

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24035 of 2014

Date of Decision: 31.3.2015

Hardeep Singh Dutta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Naveen Chopra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot to him as his land measuring 105 kanal 18 marlas, i.e. 13.14 acres (approximately) has been acquired in addition of 1½-2½ kanal of land owned by him as a co-sharer with his three sisters as they have allotted a plot under oustees quota jointly in the name of eight persons including the petitioner along with his three sisters and his four other relatives whose separate and independent land holdings have been acquired for development and carving out residential/commercial purpose in Sectors 32 and 33, Karnal. Further, a writ of mandamus has also been sought for allotment of plot against the land holdings independently owned by the petitioner and acquired by the respondents in exclusion to the land

holdings of his relatives who have an independent right for allotment of plot under the oustees quota against their chunk of land acquired by the respondents.

2. The petitioner was having independent agricultural land measuring 105 kanal 18 marlas (13.14 acres approximately) in village Budha Khera. In addition thereto, he was also co-sharer in agricultural land measuring 1.5 kanal to 2.5 kanals along with his three sisters. The total land holdings of the petitioner along with his sisters was 108 kanals (13.5 acres approximately). The said land was acquired by the Government of Haryana for the development of Sectors 32 and 33, Gurgaon vide notifications dated 2.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 24.12.2002 under Section 6 of the Act. The petitioner applied for a plot under the oustees quota in his independent capacity being the owner of 105 kanal 18 marlas but the respondents allotted a plot jointly in the name of eight persons including three sisters and four uncles of the petitioner and their relatives. The petitioner moved various representations (Annexures P-1/A, P-1/C and P-1/D) to respondent No.3 for allotment of a 500 square yard plot in lieu of his acquired land but no respondent has so far been received. 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 various representations including representation dated 28.8.2014 (Annexure P-1/D) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to

take a decision on the representation dated 20.8.2014 (Annexure P-1/D),
in accordance with law by passing a speaking order and after affording
an opportunity of hearing to the petitioner within a period of three
months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 31, 2015
gbs

(REKHA MITTAL)
JUDGE