

(2003) 07 P&H CK 0015

In the Punjab And Haryana At Chandigarh

Case No : Civil Miscellaneous No. 4722 of 2003 and Civil Writ Petition No. 16393 of 1995

Baljit Singh

APPELLANT

Vs

Haryana Urban Development Authority and Others

RESPONDENT

Date of Decision : 25-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2004) 136 PLR 578 : (2003) 4 RCR(Civil) 655

Hon'ble Judges : Viney Mittal, J

Bench : Single Bench

Advocate : R.K. Malik, for the Appellant; O.P. Sharma, for the Respondent

Final Decision : Allowed

Judgement

Viney Mittal, J.—The prayer made in the present application is to issue directions to the respondents namely, Haryana Urban Development Authority and the Estate Officer, HUDA to consider the claim of the petitioner in the light of the amended policy dated March 27, 2000.

2. Notice of the application was issued to the non-applicants.

3. Shri O.P. Sharma, Advocate has put in appearance on behalf of the non-applicants.

4. I have heard the learned counsel for the parties.

5. The petitioner was the owner of 1/3rd share in the land measuring 78 kanals 7 marlas situated in village Ugra Kheri, Tehsil and district Panipat. The said land was acquired by the respondents for development of sectors 11/12 Part-II, Urban Estate, Panipat vide order dated September 27, 1985.

6. On September 10, 1987, the Haryana Urban Development Authority issued a policy decision where it was decided that the land owners whose land had been acquired by the HUDA would be allotted the plots in the category of oustees. The

aforesaid policy decision has been appended as Annexure P1 with the main writ petition.

7. The petitioner claims that he submitted various representations for consideration of his case but no action was taken by the respondents. Accordingly, he filed a civil writ petition No. 258 of 1995. The aforesaid writ petition was disposed of by a Division Bench of this Court with a direction to the respondents to decide the representations of the petitioner.

8. Ultimately vide order dated October 26, 1995, the claim of the petitioner was rejected on the ground that the policy Annexure P1 was formulated on September 10, 1987 whereas the land was acquired on September 27, 1985. The petitioner has impugned the aforesaid decision dated October 26, 1985 appended as Annexure P7 with the present petition.

9. Now along with the present application, the petitioner has appended a new policy dated March 27, 2000. The aforesaid policy has been appended as Annexure P9 with the application. In the aforesaid new policy, it has been decided by the HUDA authorities that in view of the judgment of the High Court, even in such cases where the land was acquired prior to September 10, 1987 and the plots are still available, while floating the plots on such land, the oustees claim would be invited and they would have prior right for allotment of plots. It is claimed by the petitioner that one plot was ordered to be kept reserved for the petitioner vide order dated November 14, 1995 by the Division Bench of this Court.

10. The only claim now made by the petitioner in the present application is that since the policies Annexure P1 and P2 have been modified by the new policy dated March 27, 2000 and it has been decided to consider the cases of the oustees whose land had been acquired even prior to September 10, 1987, therefore, the claim of the petitioner was also liable to be considered.

11. Having given my thoughtful consideration to the entire matter, I find that the claim made by the petitioner is absolutely justified and is covered by the aforesaid policy Annexure P9.

12. Accordingly, the present civil miscellaneous application as well as the main writ petition are allowed. The respondents are directed to consider the claim of the petitioner in accordance with policies Annexure P1 and P2 read with policy Annexure P9. Now the process would be completed by the respondents within a period of four months from the date a certified copy of this order is received.