

(2011) 04 P&H CK 0077
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3871 of 2010

S.K. Shreevastava

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Citation : (2011) 04 P&H CK 0077

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ranjit Singh, J.—The Petitioner is aggrieved against the cancellation of allotment of residential plot bearing No. 1019-P, Sector 25, Part II, Panipat. This plot was allotted in the year 2002. It is stated that this cancellation is on account of direction issued by this Court in CWP No. 253 of 2008 dated 16.09.2009.

2. As per the Respondents, the controversy raised in the present writ petition can be disposed of in the light of direction issued by this Court while disposing of CWP No. 16162 of 2009 and some other writ petitions.

3. Infact Haryana Urban Development Authority invited applications for allotment of free hold residential plots for housing of industrial workers in Panipat. Claiming himself to be eligible in the category, the Petitioner applied for allotment of the plot. As already noticed, this plot was cancelled after inquiry held by Vigilance Bureau. One of the ground raised to challenge the order is that the orders are non-speaking and that the findings and reports of the State Vigilance Bureau were never furnished to the Petitioner.

4. It was noticed by this Court that the cancellation had been ordered only by observing that the Petitioner did not fall within the purview of the Industrial Worker and allotment is made in violation of the policy. The Petitioner has filed detailed reply disputing, not only the report of the Vigilance Bureau, but also explained his status as Industrial Worker. It is noticed that the plea raised by the

Petitioner was not properly taken note of and not dealt with. Under similar circumstances, this Court set aside the cancellation order while allowing the writ petition No. 13448 of 2009 decided on 26.08.2010 by making following observation:

The Petitioner has placed on record some documents to substantiate his claim that he is an industrial worker. From the perusal of the impugned order, it appears that the Petitioner's allotment has been cancelled on the ground of using forged documents in support of his claim. Neither the nature of documents have been indicated nor any other details are given therein. As a matter of fact, the impugned order is non-speaking one. It appears that the Petitioner's reply has not been appropriately considered while passing the impugned order.

In view of the above circumstances, this petition is allowed. Impugned order dated 1.7.2009 is hereby set aside. However, the Respondents are granted liberty to re-examine the claim of the Petitioner for allotment of Plot No. 1406 referred to hereinabove. Let the claim of the Petitioner be reconsidered. Petitioner shall be provided fresh opportunity to produce any record as he may desire to produce. On holding a fresh consideration, a fresh order may be passed within a period of three months. The Petitioners are similarly situated.

5. The Petitioner concededly is similarly situated and this fact is not disputed by the counsel for the Respondents. In view of the above, the present writ petition is also allowed. Order impugned in the present writ petition, Annexure P-9, is set aside. The Respondents shall re-examine and decide the claim of the Petitioner in accordance with the observations contained in the order reproduced above.

6. The present writ petition is, accordingly, disposed of.