

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(Civil Writ Jurisdiction)

1. The State of Haryana through Commissioner and Secretary Department of Urban Estate, Civil Secretariat, Chandigarh.
2. Land Acquisition Collector, Urban Estate, Haryana, Sec-7, Panchkula.
3. Haryana Urban Development Authority through its Chief Administrator, Sector-6, Panchkula.
4. Estate Officer, Haryana Urban Development Authority, Hisar.

Subject: Civil Writ Petition No.5706 of 2005

Rattan Lal and ors.

.....Petitioner(s)

Versus

.....Respondent(s)

State of Haryana etc.

Sir,

In continuation to this courts order dated 12.4.2005, I am directed to forward herewith a copy of order dated 10.12.2007, passed by this court in the above noted case for immediate strict compliance.

Given under my hand and the seal of this court on this 8th day of January, 2007.

**BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

-sd/-

Superintendent (Writs)
For Assistant Registrar (Writs)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.5706 of 2007

(DISTRICT HISSAR)

1. Rattan Lal son of Smt. Shanti widow of Shri Prabh Dayal, resident of House no.8/19, Sector-13, Urban Estate, Hisar.
2. Smt. Kmala Devi wife of Shri Sat Pal Saini & D/o Smt. Shanti Devi resident of NAI Basti, Rewari.
3. Smt. Bimla Devi w/o Sh. Om Parkash & D/o Smt. Shanti Devi, resident of Dhani Hanuman Ki Near Sainian Chaupal, Bhiwani.
4. Smt. Krishna Devi w/o Sh. Surinder Kumar D/o Smt. Shanti Devi C/o Surinder Karyana Store, Hanuman Gate, Bhiwani.
5. Smt. Shashi Bala W/o sh. Azad Singh and D/o Smt. Shanti Devi resident of Bhagwati Ashram Bhiwani Road, Jind C/o Bhim Singh Chaudhary, Jind.
6. Smt. Pushpa Rani w/o Ajay Kumar and D/o Smt. Shanti Devi resident of Sh. Krishan Lal Saini Lachhman Chabutra, Hansi, District, Hisar.

.....Petitioners

Versus

1. The State of Haryana through Commissioner and Secretary Department of Urban Estate, Civil Secretariat, Chandigarh.
2. Land Acquisition Collector, Urban Estate, Haryana, Sec-7, Panchkula.
3. Haryana Urban Development Authority through its Chief Administrator, Sector-6, Panchkula.
4. Estate Officer, Haryana Urban Development Authority, Hisar.

.....Respondents

Civil Writ Petition under Article 226 of the Constitution of India for the issuance of a **Writ of Certiorari** for quashing order dated 25.11.2004 (annexure P-18) issued by Estate Officer, Haryana Urban Development Authority Hissar conveying the decision dated 11.10.2004 (annexure P-17) being the proceedings of the Screening Committee and for quashing the same, for quashing the acquisition proceedings in respect of land measuring 18

marlas comprised of Khasra No.4669 in the revenue estate of Hissar upon which residential house of the petitioners allotted House No.8/19/2, Sector-13-P, Urban Estate Hisar has been constructed for quashing the show cause notice dated 14.12.2004 (Annexure P-20) issued by respondent No.3 regarding eviction of the petitioners from the land and the order dated 22.2.2005 (Annexure P-21) passed by respondent No.3 directing the ejectment of the petitioners from the land in dispute as the same are illegal and against the decision dated 2.9.1996 passed by a Division Bench of this Hon'ble Court and the policy letters framed by the respondents and for the issuance of a **Writ of Mandamus** directing the respondents to release the land of the petitioners from acquisition and to forebear from taking possession of the same or dispossessing the petitioners and their families or interfering in their possession and construction and for further directing the respondents to release residential house of the petitioners by way of allotment of residential plots for which they are entitled under the oustees policy and for the issuance of any other appropriate writ, order or direction.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No.5706 of 2005
Date of decision: 10.12.2007

Rattan Lal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Rajive Bhalla.

Present: Mr. Adarsh Jain, Advocate for the petitioners
Mr. Ashish Kapur, Addl. A.G., Haryana
Mr. Raman Gaur, Advocate

UMA NATH SINGH, J. (ORAL)

Learned counsel for the petitioners submitted that earlier the State Government used to allot plots to oustees even without advertisements. This is also his submission that out of the acquired land, six plots have been carved out and petitioner's case may be considered in terms of Annexure P-11 to this petition (as certain plots are left vacant). Annexure P-11, a letter from the administrator, HUDA, to the Director, Urban Estates Haryana, refers to such plots, which are not meant for allotment to the oustees, therefore, there is no ground for issuing a writ for allotment of vacant plots to the petitioners. Moreover, it is made clear 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.

With the aforesaid observations, the writ petition is dismissed.

10.12.2007

-sd/- Uma Nath Singh
Judge
-sd/- Rajive Bhalla
Judge