

(2011) 03 P&H CK 0512

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 21435 of 2010

Rajinder Singh

APPELLANT

Vs

State of Haryana and
Others

RESPONDENT

Date of Decision: March 29, 2011

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Judgement

Ranjit Singh, J.

The Petitioner claims that his land measuring 1 kanal 13 marla out of 11 kanal 19 marla was acquired on 17.5.1990 in Village Fazilpur, Tehsil and District Sonapat. The award was announced on 12.5.1993 and Sector 13 was carved out along with Sector 12 in the same land. Reference is made to the oustees policy dated 12.3.1993, framed by the State of Haryana. The Petitioner applied for 10 marla plot in Sector 13, Sonapat, on 1.2.2001 on the prescribed proforma along with 10% earnest money. The Petitioner was asked to come to the office of Respondent No. 4 along with proof of the ownership of the acquired land. The Petitioner had visited the office on receipt of the aforementioned letter, but no meeting was conducted. The Petitioner submitted an application on 20.7.2005 along with the proof of ownership, affidavit and consent for the allotment of plot in Sector 13 or in any other sector. The Petitioner, thereafter, received a communication rejecting his claim under the oustees quota. The Petitioner then had filed Civil Writ Petition No. 9431 of 2006, which was disposed of with the following direction:

That the Estate Officer, HUDA, Sonapat shall reconsider the claim of the Petitioner. If the Petitioners are required to deposit any earnest money, the same shall be communicated to the Petitioners and thereafter their claim shall be considered in accordance with law.

2. Still the Respondents have rejected the claim of the Petitioner on various grounds. The appeal filed by the Petitioner was rejected. The Petitioner had approached the

Chief Minister of Haryana, but no action has been taken. The Petitioner has, therefore, filed the present writ petition.

3. In response, the Respondents have raised some preliminary objections. It is pleaded that the Petitioner has made application after a gap of 10 years. It is also pointed out that the Petitioner was not the owner of the land in question. His grand mother Smt. Manohari Devi was, in fact, owner in possession of this land and she had received the compensation. The claim of the Petitioner is based on his inheritance of the land in question, which according to him has been transferred in his favour by a registered Will. The Respondents, however, would plead that the Petitioner has failed to place on record the original registered Will on the basis of which he is claiming ownership of the land. Even now the Petitioner has failed to place on record the mutation as per which he is shown the owner of this land. The Respondents have basically rejected the claim of the Petitioner on the ground that he did not apply in time when the Sector in question was carved out. As per the Respondents, the application filed in the year 1993 by Manohari Devi, if taken into account, it was also incomplete being without 10% earnest money and without relevant documents. It is also stated that the Petitioner did not submit any proof of the ownership of the acquired land in question and hence, his claim being vague was rejected.

4. Counsel for the Petitioner has made reference to certain documents to show that he had submitted an application in the year 2001 along with 10% earnest money, which fact has been seriously disputed by the Respondents in the reply filed.

5. Since the claim of the Petitioner primarily has been rejected on the ground that he has not submitted proof of his ownership and his entitlement, it would be appropriate to dispose of this writ petition with direction to the Petitioner to submit requisite proof of his ownership before the Respondents and also to the effect that he has made an application, which can be considered in accordance with law. Let the Petitioner do the needful within a period of two weeks and thereafter, the Respondents are directed to take decision within three months from the date of submission of the documents.