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## IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

## Civil Writ Petition No.10941 of 2010 & other connected matters

Date of decision: - 26.04.2012

Bhagwan Singh & others

....Petitioners

Vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE A.N. JINDAL

Present:

Mr. Naveen S. Bhardwaj, Advocate,

for the petitioners.

Ms. Palika Monga, DAG, Haryana,

for respondent No.1.

Mr. Ajay Nara, Advocate, for respondent Nos.2 & 3.

## **HEMANT GUPTA, J. (Oral)**

This order shall dispose of CWP No.10941 of 2010 and other connected petitions, list of which is appended as Annexure-A. The petitioners, as a co-sharer, are claiming right of allotment of separate plot though as per the policies framed by the respondents, one plot is to be allotted to all the co-sharers jointly.

It is contended that in terms of judgment passed by Full Bench of this Court in **Jarnail Singh & others Vs. State of Punjab & others** AIR 2011 P&H 1, the policy adopted by Haryana Urban Development Authority (for short 'the HUDA') contemplating that the co-sharers shall be given one plot jointly is not sustainable and that

each of the co-sharer is entitled for consideration for allotment of plot keeping in view his land holding.

In view of the judgment of Full Bench in **Jarnail Singh's** case (supra) dealing with the rights of the co-sharers, each of the cosharer is entitled to a plot of a size keeping in view his land holding. The rights of the oustees for allotment of a plot has been discussed by this Court in LPA No.2096 of 2011 titled "Haryana Urban Development Authority & others Vs. Sandeep & others" decided on 25.04.2012.

Consequently, the present petition as well as other connected petitions stand disposed of with a direction to the respondents to consider the claim of each of the co-sharer for allotment of a plot keeping in view his holding and in accordance with the principles of law laid down in Sandeep's case (supra).

> (HEMANT GUPTA) JUDGE

26.04.2012

Vimal

(A.N. JINDAL) **JUDGE**