decision: 19.2.2018

Rajbal

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Vaneet Soni, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Balyan, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the policy dated 11.8.2016 (Annexure P-4) issued by respondent No.3. Further, a writ of mandamus has been sought directing the respondents to allot a 10-Marla plot to the petitioner in Sector 12, Panipat being oustee.

2. The petitioner was owner in possession of the land measuring 1 kanal 7 marlas situated at Taraf Afghan, Tehsil and District Panipat. The said land was acquired by the Haryana Urban Development Authority (HUDA) for the development of residential sectors 11 and 12, HUDA,

Panipat. The petitioner vide letter dated 27.2.2012 requested the Land Acquisition Officer, Rohtak for issuance of certificate regarding acquisition of the land and in response thereto, vide reply dated 6.3.2012, it was informed that the land of the petitioner was acquired vide award dated 27.9.1985. The petitioner also applied for certification of acquisition of 75% land to the Tehsildar, Panipat vide application dated 24.2.2016 (Annexure P-1) which was duly certified by the concerned Patwari vide report dated 3.3.2016. Thereafter, the petitioner moved the representations dated 30.3.2016 and 12.4.2016 (Annexures P-2 and P-3, respectively) to respondent No.3 for the allotment of a plot under the oustees quota as per the policy framed by respondent No.1, but to no effect. The respondents framed a policy dated 11.8.2016 (Annexure P-4) and as per the said policy, the pending claims had been put to rest and the plots had been sought to be allotted to the illegible persons by making a condition to apply fresh. In pursuance to the said policy, the respondents had issued e-auction notice, Annexure P-5, for the allotment of the plots reserved for the oustees whose land was acquired for the development of Sectors 11 and 12, Panipat. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved the representations dated 30.3.2016 and 12.4.2016 (Annexures P-2 and P-3, respectively) to respondent No.3, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation

