

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

CWP NO. 21622 OF 2016

Matu Ram & Ors.

Petitioner

Versus

State of Haryana & Others

Respondents

Written Statement on behalf of  
respondent no 2 to 4 through  
Jagdeep Dhanda, Estate Officer,  
HUDA, Panchkula on behalf of  
respondents.

**Respectfully Showeth**

**Preliminary Submissions**

1. That the present writ petition has been filed with the prayer to issue directions to the respondents to allot the plot to them in view of the policy dated 18.03.1992 and with the further prayer to quash the impugned public notice dated 10.09.2016 (Annexure-P-13).
2. That at the outset it is submitted that the petitioners have not come to the court with clean hands and have suppressed true and complete facts of the case.
3. That the petitioner No. 1 to 3 have filed the present petition claiming that their land was acquired for development of Sectors-12, 12-A, 14, Industrial Area Phase-I and petitioner No. 4 has stated that his land was acquired for development of Sector-4 and 11, Panchkula. The petitioners have alleged that the respondents have not allotted them the plots. The petitioners have made

wrong and baseless allegations of non allotment of plot and harassment.

4. The petitioners have not placed on record any document comprising jamabandi, detail of khasra nos., detail of applications as such the present petition is completely vague.
5. That the present petition is also an abuse of the process of law as is apparent from the following facts:-

- a. The petitioner No. 3 Mr. Manish Rahlan has filed the present petition claiming himself to be the legal heir of Inder Ram without even disclosing as to on what basis he is the legal heir. No relationship proof has been produced on record. It is not a coincidence that Sh. Manish Rahlan is the legal heir of another person claiming as an oustees. There is a living example of his being the alleged legal heir of another oustees namely Sh. Piara Ram. Sh. Manish Rahlan has earlier applied for allotment of a one kanal plot in Sector-27, Panchkula under the oustees quota on the basis of the alleged WILL. A copy of the application is attached as **Annexure R-1**. He has also been involved in the litigation initiated in respect of the Plot No. 174, Sector-26, Panchkula. Mr. Manish Rahlan being aggrieved by the judgement and decree dated 4.3.2015 passed by the court of Sh. Ajay Kumar, Civil Judge Junior Division, Panchkula in Civil Suit No. 2730 of 2013 has filed a civil appeal No. 155 of 2015 which is pending. Copy of judgement and decree dated 4.3.2015 is attached as **Annexure R-2**. This only proves that the petitioner no. 3 is involved in business of buying oustees claims and has got filed the present petition. This in itself is sufficient to merit dismissal of the writ petition.

b. That a CWP No. 15002 of 2012 was filed by Sh. Ram Singh S/o Sh. Ratna R/o Village- Haripur Sector-4, Panchkula seeking allotment of a plot under oustees policy. The said writ petition was disposed of by this Hon'ble Court vide order dated 7.8.2012 in terms of the judgment dated 25.4.2012 passed in LPA No. 2096 of 2011 titled as HUDA and Ors. Vs Sandeep and Ors. A copy of the order is attached as **Annexure R-3**. The petitioner No. 4 in the present petition appears to be the same person who has filed the aforesaid writ petition. Since this fact is not disclosed in the present writ petition, therefore, the petitioner No. 4 may be put to strict proof thereof. He has also filed another writ petition No. 24402 of 2016 which is also pending for 19.04.2017.

6. That with a view to allot the plots to the land owners whose land has been acquired for development purposes, the Haryana Urban Development Authority formulated a policy dated 10.9.1987 providing for the various terms and conditions for claiming such allotment. This policy has been modified from time to time such as on 9.5.1990, 18.3.1992, 12.3.1993, 28.8.1998, 8.12.2003, 07.12.2007, 09.11.2010 etc. Under the oustees policy the respondents HUDA have been issuing advertisements from time to time inviting claims from the oustees as well as from the general public either separately or jointly. The oustees claim used to be settled in priority to the claims of the general public.
7. That the petitioners though have alleged that they have not been allotted the plot however, in the entire writ petition, they have failed to substantiate as to when they have applied under the oustees policy against the advertisement. The petitioners have stated that their land was acquired for various sectors and in this

regard it is respectfully submitted that the respondent HUDA has invited the claims in these sectors as under: -

Sr. No.	Sector	Year of invitation
1	11	2000
2	12	2000
3	12	2003
4	12-A	2003
5	4	2016
6	12	2016

Sector 14 and Industrial Area are non-residential sectors.

***The petitioners have not applied under the advertisement with earnest money*** as such they have no right for consideration of claim. In **Savitri Devi Vs. State of Haryana & others 1996 (3) PLR 644**, the Hon'ble Supreme Court has held that an oustee is entitled for allotment of a plot on fulfillment of conditions and subject to the guidelines laid down in the policies. Since, the conditions of policy are not fulfilled by them as such they are not entitled to any allotment.

8. That the petitioners have tried to portrayed as if the respondents HUDA had denied the allotment of plot to the land owners. This false impression has been created only to mislead the Hon'ble Court. The Hon'ble Court may kindly consider the following tentative data which has been prepared to show that respondent HUDA has been inviting claims for allotment of plot to the oustees in Panchkula Urban Estate from time to time.

<b>Sr. No.</b>	<b>Sector</b>	<b>Year of inviting application of oustees</b>
1	21	1997, 2000, 2003, 2016
2	25 to 28	2003, 2006, 2001, 1992, 1996, 2009
3	2 MDC and 6 MDC	2004, 2012,
4	4 MDC	2003, 2016,
5	17	2003
6	23	2003
7	15	2001
8	31	2006
9	30 (Pinjore Kalka Urban Complex)	2013

9. That oustees claims have been invited in various urban estates of HUDA in the entire Haryana State from time to time. Therefore, the respondents deny all the allegations of the petitioners which have been made in this regard.
10. That HUDA filed LPA against the judgment dated 16.05.2011 passed in **CWP No. 19927 of 2009 titled as Sandeep vs State of Haryana & Others.** This LPA bearing LPA No. 2096 of 2011 titled as HUDA and Ors. Vs. Sandeep and Ors. considered the oustees policies applicable to HUDA as well as the judgments of the various courts of law and after hearing, a detailed judgment dated 25.04.2012 has been passed by this Hon'ble Court disposing

of LPA and a bunch of CWPs pertaining to claims of oustees. This Hon'ble Court issued the following directions:

- i) Date of notification U/s 4 of the Land Acquisition Act, 1894 is relevant to determine the eligibility of a land owner for allotment of a residential plot, even if the acquisition is for the purposes of commercial, industrial or institutional.**
- ii) Entitlement of the size of the plot and the procedure for allotment shall be as on the date of allotment in pursuance of an advertisement issued inviting applications from the oustees.**
- iii) HUDA or such other authority can reserve plots upto 50% of the total plots available for all reserved categories including that of oustees. As to what extent there would be reservation for the oustees, is required to be decided by the State Govt. and /or by HUDA or any other authority, who is entitled to acquire land.**
- iv) Ousteers are entitled to apply for allotment of plot along with earnest money in pursuance of public advertisement issued may be inviting application from the general public and the oustees through one advertisement. If an oustee is not successful, he/she can apply again and again till such time, the plots are available for the oustees in the sector for which land was acquired for residential/commercial purposes or in the adjoining sector, if the land was acquired for institutional and industrial purposes etc. The plots to the oustees shall be allotted only**

by public advertisement and not on basis of any application submitted by an oustee.

- v) The price to be charged from an allottee shall be the price mentioned in the public advertisement in pursuance of which, the plot is allotted and not when sector is floated for sale for the first time.
- vi) The State Govt. or the acquiring authority shall not advertise any residential plot for sale without conducting an exercise in respect of plots earmarked for reserved categories and after identification of the plots available for the oustees in each sector. Thereafter the State Govt. or the acquiring authority shall publish an advertisement inviting applications from such oustees to apply for allotment of plots in accordance with law.
- vii) If in any sector more than 50% plots have been allotted by way of reservation including to the oustees, then such allotment shall not be cancelled or reviewed in view of judgment of this court.

11. That the *ibid* judgment in Sandeep's case was impugned by HUDA in SLP No. 27256 of 2012 and by various claimants in different SLPs. This SLP of HUDA has been dismissed by the Hon'ble Supreme Court vide its order dated 06.03.2014 and other SLPs have been dismissed through different orders.
12. That it is pertinent to state that another **CWP No. 10941 of 2010 titled as Bhagwan Singh & Others vs State of Haryana & Others** has been disposed of by the Hon'ble Division bench of this court on 26.04.2012. In this case, issue of considering the

right of a co-sharer on basis of individual holding was considered. The Hon'ble Division bench considered the judgment of full bench of this Hon'ble Court in CWP No. 2575 of 2009 titled as Jarnail Singh vs State of Punjab & Others. ***This writ petition was disposed of with a direction to consider the claim of each 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).

13. That the ibid order was impugned by HUDA in SLP No. 13375-83 of 2013 titled as HUDA vs Bhagwan Singh & Others. The Hon'ble Supreme court was pleased to stay vide its order dated 22.03.2013, operation of the order passed in writ petition. However, the SLP filed by HUDA has been dismissed by the Hon'ble Supreme Court vide its order dated 24.11.2015. This Hon'ble Court in CWP No 6684 of 2014 and connected matters after the dismissal of the above mentioned matter held that the claim of the co owners whose claims had been rejected had to be reconsidered in terms of the above mentioned decision.
14. That in Sandeep's case (supra), one of issue decided was that oustees is a distinct category and is entitled to a quota. Thus, direction was issued to provide reservation for oustees. In compliance thereto, **the Chief Administrator, HUDA issued instruction dated 04.12.2015 determining reservation for oustees as 12% where plots are of size of above 8 Marla size and 10% where size of the plots is upto 8 marla size. A copy of the policy dated 04.12.2015 is attached as Annexure R-4.**
15. That in view of the fact that SLPs filed by HUDA in Sandeep and Bhagwan Singh's cases (supra) were dismissed on 06.03.2014 and



24.11.2015 respectively, **a comprehensive guidelines providing for terms and conditions for settlement of oustees claims has also been issued on 11.08.2016.** A copy of the guidelines dated 11.08.2016 is already on record, however, copy of the guidelines is being placed on record as **Annexure R-5.**

16. That it is also pertinent to state that a proposal to auction the left over residential plots kept for last 10 years was mooted with intent to bring more revenue. Accordingly, the instruction to that effect was issued on 05.07.2016. The matter was placed before the Authority vide agenda item no. 111<sup>th</sup> (11) in its meeting held on 27.07.2016. The Authority granted its ex-post facto approval to it subject to condition that such plots shall not be disposed off on usual terms and conditions application to auction of commercial sites as circulated on 31.05.2006 and that the terms and conditions for such auction will be issued separately. Accordingly, the instruction to that effect was issued on 11.08.2016. That however, while issuing this instruction, care has been taken by ensuring that plots for oustees on basis of reservation may be deducted and remaining plots are auctioned.
17. That the **first clause of the guidelines dated 11.08.2016 lays down that an oustee shall have to submit an application for allotment of plot under the oustees quota along with earnest money in pursuance of advertisement inviting claims for such allotment.** It is humbly submitted that the clause merely reiterates what is laid down in the earlier policies and has been upheld by this Hon'ble Court. It is submitted that the onus to apply for allotment was on the land owner. ***The policy dated 12.03.1993, Annexure A, Clause (iv) reads as under:***

***"The onus to file the claims under oustees policy shall rest with the claimants and Estate Officer concerned will publish a public notice through press/newspaper possession of the land. However, the record of LAO/s officer will be consulted for verification of these claims by a Screening Committee, constituted for the purpose."***

In **Shri Radhe Sham Sood And Ors. vs The Improvement Trust And Ors. (1993) 105 PLR 437**, Hon'ble High Court vide judgment dated 02.11.1993 held that the applications had been invited from all displaced persons for the allotment of alternative sites and it was open to the appellants to apply within the stipulated time. They did not submit any such application.

A division bench of this Hon'ble Court in the case of **Bhagwanti v HUDA 2002 4 RCR 21 (DB)** wherein, in similar circumstances, without applying in terms of the advertisement, a direction was sought for allotment of plot, this Hon'ble court was pleased to hold that without showing that petitioners were rendered shelterless, no right accrued under oustee scheme. It further held that applications had to be submitted on or before 12.01.1993. The petitioners had failed to make the applications. In fact the application was submitted for the first time on 28.11.1996. The authority is not expected to wait for more than 4 years for an oustee to apply at his/her convenience and then proceed to make allotment to others. A fair opportunity was granted to all concerned to apply. The petitioners and their predecessors in interest failed to avail of that opportunity."

That this Hon'ble Court in **CWP No. 392 of 2012 titled as Bhai Ram vs HUDA** vide judgment dated 06.01.2012

was pleased to hold that in view of fact that the *petitioner had not applied for allotment of plot in terms of the advertisement and did not deposit the earnest money, therefore, he has no right for allotment of plot as an oustee in said advertisement and granted liberty to the petitioner to apply as and when advertisement is issued and plots for oustees are reserved.*

That Hon'ble Division bench of this court in **LPA No. 2096 of 2011 HUDA & Ors vs Sandeep & Ors** issued direction No. 4 as under:-

"The oustees are entitled to apply the allotment of plot alongwith earnest money in pursuance of public advertisement issued may be inviting applications from the general and the oustees through one advertisement If an oustee is not successful, he/she can apply again and again till such time, the plots are available for the oustees in the sector for which land was acquired. **The plots to the oustees shall be allotted only by public advertisement and not on the basis of any application submitted by an oustee.**"

This Hon'ble Court in **CWP No. 22143 of 2013 titled as Amrik Singh vs HUDA** vide its judgment dated 19.09.2014 held that since the petitioner has not applied for allotment of a plot in response to the advertisements published from time to time, his claim as an oustee cannot be considered against the advertisements already issued. However, as and when any fresh advertisement is issued, the petitioner shall be entitled to apply and be considered for allotment of a plot.

It is further submitted that the **first policy was issued by HUDA on 10.9.1987 and it was provided that oustees will have to pay for these plots at the normal**

**allotment rate of HUDA. The policy was amended on 9.5.1990 and clause No. 6 of the policy reads as under:-**

**"Allotment of plots to the oustees will be made at the normal sector rate of HUDA."**

**The policy was further amended on 18.3.1992 and even this policy lays down the following clause:-**

**"Allotment of plots to the oustees will be made at the allotment rates advertised by the Haryana Urban Development Authority for that sector. Land owners will be given compensation for their land which is acquired."**

Therefore, it is apparently clear from the *ibid* terms of the policies that **oustees were to be allotted plots at the same rate as is charged from general public**. However, a 20 % rebate on nodal price of the plot charged from the general public was allowed in the notification dated 09.11.2010. However, now only one rate of allotment will be charged.

It is further submitted that as per instruction dated 28.04.2008 where the land has been acquired on or after 05.03.2005, only a token amount of Rs 50,000/- was asked to be deposited by the applicants.

The rates for allotment of plots are determined on the basis of the policy/ instructions of HUDA. As per this policy the rates are revised every year. Therefore, the petitioners cannot be allowed to dispute the rate fixed for the allotment of plot.

It is further submitted that the petitioners have not exemplified their allegations vis-à-vis the ground realities and situations prevalent as on today.

This Hon'ble Court has the occasion to deal with the situation of rate of allotment of plot in **CWP No. 13548 of 2001 titled as Bhag Singh & Others vs HUDA. Hon'ble Division bench considered the policy of HUDA and observed that oustee would have to pay the prevalent rate which has been fixed for allotment of the left over plots.**

Hon'ble Court further held in ibid CWP that the petitioners have no legal right to claim allotment of the plots on the price prevalent in the year 1987. Allotting of plots on the said price will rather amount to giving undue benefits to the petitioners.

That on the issue as to what price is to be charged from oustees in lieu of allotted plots, the matter has been considered in detail in LPA No. 2096 of 2011 titled as HUDA & Ors. vs Sandeep & Ors. wherein the oustees policy applicable to HUDA has been considered and analyzed in detail. The Hon'ble Division bench formulated question no. 8 as under:

**What price could be charged from an allottee i.e. price prevailing on the date the allotment or when the Sector is floated first?**

While answering this question, the Hon'ble Court held that the normal allotment rate would be the rate advertised by the HUDA in pursuance of which applications are invited from the general public and the oustees, in pursuance of which the plots are allotted.

After answering the question in above terms, this Hon'ble Court was pleased to issue the following direction no. (v):

**"The price to be charged from an allottee shall be the price mentioned in the public advertisement in pursuance of which, the plot is allotted and not when sector is floated for sale for the first time."**

This Hon'ble Court in CWP No. 25137 of 2014 titled as Avtar Kaur & Others vs State of Punjab & Another vide its judgment dated 09.12.2014 held that the condition that allotment of plot to the oustees shall be made at the current collector rate, is in fact, in accordance with the law as laid down in Sandeep's case.

This Hon'ble Court in **CWP No. 9969 of 2013 titled as Raghbir Singh vs HUDA** had another occasion to consider the price to be charged for such allotment. In this writ petition, challenge was made to the rate of Rs. 10,714/- per sq. mtr. in respect of plot measuring 450 sq. mtr. allotted to the petitioner on 14.3.2012. The petitioner therein sought intervention of this Court to charge rate at the rate of Rs. 6,600/- per sq. mtr. and not to recover the amount over and above the said rate. In this petition, CWP was allowed in the year 2011 with direction to allot the plot and thereafter contempt petition was filed. *The Hon'ble Division Bench of the High Court considered the judgment in Sandeep's case (supra) and held that the price mentioned in the letter of allotment, prevailing at the time of allotment cannot be said to be illegal or unjustified.*

It is further submitted that the law is well settled that policy making is an executive function and is in domain of the authority. Therefore, the petitioners are stopped from disputing the rate of allotment of plot.

The condition no. 1 is in consonance with Regulation-5 of Haryana Urban Development (Disposal of Land & Buildings) Regulations 1978. Relevant portion of Regulation 5 is re-produced as under:

- (1) In the case of sale or lease of residential and industrial land or building by allotment the intending purchaser shall make an application to the Estate Officer concerned in the prescribed form (annexed to these regulations) as given in forms 'A' and 'B' respectively.
- (2) No application under sub-regulation (1) shall be valid unless it is accompanied by such amount as may be determined by the Authority, which shall not be less than ten per cent of the price/ premium in the form of a demand draft payable to the Estate Officer, and drawn on any schedule bank situated at the local place of the Estate Officer concerned or any other such place as the Estate Officer may specify.
- (3) In case of residential plot/ building, when the application has been so tendered, the Estate Officer or such other officer as may

be empowered, shall subject to such directions as may be issued by the Authority in this behalf consider the applicant for allotment of a plot or building of the size applied for. The allotment may be of first come first served basis or by draw of lots, as may be determined by the Authority and the successful applicant shall be sent allotment letter in form 'C' or 'CI' by registered post; provided that for the purpose of proper planning and development of an urban estate, land or building may be reserved for groups or individuals or for persons practicing any profession or carrying on any occupation, trade or business or for such other category of persons, Government departments and institutions, charitable institutions and other organizations of public welfare, as may be decided by the Authority from time to time.

Therefore, the condition no. 1 of the guidelines dated 11.08.2016 is absolutely legal and fully justified.

18. That condition no. 2 of the guidelines dated 11.8.2016 provides that **an oustee shall be entitled to seek allotment of plot in the same sector for which land has been acquired for residential/ commercial purpose. However, where the land has only been acquired for any non-residential purpose such as industrial, institutional, group housing sites,**



**completely commercial sector etc., then such an oustee shall be entitled to seek allotment of plot in the adjoining sector. Adjoining sector for this purpose shall mean the sector with boundaries abutting to the said sector. Where there are more than one sectors adjoining to the sector for which land has been acquired, in that case, an oustee shall be entitled to make an application in any one sector of his choice. However, where any such application is made in more than one sector then only his one application in any such sector at the discretion of the HUDA Authority shall be considered and earnest money in respect of other applications shall automatically stand forfeited and no claim for such forfeiture shall lie in future.**

It is pertinent to state that oustees **policy dated 12.03.1993 makes it clear that "The allotment of plots under oustees policy be restricted to the claimants within the sector for which the land has been/ is being acquired."**

However, HUDA vide instruction dated 28.08.1998, provided that where the land of a land owner has been acquired for non-residential purposes such as industrial, group housing societies, institutional, then his claim may be considered in the next sector. This instruction was applicable prospectively.

However, qua the oustees whose land has been acquired prior to 10.09.1987, right of consideration for allotment under oustees policy was provided for in the instruction dated 27.03.2000.

These policies have been discussed in detail in **Sandeep's case** (supra) and direction no. 4 was issued to the following effect:

**“Oustees are entitled to apply for allotment of plot along with earnest money in pursuance of public advertisement issued may be inviting application from the general public and the oustees through one advertisement. If an oustee is not successful, he/she can apply again and again till such time, the plots are available for the oustees in the sector for which land was acquired for residential/ commercial purposes or in the adjoining sector, if the land was acquired for institutional and industrial purposes etc. The plots to the oustees shall be allotted only by public advertisement and not on basis of any application submitted by an oustee.”**

Therefore, the land owner has now the right to apply in adjoining sector irrespective of date of acquisition of his land. Therefore, this condition is beneficial to the land owners.

19. That the condition no. 3 of the guidelines dated 11.08.2016 provides that **the application of an oustee shall be considered against the plots determined under oustees quota as per the instruction issued vide memo no. UB-A-6-2016/2213 dated 04.12.2015. The percentage of plots shall be determined on basis of total available plots advertised.**

In this regard, attention of the Hon'ble Court is invited to the direction issued by this Hon'ble Court in Sandeep's case as under:

- i) **HUDA or such other authority can reserve plots upto 50% of the total plots available for all reserved categories including that of oustees.** As to what extent there would be reservation for the oustees, is required to be decided by the State Govt.

and /or by HUDA or any other authority, who is entitled to acquire land.

- ii) The State Govt. or the acquiring authority shall not advertise any residential plot for sale without conducting an exercise in respect of plots earmarked for reserved categories and after identification of the plots available for the oustees in each sector. Thereafter the State Govt. or the acquiring authority shall publish an advertisement inviting applications from such oustees to apply for allotment of plots in accordance with law.

The ibid directions were challenged in SLP No. 27256 of 2012 by HUDA, however, SLP was dismissed by the Hon'ble Supreme Court on 06.03.2014.

Therefore, the policy of HUDA providing for reservation in the matter of allotment of residential plots had to be modified. **Resultantly, the oustees were treated as reserved category and reservation has been provided to the extent of 10 % for plots upto 8 marla size and 12 % for plots of above 8 marla category.** The necessary instruction to that effect was issued on 04.12.2015 by the HUDA.

It is humbly submitted that the direction ibid in Sandeep's case was issued in pursuant to the full bench judgment of this Hon'ble Court in Jarnail Singh vs State of Punjab & Others. While deciding the issue of reservation, the Hon'ble Court observed that it is on record, as mentioned by Shri D.V. Sharma Senior Advocate in the written note, that 46% of plots are reserved for different categories and if all the oustees, who are

eligible as per the eligibility conditions, are allotted independent plots, then there may not be any plots left for the general public. The acquisition of land is not for settling the land owners, whose land has been acquired. The public purpose generally is for development of residential and commercial area. Said public purpose would be defeated if all the plots to be carved out after acquisition are reserved for one or the other category.

Hon'ble Full Bench after discussing the various judgments on the subject was pleased to issue following among other directions:

- i. However, the oustees, as a class in themselves, would be entitled to reservation of plots to such an extent as the State Government may deem appropriate;
- ii. That the State Government shall be at liberty to reframe policy for reservation of plots to constitutionally permissible classes and within limit of 50% of plots;

In Sandeep's case (supra), Hon'ble High Court framed the following question of law:

**Question No.2.** Whether the policy of allotment of plot to an oustee, a distinct and separate category, is exception to Article 14 of the Constitution of India and whether, there can be any upper limit for allotment of plots to such category?

Answering the aforesaid question, the Hon'ble Division Bench held that

**"In view of the aforesaid decisions and the fact that none of the learned counsel for the parties disputed such principle of law in respect of upper**

**limit on reservations, the plots for the oustees including all other constitutionally permissible classes of reservation cannot exceed 50%.”**

Since, the earlier allotments made beyond the 50 % cap has been saved by virtue of direction no. (vii) in Sandeep’s case as reproduced hereinabove, therefore, the allotment of plots had to be restricted to the extent of reservation provided for it in the policy dated 04.12.2015 within the overall cap of 50 % reservation, which is to be provided on the plots advertised for allotment as per aforesaid policies. Since there are different sizes of plots carved out in different sectors from time to time and therefore on account of reservation, a situation may arise that in some size of plots, there may be no plot available for oustees, which may be considered tough for the oustees but has to be accepted in view of the law laid down by Full Bench of this Hon’ble Court followed by the Hon’ble Division bench of this court.

20. That in respect to condition no. 4 of guidelines dated 11.08.2016 **that an oustee shall have the right to make such application only till the plots are available for oustees in the sector as per condition no. 2 and 3 of the guidelines.** It is stated that this right of consideration for oustees is always restricted subject to availability of the plots. There arose number of cases and may be cases at present also, where land has been acquired in the 60’s, 70’s and early 80’s and plots had already been allotted before formulation of policy dated 10.09.1987 and now there may be no plot available.

It is further humbly submitted **that HUDA issued first policy for oustees on 10.09.1987 and this policy was made applicable prospectively. However, subsequently, in**

**view of decision of this Hon'ble Court in CWP No.14708 of 1990 titled as "Suman Aneja Vs. State of Haryana" it was decided that where the land was acquired prior to 10.9.87 and plots are still available, then while floating the plots on such land, the oustees claims shall also be invited and they will have the prior right for the allotment of plots.**

Therefore, if either in the same sector for which has been acquired for residential purposes or in adjoining sector where land has been acquired for non-residential purposes, plots are available, then after deducting the plots as per reservation, oustees have a right of consideration for allotment of plot under oustees quota. Earlier also, the allotment was subject to availability of plots.

There has arisen issue as to whether an oustee who has failed to apply as per advertisement would lose his right as an oustee in view of not making of application in pursuance to advertisement when issued. HUDA submitted before this Hon'ble court that on account of delay and laches, such claims would not lie. This contention was considered and direction no. (iv) of the Sandeep's case (supra) was issued. Condition no. 4 is in accordance with the said direction. The relevant part of direction is extracted below:

**"If an oustee is not successful, he/she can apply again and again till such time, the plots are available for the oustees *in the sector* for which land was acquired for residential/commercial purposes or in the adjoining sector, if the land was acquired for institutional and industrial purposes etc."**

Therefore, right of consideration is co-existent with the availability of plots.

21. That as **regards condition no. 5 of guidelines dated 11.08.2016 that allotment of plot to the oustees will be made through draw of lots**, it is humbly submitted that the plots to the oustees as also to other categories are allotted through draw of lots which is a mode or procedure adopted to identify the successful applicants and earmarking of a particular plot for such allotment. This has also been laid down in Regulation 5 of the Haryana Urban Development Authority (Disposal of Land & Buildings), Regulations, 1978. Therefore, the same is valid and legal.
22. That the condition no 6 of guidelines dated 11.08.2016 that **an oustee should have been the owner of the land as on the date when the notification under Section 4 of the Land Acquisition Act, 1894 is issued. Any subsequent purchaser of land after said notification has been issued will not be entitled to make such application.** Any application made by such purchaser shall entail automatic rejection of application and forfeiture of earnest money. However, the forfeiture of earnest money will be done only after giving opportunity of hearing to the defaulting applicant. It is a well settled law that a person who purchases land after issuance of Section 4 notification has no right to question the acquisition. This condition has been a part of all the policies for oustees issued since first policy dated 10.09.1987. However, in few of these policies, it was laid down that a land owner shall be owner either for a period of one year prior to Section 4 notification (specified in policy dated 10.09.1987) or 5 years as specified in policy dated 09.05.1990, in policy dated 18.03.1992, it was laid down that an oustee shall be owner of land as on date of notification under Section 4 of Land Acquisition Act,

period of 4 months were specified in notification dated 09.11.2010. This issue was considered and in order to bring uniformity in this condition in different policies, the Hon'ble Court in **Sandeep's case** issued the following direction:

**“Date of notification U/s 4 of the Land Acquisition Act, 1894 is relevant to determine the eligibility of a land owner for allotment of a residential plot, even if the acquisition is for the purposes of commercial, industrial or institutional.”**

The forfeiture of earnest money of subsequent purchasers incorporated in this condition would lead to prevention of filing of applications by such ineligible applicants. This would be beneficial to the oustees.

23. That in regard to condition no 7 of the guidelines dated 11.08.2016 to the effect that **an oustee shall be eligible to make such application only if 75 % or more of his total land in the concerned revenue estate is acquired.** For this purpose, the total land to be considered for such determination will mean the land comprised in the same revenue estate(s) where the concerned sector is situated, it is humbly submitted that such a condition of acquisition of 75 % of land has been a part of the policy since its inception. **The relevant extract of policy dated 10.09.1987 is produced for reference of the Hon'ble court as under:**

**“and the plots will be made available only if 75% of the total land owned by the land owners is acquired.”**



Similarly, the **policy dated 09.05.1990** also has a **similar nature condition that if 75% of the total land owned by the Land Owners in that Urban Estate is acquired.**

Similarly, **policy dated 18.03.1992** also provided that **“and if 75% or more of the total land owned by the land-owners in that sector is acquired”**

The condition is incorporated in clear terms and for purpose of calculation of 75 % of land, revenue estate is made the basis, which will be made applicable uniformly to all similarly situated persons and does not require any interference.

This Hon'ble Court in **CWP No. 2917 of 2013 titled as Sukh Ram vs State of Haryana & Others** vide its judgment dated 31.08.2015 has categorically held that since land of the petitioner which was acquired was 71 % which is less than 75 % as stipulated in oustees policy, therefore, there would be no warrant for the court to issue directions for allotment of plot in favour of the petitioner and which would run counter to the policy framed by the State Government on the subject.

24. That as regards condition no 8 of the guidelines dated 11.08.2016 to the effect that **the eligibility of each co-sharer for allotment of plot under oustees quota shall be determined on the basis of his individual holding** i.e each co-sharer will be entitled to seek allotment of plot on basis of his own individual holding, it is humbly submitted that this condition is based on the direction issued in Bhagwan Singh's case (supra), which is turn was issued on basis of the direction issued by the Full Bench of the Hon'ble Court in Jarnail Singh's case. Therefore, same is legal.

25. That as regards condition no 9 of the guidelines dated 11.08.2016 to the effect that an oustee who satisfies other conditions will be entitled to be allotted the plot in proportion to his holding at the time of award. For purpose of determining the size of plots, criteria laid down in the policy as was in force at the time when notification under Section 4 of the Land Acquisition Act, 1894 was issued, shall be followed. However, ***as regards the cases where awards have been announced on or after 05.03.2005 but prior to 07.09.2010, the government notification of Rehabilitation and Resettlement dated 07.12.2007 will be applicable and size of plot will be allotted in such cases as per notification dated 07.12.2007. Similarly, where the awards have been announced on or after 07.09.2010, the size of plots will be allotted as stipulated in Government Notification of Rehabilitation and Resettlement dated 09.11.2010.*** An oustee may submit his application for lesser size plot than his entitlement. However, in such an eventuality he will not be entitled for further allotment of plot in future.

It is respectfully submitted that there are different sizes of plots which were provided in different policies for allotment to oustees from time to time, due to changed circumstances.

It is humbly submitted that since eligibility is to be considered as on date of notification issued under Section 4 notification, therefore, the size of plots as prescribed in the policy as was applicable when the notification under Section 4 of Land Acquisition Act was issued, is decided to be allotted. Since the acquisition proceedings are finalized only when award is

passed, therefore, the land finally awarded is to be considered and provision laid down accordingly. **Since, a person can be allotted a plot of size to which he is entitled to as per policy, therefore, the condition provides that a person may apply for lesser size plot because if a person is entitled to a plot of 10 marla category as per his eligibility, then he is always entitled to plot of 8 or 6 or 4 marla category but such a person cannot legally stake claim for a 14 marla or 1 kanal plot, being beyond his entitlement.** There may also be situations where a person may not have the financial capacity to make payment for higher size plot.

Since as per policy, **only one plot can be allotted under the oustees quota, therefore, the condition was laid down that an oustee who applies for lesser size plot than his entitlement then in such an eventuality he will not be entitled for further allotment of plot in future. The oustees policy dated 12.03.1993 provided thus:**

**“Benefit under oustees policy is not to be allowed to those oustees who have got residential/commercial plots from HUDA in that Urban Estate. However, this restriction will not apply to those oustees who might have acquired property there otherwise.”**

It is pertinent to state that the oustees has now been provided the reservation and therefore, being a reserved quota, the policies dated 09.01.1987 and 05.05.1987 providing for that if a person has availed the benefit of any reserved category, then

he will not be entitled to benefit of reserved category in future in entire Haryana State is fully attracted to the case.

The judgment dated 11.04.2013 passed in **CWP No. 7817 of 2013 titled as Sube Singh vs State of Haryana & Another** is also relevant in this case. In this case, the petitioners applied for allotment of 2 marla plot which was allotted. The plot was then sold by him. However, subsequently, he made an application for allotment of a plot measuring 8 Marla contending that he was eligible for allotment of 10 marla plot. Rejecting this contention, the Hon'ble High Court passed the order, operative part of which is reproduced as under:

"In our opinion, the aforesaid contention raised by the learned counsel cannot be accepted. Under the Oustee Policy, the entitlement of an oustee has been provided according to the area of his land acquired. An oustee of acquisition of 17 Marlas of land was eligible for allotment of a plot up to 10 Marlas. But it is always open for the oustee to apply for plot of a lesser area keeping in view his need and financial position. The petitioner in the present case in the year 2002 applied for 2 Marlas plot only, keeping in view his financial position and the requirement, and the said application was accepted and he was allotted 2 Marlas plot. It is pertinent to mention that the petitioner had also sold the said 2 Marlas plot in the year 2006-07.

Thus, his claim, being an oustee against the said acquisition, was settled and finalized. Thereafter, he cannot make an application for additional allotment. Under the Oustee Policy, if a person is entitled for a plot of 10 Marlas, he cannot be permitted to say that he should be allotted five plots of 2 Marlas each. He can always apply for one plot, according to his entitlement of the area. He cannot bifurcate his prayer that for the time being he should be allotted one plot

of lesser area and for the remaining size he will apply later on under the Oustee Policy. Therefore, now at a belated stage the request made by the petitioner for additional allotment of 8 Marlas plot is neither justified nor permissible under the Oustee Policy. Therefore, the claim made by the petitioner has rightly been rejected by the respondent authority.

No merits. Dismissed.

In view of the aforesaid submissions, the condition is fully justified.

26. That as regards the condition no 10 that **no commercial site will be allotted to the oustees**, it is humbly submitted that it was clarified in the instruction dated 08.12.2003 that wherever the word commercial is occurring the same may be treated as withdrawn. It is submitted that land owners get adequate compensation under the Land Acquisition Act, 1894 for their acquired land and also has the right of consideration for allotment of a residential plot. Commercial sites are sold through public auction and allotment of commercial sites is not feasible economically as well as from planning aspect especially when land is scarce. The law is also well settled that rehabilitation is not a part of the acquisition.

It would be apt to mention here that the Hon'ble Supreme Court in **New Riviera Coop. Housing Society v. Land Acquisition Officer (1996) 1 SCC 731** held that the State with a view to serve public purpose is entitled to acquire the land by exercising its power of eminent domain and the L.A.O. is empowered under s.23 of the Act to determine the compensation to the land acquired. Under the scheme of the Act if the owner is dissatisfied with the determination of

compensation made by the Collector under s.11, a reference under s.18 is provided for and the court would, on addition of evidence by the parties determine proper compensation payable to the acquired land under s.23(1) of the Act. Burden is on the claimant to prove the compensation offered is inadequate and seek determination of compensation under s.23(1). Hon'ble Court further held that a person may be rendered shelterless, but it may be to serve a larger public purpose. Far from saying that he will be rendered shelterless this Court did not circumscribe the state's power of eminent domain, even though a person whose land is being acquired compulsorily for the public purpose is rendered shelterless. If that contention is given credence no land can be acquired under the Act for any public purpose since in all such cases the owner/interested person would be deprived of his property. He is deprived of it according to law. Since the owner is unwilling for the acquisition of his property for public purpose, s.23(2) provides solatium for compulsory acquisition against his wishes. Under those circumstances, it cannot be held that the acquisition for public purpose violates Article 21 of the Constitution or the right to livelihood or right to shelter or dignity of person. Hon'ble Court further held that in a case where the State comes forward with proposal to provide alternative sites, certainly the court gives effect to that proposal and appropriate directions in that behalf were issued by this Court. But that principle cannot be extended as a condition in every case of acquisition of the land that the owner must be given alternative site or flat.

Hon'ble Division bench of this court had the occasion to analyze the oustees policy of HUDA in **CWP No. 6129 of 2007 titled Ramo Bai and others Versus State of Haryana and others and CWP No. 7122 of 2007 titled as Lilu Ram and other versus State of Haryana and others.** Hon'ble Court held that a land owner does not have a vested right of allotment of plot under the oustees quota. When the lands are acquired, compensation is paid to the land-owners and it is purely a benevolent act on the part of the State or its instrumentality/agency when it formulates a scheme to rehabilitate the oustees. There is no vested right which accrues to a person whose land is acquired to get an alternative accommodation as he has been adequately compensated for the same. The policies to rehabilitate the oustees are formulated keeping in view the development activities of the State and its instrumentalities/ agencies.

Hon'ble High Court further held in Ramo Bai's case that the provisions of the oustees policies of 1992 and 1993, are germane, various factors, viz, present day pressure on the land, its paucity and the fact that the acquired land is to be used for many development purposes. The intent of such a policy cannot be to grant a bonanza to the oustees.

Therefore, the condition is fully justified as any beneficial measures taken by the Government are, therefore, guided only by humanitarian considerations of fairness and equity towards the landowners. Therefore, no commercial site can be allotted.

27. That as regards the condition no 11 of guidelines dated 11.08.2016 to the effect that **an oustee any portion of whose land and/ or constructed house/ factory etc. notified under section 4 of the Land Acquisition Act has been released will not be eligible for availing benefit of the plot under oustees policy even if otherwise 75 % of the total land has been acquired.** This will help in ensuring that benefit of oustees policy is available only to those oustees who have no house so that purpose of rehabilitation is achieved. It is clarified that release for this purpose shall mean the case where the notification under Section 4 of the Land Acquisition Act, 1894 has been issued in respect of the said land.

In this regard, it is submitted that this condition is beneficial to the land owners as it excludes the land owners who already have got their land and/ or house released from acquisition as they have land/ house at their disposal. The Authority is fully competent to make such a provision.

**The exclusion of land owners whose land/ house has been released from acquisition has been a part of the earlier policy dated 10.09.1987, 09.05.1990, 18.03.1992 etc.** The present condition lays down the exclusion clause and is fully justified.

Hon'ble High Court in **Sandeep's case** considered the judgments of this Hon'ble Court in **CWP No. 15409 of 2007 titled "Man singh v. State of Haryana & others"** decided on 28.11.2008 and CWP No.22143 of 2011 titled **"M/s Shiv Shakti Foods vs. State of Haryana & others"** decided on 29.11.2011. Para 30 and 31 of the judgment in Sandeep's case (supra) is relevant in present context:



30. The release contemplated in the policies is not the release of land after acquisition under Section 48 of the Act. Such expression has to be given contextual meaning keeping in view the purport and object which is sought to be achieved by these policies. If the State Government does not publish declaration for acquiring the land under Section 6 of the Act, may be for the reason that there is constructed portion or for any such other reason, the acquisition proceedings as against the land owner comes to an end. Keeping in view the purposive interpretation, the land not included in pursuance of the objections filed under Section 5A of the Act, shall also mean land released as well. The purpose of policies stands satisfied, when a constructed portion is not included in Section 6 notification as the landowner has some land in his possession for his purposes. Thus, the expression "released from acquisition" in fact means "released from intention to acquire". Therefore, *the condition of release of land to dis-entitle an oustee from such status is fair and reasonable.*
31. We do not find any reason to take a different view than what has been taken by this Court in Man Singh and M/s Shiv Shakti Foods cases (supra) that the condition in the policies that the release of any part of the land acquired will include into its ambit that land which is intended to be acquired as the non inclusion of such land in a declaration under Section 6 of the Act excludes such land from acquisition. Such exclusion in the notification leads to the abandonment of the acquisition proceedings as against the oustees. Such action will dis-entitle an oustee from the benefit of the policies, as he gets benefit of accommodation in the overall developed Sector.
32. However, the apprehension expressed by the learned counsel for the oustees that even release of one yard will dis-entitle the allotment of plot as an oustee, is not required to be examined in the present case, as it

is hypothetical and for such hypothetical argument, the policy cannot be said to be illegal. It may be a case of an illegal or arbitrary action under a valid policy. However, we do not find any merit in the argument raised that 75% of the land is to be taken into consideration, if the land is situated only in one khewat and not when the landowner owns land in different khewats in the same village. The condition for an allotment of a plot for the reason that 75% of the land has been acquired, may be located in one or more parcels, cannot be said to be unjustified, as the land-owner is owner of the remaining land, which the policy-makers have found sufficient as a part of rehabilitation process. *The object of the policy is to rehabilitate and not to allot alternative land.* In order to achieve such objective, the extent of holding acquired or the land not acquired is not relevant as an oustee, whose land has been acquired has some land to bank upon for his use and occupation.

In **Savitri Devi Vs. State of Haryana & others**

**1996 (3) PLR 644**, the Hon'ble Supreme Court has held that an oustee is entitled for allotment of a plot on fulfillment of conditions and subject to the guidelines laid down in the policies. Since, the conditions of policy are not fulfilled by them as such they are not entitled to any allotment.

In view of the aforesaid submissions, the condition regarding release of land is fully justified.

28. That as regards condition no 12 of the guidelines dated 11.08.2016 to the effect that an oustee who has already got the benefit of allotment of plot from Haryana Urban Development Authority in any reserved category including under oustee policy shall not be eligible to seek allotment of plot under oustees quota.

This condition is fully justified for the reasons already stated in para 25 as above which are reiterated herein.

29. That as regards the condition no 13 of guidelines dated 11.08.2016 to the effect that a **co-sharer in the land will not be eligible to claim allotment of plot if he had given a no objection certificate in favour of his co-sharer and on account of submission of such no objection certificate, a plot was allotted to such co-sharer in any previous floatation of plots for oustees**, it is humbly submitted that this condition is also fully justified as submission of no objection certificate was not an empty formality as this was meant to ensure that a co-sharer may not claim further plot under the policy. No objection certificate/ affidavit were sought as per policy applicable at the relevant time. Such allotment on basis of no objection certificate amounts to finalization of rights under the policy. Under the policy, only one plot can be allotted. Therefore, consequent to such allotments, there occurs waiver/ settlement of all rights of such co-sharers as oustees. Furthermore, the claims which have already been settled in pursuance to a particular policy cannot be allowed to reopen.

In **CWP No. 1809 of 2013, titled as Om Wati vs State of Haryana & Others**, this Hon'ble Court vide its judgment dated 28.01.2013 dismissed the writ petition holding that the respondents authorities have rightly found that once the No Objection Certificate was given and the plot was allotted later on, she cannot be permitted to change her mind on the ground that under the mistaken belief she had given the No Objection Certificate.

Hon'ble Court further rejecting the claim for allotment of a separate plot being a co-sharer in the acquired land on basis of subsequent policy of the Government providing for allotment of plot to each co-sharer depending upon his share in the acquired land held that before the subsequent policy came into force the claim of all the co-sharers had already been exhausted as under the old policy they have been allotted a plot of 1 kanal size bearing No.1419, Sector 46, Gurgaon. When the new Policy came into force their claim was not pending, therefore, none of the co-sharer can take benefit of the new Policy.

**In Civil Appeal No. 6840 of 2001 titled as Harsh Dhingra vs State of Haryana & Others**, Hon'ble Supreme Court vide its judgment dated 28.09.2001 held that the prospective declaration of law is a device innovated by this Court to avoid reopening of settled issues and to prevent multiplicity of proceedings. It is also a device adopted to avoid uncertainty and avoidable litigation. By the very object of prospective declaration of law it is deemed that all actions taken contrary to the declaration of law, prior to the date of the declaration are validated. This is done in larger public interest. Therefore, the subordinate forums which are bound to apply law declared by this Court are also duty bound to apply such dictum to cases which would arise in future. Since it is indisputable that a court can overrule a decision there is no valid reason why it should not be restricted to the future and not to the past. Prospective overruling is not only a part of constitutional policy but also an extended facet of stare decisis and not judicial legislation.

It is therefore clear that the ibid condition of the guidelines is fully justified.

30. That as regards the condition no 14 of guidelines dated 11.08.2016 to the effect that an **oustee who has already been allotted a plot under the oustees policy on any previous occasion as a co-sharer shall not be entitled to stake claim for allotment of plot** under oustees quota, it is fully justified in view of the reasons explained in para 25 and 29 of the reply as above.
31. That as regards condition no. 15 of the guidelines dated 11.08.2016 to the effect **that an oustee who has made an application for allotment of plot under oustees policy on any previous occasion and said application either is pending for decision or was rejected on any ground and said rejection order was impugned before any court of law or Authority or forum of any nature and matter has been remanded back to the Authority for fresh decision, shall be informed of the decision in Bhagwan Singh's case and Sandeep's case and may be advised to apply for allotment of plot in fresh advertisement which will be issued after determination of reservation and their earnest money may be refunded along with interest @ 5.5 % per annum from date of deposit till date of payment.** However, where litigation is pending then the court of law or authority or forum where it is pending may be informed of the aforesaid decision and efforts may be made to get the litigation disposed off in terms specified herein, it is humbly submitted that the same is fully justified.

It is submitted that the advertisements are issued from time to time and authority has the power to change the policy which in the present case has come on account of judicial pronouncements. It is a well settled that once the Government

has power to frame and reframe, change and rechange, adjust and readjust policy, the said action cannot be declared illegal, arbitrary or ultra vires the provisions of the Constitution only on the ground that the earlier policy had been given up, changed or not adhered to. It also cannot be attacked on the plea that the earlier policy was better and suited to the prevailing situation.

In **Sangwan vs Union of India SCC 559 : AIR 1981 SC 1545**, Hon'ble Supreme Court observed that a policy once formulated is not good forever, it is perfectly within the competence of the Union of India to change it, re-change it, adjust it and readjust it according to the compulsions of circumstances and imperatives of national considerations.

In **Dr. Satinder Pal Singh and Ors. vs State Of Punjab And Ors. decided on 4 December, 1999 (2000) 124 PLR 819**, this Hon'ble Court held that the Government has the power to amend the policy from time to time. Had there been a firm allotment in favour of the petitioners, in such a situation, the Department may not be right in asking for the changed condition unless there is a contract to the contrary. *Merely because a person applies in pursuance of a Scheme, does not get a vested right in his favour. At the most, he gets a right to be considered along with others in that Scheme.* If the Government for one reason or the other, has changed the policy with regard to the allotment of the plots, it cannot be said that this decision was arbitrary or illegal or capricious or with mala fide intent until it is so proved by the person complaining thereof. The new policy was available to everybody including the petitioners and whosoever fulfilled the new criteria.

The Hon'ble Court further held that in regard to the contention that right of consideration of the petitioners has been taken away with the issuance of the new advertisement, is totally devoid of any merit. As per the advertisement every eligible person/institution had the right to apply and to be considered for the allotment of the plots.

Hon'ble High Court **in Chander Kanta Vs. State of Punjab 1996 (1) RRR 374**, held that no indefeasible right came to vest in an oustee. The policy could have been scrapped in toto and that an oustee cannot claim allotment of a plot only because the application had been made before the scrapping of the policy.

It is respectfully submitted that mere submission of an application for allotment of plot does not create any right for allotment much less vested right for allotment. Even the success in draw of lots has been held to create no right for such allotment.

Hon'ble Supreme Court has held in the case titled as Great Mohali Area Development Authority and others Vs. Manju Jain and others, (2010) 9 SCC 157 that :

"Mere draw of lots/allocation letter does not confer any right to allotment. The system of draw of lots is being resorted to with a view to identify the prospective allottee. It is only a mode, a method, a process to identify the allottee i.e. the process of selection. It is not an allotment by itself. Mere identification or selection of the allottee does not clothe the person selected with a legal right to allotment.

This Hon'ble Court in CWP No. 8110 of 2012 titled as Ashok Kumar vs State of Punjab & Others in its order dated 05.09.2012 while dismissing the writ petition held that the letter intimating the petitioner to be successful in draw of lots per se does not constitute a binding contract. Even an allotment letter, if

issued by mistake, does not clothe the allottee with a legally-vested right to retain the allotted property.

Hon'ble Division Bench of this court in CM No 8673/2012 in CWP No 2865/2009 titled as Rajinder Kumar vs HUDA has held that mere fact that the petitioner was successful in draw of lots does not confer any right in the plot, by further relying on Full bench decision of this Hon'ble Court in Surjeet Kaur vs State of Punjab & Ors 1979 PLR 413 to effect that mere participation in the draw of lots does not confer any right for allotment of plot in favour of applicant.

It is therefore respectfully submitted that therefore law is well settled that submission of applications for allotment of plot or even draw of lots for allotment of plots and even allotment if wrongly made does not create any vested right for allotment. Therefore, if the authority has decided to change the policy, then applicants will have to adhere to the terms of the new policy. In view of judgment in Sandeep's case, the allotments already made even if made in excess of cap of 50 % reservation are not to be disturbed or cancelled. This implies that where the allotment is not yet made, then such allotment has to satisfy the principles laid down in Sandeep's case. However, the advertisements which have been issued previously do not take into consideration the principles laid down in Sandeep's case especially with regard to the reservation.

***It is worth mentioning that the full bench of this Hon'ble Court in CWP No. 2575 of 2009 titled as Jarnail Singh vs State of Punjab & Others which is also basis for decision in Sandeep and Bhagwan Singh's case, this***



***Hon'ble Court directed to frame a new policy and there was no direction to allot the plot. In fact the direction was not to allot any plot till new policy is framed.*** It is further submitted that the State of Punjab after the judgment in Jarnail Singh's case, framed a new policy, which has been made applicable from a particular date and not to every case of acquisition. By virtue of the disposal of Sandeep and Bhagwan Singh case on basis of Jarnail Singh's case, it became essential to issue new guidelines.

It is humbly submitted that the judgments in Sandeep and Bhagwan Singh's case has resulted into change in terms of earlier policies as e.g. in respect of co-sharers as now each co-sharer is to be considered on basis of his individual holding and now plots to oustees can be allotted only to extent of reservation and not in manner as used to happen, where oustees used to be considered for allotment on priority basis, to say the least. Thus, it became incumbent to consider the directions in Sandeep and Bhagwan Singh case (supra) and to make the advertisement accordingly. Therefore, by virtue of previous applications or even draw, no vested right for allotment accrued, therefore, the condition to refund the amount is fully justified.

Further, the refund in cases of oustees has been decided to be made @ 5.5 % P.A simple interest and such interest is decided to be paid from date of deposit and not after lapse of 6 months as envisaged in the policy for refund of earnest money, which is done in larger interest of the oustees.

32. That as regards the condition 16 of guidelines dated 11.08.2016 to the effect that **the applications of the oustees as received**

**shall be put in draw of lots and eligibility of only those oustees who are successful in draw of lots shall be determined.** Mere submission of such application or success in draw of lots shall not create any vested right for such allotment as eligibility will be determined only after oustee is declared successful in draw of lots, it is submitted that the condition has been incorporated with a view to ensure that oustees claims are settled timely and without delay. It is submitted that as per earlier procedure, the applications received from oustees are compiled, then a meeting of the screening committee is convened and each and every application was considered and decision taken thereof. Only thereafter, names of eligible persons were put in draw of lots and plots used to be allotted. This was hugely time consuming process as sometimes hundreds and thousands of applications used to be received and it was observed that even 2 years time has been taken to finalize the claims, as there resulted into delay in preparation of reports by LAO.

Now, due to changed condition, names of all applicants will be put in draw of lots and eligibility of only successful applicants will be determined. This will result into early decision as there would be no necessity to examine hundreds and thousands of applications, as it would be known beforehand as to how many plots for oustees after determination as per reservation policy, are available.

This condition is beneficial for the oustees and will ensure early allotment.

33. That as regards condition no 17 of the guidelines dated 11.08.2016 to the effect that **the list of applicants shall be compiled within a period of 15 days of closing of the**

**scheme and draw shall be held within a period of 30 days of closing of scheme for advertised plots.** The eligibility of the oustees who are successful in draw of lots shall be determined within a further period of one month. If any oustee who is declared as successful in draw of lots is found ineligible as per policy, then his draw shall be cancelled. The plot which will become available on account of such cancellation of draw may again be put to draw of lots out of remaining oustees who were earlier unsuccessful in the same draw. The earnest money of unsuccessful applicants may be refunded thereafter. No interest shall be payable on said amount if it is refunded within a period of 6 months from closing of the scheme otherwise interest @ 5.5 % per annum may be paid on earnest money after expiry of 6 months till date of payment, it is humbly submitted that this condition is meant to ensure timely decision to settle the oustees claims and supplements the condition as explained in para 32 above. The condition is in interest of the oustees.

34. That the final condition of the guidelines dated 11.08.2016 is merely related to the documents which an oustee would be required to submit to the authority with his application. The documents are essential to determine the entitlement and eligibility and therefore, cannot be held to be against law.

It is pertinent to mention herein that another **CWP No. 17208/2010** was decided by this Hon'ble Court on 18.11.2011. This order was impugned by HUDA in SLP No. 31832-37 of 2013 and Hon'ble Supreme Court vide order dated 12.03.2014 held the directions issued in CWP to be running contrary to the judgment in Sandeep's case which it had already

upheld, and therefore, disposed of SLP in terms of judgment in Sandeep's case.

That the Hon'ble Supreme Court in **SLP No. 8766-67/2013 Kashmiri Lal vs HUDA** dismissed the SLP finding no ground to interfere in impugned judgment. This SLP arose out of the order dated 06.08.2012 passed in RSA No. 3833/2012 which was dismissed after holding that in view of judgment of Division Bench of this Court in the case of Sandeep (supra), the plaintiffs would be at liberty to seek allotment in accordance with the law and guidelines laid down in the said judgment.

That the Hon'ble Supreme Court in **SLP No 26147/2011 titled as HUDA vs Krishna**, passed an order dated 14.01.2015, disposing of the special leave petition with a direction that if the respondent's application is pending for consideration for allotment of a plot under the Oustees quota, the same shall be considered by the HUDA in accordance with law and in the light of the judgment and order passed by the High court in the case of the Haryana Urban Development Authority & Ors. vs. Sandeep & Ors., L.P.A. No. 2096 of 2011 etc., dated 25.04.2012.

The narration of aforesaid judgments shows that the judgment dated 25.04.2012 passed in LPA No. 2096/2011 titled as HUDA & Ors vs Sandeep & Ors. has been duly considered and agreed to and accepted by the Hon'ble Supreme Court.

35. That it is a matter of fact that the petitioners have not applied for allotment of plot under the oustees policy in pursuance of the advertisement in sectors for which their land was allegedly acquired. The onus to apply for allotment was on the land owner.
36. That the petitioners therefore in order to divert the attention of the Hon'ble Court from the real fact that they have never applied

for allotment of plot in pursuance to the earlier public advertisement, have tried to make an issue with regard to the price of the plot which was advertised in the year 2016 when none exists. Therefore, it is apparently clear from the terms of the oustees policies that oustees were to be allotted plots at the same rate as is charged from general public. The rates for allotment of plots are determined on the basis of the policy/ instructions of HUDA. As per this policy the rates are revised every year. Therefore the petitioners cannot be allowed to dispute the rate fixed for the allotment of plot. It is further submitted that the petitioners have not exemplified their allegations vis-à-vis the ground realities and situations prevalent as on today.

37. That the contention of the petitioners with regard to the fact that land was acquired in the 1970's at the rate of Rs 12000 per acre is completely misplaced in realm of the allotment of plots under oustees policy. The petitioners contention that compensation has been given to them at lower rates and plots to oustees are being allotted at higher rates merits rejection. If the petitioners were aggrieved with amount of compensation, then remedy was to approach the competent court of law under the Land Acquisition Act. However, on said alleged basis, the rate of allotment cannot be disputed. As is also apparent on record, none of the petitioners were owners of land when award was passed.

It is respectfully submitted that in so far as compensation in lieu of acquired land is concerned, compensation is paid as per the market value determined under the Land Acquisition Act, 1894. There is an adequate remedy available under the Land Acquisition Act, to claim enhancement in compensation if any land owner is aggrieved by the compensation granted. The petitioners cannot

after claimed 35 years of acquisition dispute the amount of compensation granted for acquired land. It is further stated that the value of rupee as it exists today cannot be compared with the value of rupee as it existed in the 70's. It is further humbly pointed out that there was no statutory provision in the Land Acquisition Act, 1894 providing for allotment of plot otherwise the land owner could have claimed the same. But the Act only contemplates benefits like solatium, additional amount and higher rate of interest to the land owners and not allotment of plots.

That the petitioners have referred to the judgment passed by this Hon'ble Court in CWP No. 21572 of 2011 titled as Rohtas Singh vs State of Haryana & Others. In this regard, it is humbly submitted that the said case involved the challenge to the acquisition proceedings and observations of the Hon'ble Court was in context of facts and circumstances prevalent thereof. The same has no applicability to the present case. Each case has to be examined on its own facts. As per own averments of the petitioners, the land was acquired in 70s. There is nothing brought on record by them to even remotely suggest that they ever disputed the acquisition and how their case is factually covered by the *ibid* judgment.

That it is submitted that the advertisements are issued from time to time and authority has power to change the policy which in the present case has come on account of judicial pronouncements. It is a well settled that once the Government has power to frame and reframe, change and rechange, adjust and readjust policy, the said action cannot be declared illegal, arbitrary or ultra vires the provisions of the Constitution only on

the ground that the earlier policy had been given up, changed or not adhered to. It also cannot be attacked on the plea that the earlier policy was better and suited to the prevailing situation. That it is submitted that the authority has power to change the policy which in the present case has come on account of judicial order. The major change in the policy is with respect to provision of reservation. It is a well settled that once the Government has power to frame and reframe, change and rechange, adjust and readjust policy, the said action cannot be declared illegal, arbitrary or ultra vires the provisions of the Constitution only on the ground that the earlier policy had been given up, changed or not adhered to. It also cannot be attacked on the plea that the earlier policy was better and suited to the prevailing situation.

**Reply On Merits:**

1. That the contents of para 1 of the writ petition are admitted to the extent that the petitioners are residents of Haryana. It is however submitted that no legal right much less any Fundamental right of the petitioners have been infringed, hence they are not entitled to invoke the extra ordinary writ jurisdiction of this Hon'ble Court under Articles 226/227 of the Constitution of India.
2. That in reply to the contents of para No. 2 of the writ petition it is submitted that the petitioners have not placed on record any notifications or copy of award showing the acquisition of the land. No detail with regard to the Khasra no. has been provided in the writ petition. Further, Neither Land Acquisition Officer, Panchkula nor the District Town Planner, Panchkula or Tehsildar, Panchkula has been impleaded as the party. In this regard, it is respectfully submitted that the petitioners cannot even be treated as oustees

as the petitioners have failed to place on record any jamabandi in proof of fact that they were owners of land, prior to Section 4 of the Land Acquisition Act, 1894 or even at time of award.

3. That in reply to the contents of para No. 3 of the writ petition it is submitted that the respondents act for welfare of the general public. The respondents are a statutory authority and framed the oustees policy on 10.09.1987 which has been modified from time to time. It is further submitted that the allotment of plot to oustees is neither a vested right nor a legal right being beyond the realm of the Land Acquisition Act. The purpose of oustees policy is not to provide bonanza. It is further submitted that for claiming allotment of plot by any land owner under the oustees policy, the onus lies on the land owner to make application as per applicable policy in pursuance of the public advertisement. The respondents are not under any duty to allot the plot without having the petitioners applied under the policy and advertisement. The petitioners having not applied against the advertisements are estopped by their act and conduct from raising any claim for such allotment.
4. That the contents of para 4 of the writ petition are wrong and hence vehemently denied. The petitioners have not approached the Hon'ble court with clean hands and petition deserves to be dismissed on this ground alone. No question of any harassment arises in the matter. That detailed reply with the regard to the contents of this para has been given in preliminary submissions and the same are not being reiterated for the sake of brevity.
5. That the contents of para 5 of the writ petition are admitted to the extent that the respondents have developed different sectors in Panchkula Urban Estate. However, it is denied for want of



knowledge whether any land of the petitioners as alleged was acquired or not and if acquired, then for development of which sector, was it acquired. Further, in the absence of any application made by the petitioners in pursuance to any advertisement, question of allotment does not arise. It is further submitted that the oustees policy framed in the year 1987 was applicable with prospective effect and not for acquisitions made prior to 10.09.1987. However, the policy was modified on 27.03.2000 to provide for the preferential right of consideration for the oustees whose land was acquired prior to 10.09.1987 subject to condition that the plots are available for which land was acquired. It is pertinent to state that as detailed in the preliminary objections, the applications from oustees of various sectors have been invited from time to time, but the petitioners admittedly failed to apply. It is further submitted that the acquisition rate of the year 1972 and 1973 cannot be equated at today's right. If there was any grievance with the acquisition rate, then its remedy is provided in the Land Acquisition Act, 1894. This Hon'ble Court has the occasion to deal with a similar situation in CWP No. 8546 of 2007 titled as Sarwan Singh vs The State of Punjab & Ors. decided on 30.01.2009, wherein while rejecting the argument with respect to acquisition and compensation, the Hon'ble Court held that in acquiring the land, respondents have exercised their statutory powers under the Act and after compulsory acquisition, owners are entitled to get statutory benefits and for delay, provision for payment of interest has been made.

6. That the contents of para 6 of the writ petition are admitted to the extent that the public notice has been issued on 10.09.2016 wherein claims of oustees have been invited by reserving the plots

for oustees and remaining plots have been put to auction. It is submitted that No question of arbitrariness arises in reservation of plots because by virtue of the direction in Sandeep's case to provide reservation to oustees within maximum cap of 50 %, quota has been fixed for oustees @ 12 % in plots where size involved is above 8 marla and 10 % where size of plots involved is upto 8 marla. Therefore, it is not possible to reserve a plot for oustees in all category size plots as it would depend upon the number of plots. There is no pick and choose involved. Infact, the petitioners have come with this false plea only because no application was made in pursuance to the advertisement. The rate of allotment of plot has been fixed as per policy in force. The sectors mentioned in the petition are very old sector where only some plots remained. In sector 2 and 4, Panchkula some plots have recently been carved out which became available for allotment. There is no question of fixation of discriminatory rates. The petitioners have failed to apply and are making baseless allegations. As pointed out earlier, the petitioner no. 3 is into business of property dealing and have earlier also applied for allotment of plot under oustees on basis of a Will. The present petition is filed in connivance with him and is malafide. In view of the detail of the advertisements given in various sectors explained in preliminary objections, it does not lie in mouth of the petitioners to say that respondents never invited applications from oustees for years. The petitioners have failed to show as to in what manner they were owners of land at time of acquisition. Compensation is granted as per the principles laid down in Land Acquisition Act and allotment of plot is entirely different. This plea

of the petitioners after 30 years of acquisition as alleged is nothing but a misconceived plea.

7. That the contents of para 7 of the writ petition as stated are wrong and hence denied. It is submitted that once the reservation comes into play, not every size plot would become available for reservation. Supposedly, if only one, 10 marla is advertised for allotment, naturally, it could not be reserved for oustees, as it would amount to 100 % reservation. If in any other urban estate, the plots have become available for allotment to oustees as per reservation in every categories then it is due to the fact that there were plots in such categories and which could be provided to oustees under reservation policy. It is absolutely wrong and hence denied that the oustees have not been given the proper opportunity in Panchkula. The falsehood of the petitioners is apparent from the detail of some of the advertisements and fact that petitioner no. 3 on basis of another alleged Will applied for allotment of plot in Sector 27, Panchkula, as explained in the preliminary objections.
8. That in reply to the contents of para No. 8 it is submitted that the judgment in CWP No. 21572 of 2011 was related to a matter where the acquisition proceedings were under challenge and said case has no semblance and is not even remotely related to facts of the present case.
9. That the contents of para 9 of the writ petition are wrong and hence denied. The allotment of plot to oustees is made under the oustees policy and on satisfaction of its terms and conditions. Since number of plots would play a role in the matter of reservations, therefore, each urban estate would have different number of plots reserved for oustees in different size of plots and

the same cannot be equated. It has always been a part of the policy of HUDA that normal sector rate would be the rate for allotment to oustees. These rates are fixed as per policy of the respondents and principle of natural justice has no role in the same. The respondents are entitled to dispose of its plots either by draw of lots or through auction and as already submitted, the plots after deduction of plots for oustees would be auctioned.

10. That the contents of para 10 are wrong and denied. That detailed reply with regard to the contents of this para has been given in the preliminary objections and also in the foregoing paras and the same is not being reiterated for the sake of brevity.
11. That the contents of para 11 of the writ petition are denied being incorrect. It is submitted that no law points are involved for the kind consideration of this Hon'ble court.
12. That the contents of para 12 of the writ petition are wrong and denied. No relief is admissible to the petitioner. No cause of action has arisen in their favour.
13. That the contents of para 13 are denied for want of knowledge except that the petitioner no. 4 had filed CWP as stated in preliminary objections which was disposed of in terms of Sandeep's case.

In view of the submissions made above, it is most respectfully prayed that the present writ petition may kindly be dismissed being devoid of any merit, in the interest of justice.

Place: Panchkula

Dated:

Estate Officer, HUDA, Panchkula  
For and on behalf respondents

Through  
Deepak Sabherwal  
Advocate  
Counsel for Respondents no 2-4

**Verification**

Verified that the contents of the Preliminary submissions No. 1 to 37 and those of para 1 to 10 and 13 of the reply to writ petition are true and correct as per the information derived from the official record. Legal submissions made in para 11 and 12 of the reply on merit and in other paras are made on basis of legal advice which is believed to be true and correct. No part of it is false and nothing material has been concealed therein.

Place: Panchkula

Dated:

Estate Officer, HUDA, Panchkula  
For and on behalf respondents

## APPLICATION FORM

(For allotment of Residential Plots in 27, PanchKula  
(Sector No. & Name of the Urban Estate/Mandi Township)

Application No.: Bal. Resi. Plots/Jan. 2006/

1583672

Name SURNAME

1. MANISH RALHAN

2.

FATHER'S/HUSBAND'S/GUARDIAN'S NAME

1. M. J. RALHAN

2.

CORRESPONDENCE ADDRESS

# 128 SHIVALIK  
ENCLOSURE MANIMAJRA  
UT. CHANDIGARH

Draft No.	Date	Month	Year	Amount
				276276

Payable at:

Size of Plot/Category

1 KANAL

122002

Category of applicant

OUSTEES

In case of SC/ST/BC Category  
please indicate the Block (A or B)  
in which the applicant falls

FINANCED BY  
PUNJAB & SIND BANK  
SEC. 17, CHANDIGARH.

Specimen Signature  
of the Applicant (s)

Manish

**Additional Information to be filled in by the applicants under G.S.R.Q. (Haryana Govt. Employees only)**

- I ..... son/daughter/wife of Sh..... am/was employed  
as..... in..... Department on regular basis.
- Certified that
  - I am/was an official of class..... ii) The maximum of my scale of pay is Rs.....
  - I fall in category ..... {Refer eligibility condition 12 (ii)}. My date of joining  
is/was ..... & date of superannuation is/was .....
  - There is no plot/house in my name & spouse's name or in the name of any dependant member of my family in any Urban Estate developed by  
Haryana Urban Estate Deptt. or HUDA in Haryana State.
  - I have not been allotted at any time a plot of land out of Haryana Govt. Servants reserved quota or discretionary quota, or any other reserved  
category in any Urban Estate developed by Haryana Urban Estate Deptt. or HUDA in Haryana State.
  - That I am not a member of any Group Housing Society/Welfare Housing organisation to whom land has been allotted in any Urban Estate of  
HUDA.
- I attach herewith an affidavit in terms of para 2 above as per item number 12 (iii) of terms and conditions.
- I attach herewith a certificate of employment from the concerned office (HOO/HOD) of Haryana Government/Board/Corpn. Etc.  
Note: Applicant must be regular employee of Haryana Govt./Corpn./Board etc.

Date.....

Signature of Applicant

63

WILL

Pyara Ram aged about 80 Years S/o Sh. Muga Ram R/o # 158, VPO Ramgarh Block-I. Distt. Panchkula make and declare my this WILL at Panchkula, this 23 DEC day of 2005 with my own free WILL without any undue pressure or influence of any body and with my full senses and sound mind.

I was the sole and absolute owner of land situated in village Ramgarh vide khewat No. 454, Kasra No.-13/3/2 & 4/1, 7 Kanal 18 Marla & 3 Kanal 10 Marla now in Teh. & Distt. Panchkula. Now as per new policy of HUDA I have the right to get a Residential Plot out of oustees quota from HUDA. This was my self acquired property.

AND WHEREAS the ways of God are strange and one does not know when the end may come and this mortal frame may collapse, hence I am executing my this WILL to avoid litigation and differences amongst my legal heirs, after my death in respect of said plot.

AND WHEREAS Sh. Manish Ralhan S/o Sh. M.J. Ralhan R/o H. No. 128 Shivalik Enclave Manimajra U.T. Chandigarh has been helping me in every matters at all stages as well as financially and we have good family relations with each other as such I have great love and affection for him, out of this love and affection I willingly do hereby bequeath that after my death Sh. Manish Ralhan above named, shall become the absolute owner to get my rights from HUDA and none my legal heirs shall have any legal claims, rights and interests in the said plot, after his death his heirs or nominee/s shall become the absolute owner of said rights. This WILL in respect of said rights is irrevocable.

IN WITNESS WHEREOF I have set my hands on this WILL at Panchkula, this \_\_\_\_\_ day of \_\_\_\_\_ 2005 in the presence of witnesses.

Witness No. 1

*Amari*

AMARJIT S/o Sh. Hari Chand.

R/o Vill. Naggal

P.O. Ramgarh

Witness No. 2

Handwritten through  
the court

TESTATOR



Caution: Notary to get a  
copy of this  
will to be  
deposited  
in the  
court

Jaswinder Singh Vs. HUDA

1

**In the court of Ajay Kumar,  
Civil Judge (Jr. Divn.),  
Panchkula.**

Case Type: Cs  
Filing No.2514/2013 Filing Date: 12.4.2010.  
Case No.2730/2013 Registration Date: 12.4.2010.  
Case Code: 200400025142013.  
Date of Decision: 4.3.2015.

Jaswinder Singh S/o Late Sh. Gurnam Singh R/o Village Chatt.  
Tehsil Dera Bassi, Distt Mohali.

.... Plaintiff.

**Versus**

1. Haryana Urban Development Authority, Sector 6, Panchkula through its Chief Administrator.
2. The Estate Officer, Haryana Urban Development Authority Sector 6 Panchkula.
3. Sh. Manish Ralhan son of Sh. M J Rahlan, resident of House No. 128, Shivalik Encalve, MAC, Manimajra, UT, Chandigarh.
4. Sh. Rajesh Malhotra son of Sh. C L Malhotra, Resident of H. No. 731 Sector 16, Sector 16 Panchkula.
5. Sh. Pushap Raj son of Sh. Brahmanand, resident of Village and Post Office Ramgarh, Thesil and District Panchkula.
6. Smt. Tejo Devi, Wd/o Sh. Piara, resident of Village and Post Office Ramgarh, Tehsil and District Panchkula.
7. Yad Ram son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
8. Ramesh Kumar son of Late. Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
9. Jagpal Singh son of Late Sh. Gurman Singh son of Late Sh. Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

**Attested to be true Copy**

  
**EXAMINER**  
Civil Judge (Senior Division)  
Sudhjudicial Magistrate  
& S. Court (Panchkula)  
Dated: 3-3-15  
Authorised by Section 78 India  
Evidence Act. 1872.



Quota, Panchkula was to be allowed by the HUDA Authorities as per the HUDA Policy. That eyeing the undue monetary gains defendant No.3, defendant no.4 and defendant no.6 presented three different alleged Wills dated 23.12.2005, 31.8.2005 and 2.6.2003 before defendant no.3. All these three above mentioned alleged Wills were allegedly executed by late Shri Piara Ram having no description of property by a proper number and its location. Further none of the Will talks about the earlier alleged Will execution or cancellation of the same. Further the defendants No.3 & 4 have no relation with late Shri Piara Ram and they are property dealers by profession. The said Wills allegedly executed in favour of defendants No.3 & 4 are also in a cyclo-style format. Now the plaintiff has come to know that defendants No.3 to 6 in connivance with each other wants to grab the plot to be allotted to the legal heirs of late Piara Ram and in this regard, the allotment process of the plot has already been initiated from the office of defendants No.1 & 2. Plaintiff has also come to know that a plot No.174, Sector-26, Panchkula, has been kept reserved for allotment against the acquired land of late Shri Piara Ram i.e. grandfather of plaintiff. It also came to the notice of the plaintiff that earlier in the process of allotment of plot, all the above said persons were together and defendant no.6-Tejo Devi allegedly gave no Objection Certificate, affidavit and indemnity bond dated 19.5.2009 in favour of defendant no.3 (Manish Rahlan) in the office of defendant no.2. Thereafter, defendant no.2 passed a speaking order, whereby he drew an inference that

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.


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**EXAMINER**  
**Civil Judge (Senior Division)**  
**Cum-Judicial Magistrate**  
**& S. Court (Panchkula)**  
Date d.   
Authorised by Section 78 India  
Evidence Act, 1878.

- 9(a). Kamlesh daughter of late. Gurnam Singh Sh. Gurman Singh son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
- 9(b). Jayawantari daughter of late. Gurnam Singh Sh. Gurman Singh son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
- 9(c). Pammi daughter of late. Gurnam Singh Sh. Gurman Singh son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
- 9(d). Leela Devi daughter of late. Gurnam Singh Sh. Gurman Singh son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
10. Karam Chand son of Late Sh. Piara Ram, since deceased, represented through legal heirs a) Mukesh Kumar (son), b) Leela Devi (Wife) c) Reeta (daughter) d) Geeta (daughter) all Resident of Village Ramgarh, Tehsil and District Panchkula.
11. Jogindro Devi wife of late Sh. Maghi Ram, Daughter of Late Sh. Piara Ram, Resident of Village Chhat, Tehsil Dera Bassi, Distt Mohali.
12. Savitri Devi, Wife of Late Sh. Jeet ram daughter of Late Sh. Piara Ram, Resident of Village Samarheri, Distt Patiala.
13. Mehro Wife of Karnial Singh, daughter of Lae Sh. Piara Ram, Since deceased represented through her legal heirs a) Jaswinder (Son) b) Raman (son) c) Karnial Singh (husband) all residents of Village Jolan Tehsil Derabassi, District Mohali.

..... Defendants.

**Suit for Declaration with consequential relief of Mandatory as well as Permanent Injunction.**

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

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EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court Panchkula  
Dated 13-3-15  
Authorised by Section 78 India  
Evidence Act. 1875.

**Argued By:-** Sh. N K Bajaj, counsel for the plaintiff.  
Sh. Ashwani Chaudhary, counsel for the defendant  
No. 1 & 2.  
S/Shri Sameer Sethi & Vinay Verma, counsel for the  
defendants No. 3 to 5.  
(defence of defendant No. 5 struck off vide orders dated  
16.11.2010)  
Sh. Hamid Hassan, counsel for the defendant No.6.  
Defendant No. 7 admitted the suit vide order dated  
20.09.2010.  
Sh. Arvind Sud, counsel for defendant No. 10(c), 10(d) and  
13 (c)  
Remaining defendants already exparte.

**JUDGMENT:-**

The plaintiff has preferred to file the present suit wherein plaintiff has sought a decree for declaration to the effect that plaintiff and defendants No.6 to 13 are entitled to a Plot No.174, Sector-26, Panchkula, measuring one Kanal to be allotted to late Shri Piara Ram son of Shri Manga Ram, resident of Village Ramgarh, Tehsil and District Panchkula, by defendants No.1 & 2 in lieu of the property of late Shri Piara Ram acquired by the Land Acquisition Collector, Panchkula, vide Award No.6, dated 17.6.1992 for the allotment of land to the Haryana Urban Development Authority, Panchkula, for carving out Sector-26, Panchkula, being the only surviving legal heirs of late Piara Ram. Plaintiff also sought declaration to the effect that the Speaking Orders dated 8.7.2009 and 11.9.2009 along with the subsequent proceedings thereto passed by defendant no.2 are liable to be set aside being illegal, null and void. Plaintiff also sought a decree for mandatory injunction

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

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EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)  
Dated 13-5-15  
Authorised by Section 78 India  
Evidence Act. 1878.

directing the defendants No.1 & 2 to allot Plot No.174, Sector-26, Panchkula, in favour of plaintiff and defendants No.6 to 13 against the acquired property. Plaintiff also sought a relief of permanent injunction restraining the defendants No.1 & 2 from allotting the Plot No.174, Sector-26, Panchkula, to anybody else except the plaintiff and defendants No.6 to 13 in any manner.

2. Brief facts of the plaintiff's case sans unnecessary details are that:-

The grant father of the plaintiff namely Shri Piara Ram was the owner in possession of the land bearing Khewat/Khatoni No.428/568, Khasra No.1313/3/2 & 4/1 Kitta 2 total measuring 11 Kanals 8 Marlas situated at Village Ramgarh, Tehsil and District Panchkula. The said land was acquired by the Land Acquisition Collector, Panchkula, vide Award No.6 dated 17.6.1992 for providing it to the Haryana Urban Development Authority, Panchkula, for carving out Sector-26, Panchkula. The plaintiff is son of late Shri Gurnam Singh and therefore, he is the legal heir and grand son of late Shri Piara Singh, who died intestate on 27.2.2006 leaving behind the plaintiff and defendants No.6 to 13 as his only surviving legal heirs. The grand father of the plaintiff late Shri Piara Singh already received some amount of the awarded amount from the Land Acquisition Collector, Panchkula, and the remaining amount is still to be received by the legal heirs of late Shri Piara Ram. Against acquisition of the above land, a plot of one Kanal under the Qutsees

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

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EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
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Dated 13.3.15  
Authorised by Section 78 India  
Evidence Act. 1872.

defendant no.3 & 4 are jointly entitled for one a Kanal Plot under Oustees Quota, overlooking the fact that the official file of the defendant contained three disputed Wills alleged to have been executed by late Shri Piara Ram and the authentication of the said Will were never got verified from the competent authority i.e. from Civil Court. It is further submitted that one of the question, which would arise, is as to whether the land acquired was self acquired or ancestral property of late Shri Piara Ram, as to whether he was capable of being bequeath by way of a Will, is a question to be decided on the basis of evidence to be lead before the Civil Court. Initially, the defendants No.3 to 6 were hands in glove to grab the plot to be allotted by the defendants No.1 & 2 under Qustees Quota, but later on defendant no.6-Tejo Devi deviated from her claim of issuing no Objection Certificate, an affidavit and indemnity bond dated 19.5.2009 in favour of defendant no.3 and denied the fact that she had ever went to the office of defendant no.2 and executed the above said documents, due to which defendant no.2 issued another speaking order favoring the stand of defendants no.3 & 4 and affirming that defendant no.6 came to the office of defendant no.2 and has herself executed no Objection Certificate, an affidavit and indemnity bond dated 11.9.2009. As per the instructions given in the Speaking Order dated 11.9.2009, defendant no.2 got registered a FIR bearing No.469 at Police Station, Sector-5, Panchkula, against the defendant no.6 -Smt.Tejo Devi under section 420 IPC. In that case, Tejo Devi was arrested and remained in custody. Thereafter,

  
Ajay Kumar

CJ JD, Panchkula/ 4.3.2015.

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EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S Court Panchkula

Dated,   
Authorised by Section 78 India  
Evidence Act. 1878.



defendant no.6-Tejo Devi filed a criminal complaint before the court, wherein an order was issued for registration of FIR against defendant no.3-Manish Rahlan and defendant no.4-Rajesh Malhotra. A FIR No.220 dated 30.10.2009, Under section 420,467,468,471, 506,120 IPC was registered at PS Chandimandir in this regard and the said FIR is still under investigation. The details of the above FIR reveals that the property in dispute is the same very plot for the allotment of which an application have been moved by defendant no.3 and specific allegations has also been leveled against the defendant no.2 for favoring defendants no.2 & 3 in getting the plot allotted in their favour/name. The defendants No.3 and 4 had also filed a Civil suit against the defendant no.2 (Estate Officer) as well as against defendants No.5 & 6 for declaration seeking benefit quo allotment of Oustee Quota plot qua agricultural land, details of which mentioned in para no.10 of the plaint. It is further submitted that as per the knowledge of the plaintiff, the above mentioned Civil suit was a collusive one and has been withdrawn after defendants no.3 to 6 executed an alleged compromise with a view to get the plot allotted expeditiously in their favour and overlooking the lawful claim of the plaintiff and other legal heirs of late Shri Piara Ram. As per the knowledge of the plaintiff, the defendants No.1 & 2 considering the claim of defendants no.3 & 4 on the basis of three different alleged Wills, which are forged document as no person can execute any second Will without canceling the other. Moreover, no publication has been got done by the defendants No.1

  
Ajay Kumar

CJ JD, Panchkula/ 4.3.2015.

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**EXAMINER**  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)  
Dated 13-3-15  
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& 2 for the allotment of plots as is to be done in death cases. Further no notice has ever been issued to the legal heirs of late Shri Piara Ram. Moreover, as per the knowledge of the plaintiff, there are number of cases pending involving the said plot in issue and inspite that HUDA Authorities are deciding the claim and title of the defendants no.3 & 4, for which they are not competent and the same power vests only with the civil suit. It is also submitted by the plaintiff that as per law, no property can be willed out until that property is in existence. In the present case, at the time of execution of alleged Will, the Plot No.174 was not earmarked nor was allotted. So the HUDA Authorities cannot overlook the provisions settled by law and can favour a person, who is by no means related to late Piara Ram. It is also submitted that the file of plot No.174 itself speaks volumes regarding the discrepancies and forgeries committed to gain undue benefit by the beneficiaries of the alleged Wills i.e. defendants no.3 to 6 and that is why the plaintiff has never been called by the HUDA Authorities and no NOC was ever obtained from him nor any other legal heir of late Piara Ram was ever heard. The plaintiff got served a legal notice of demand to the defendants No.1 & 2 on 7.4.2010. The plaintiff has also filed a Civil Writ petition in the Hon'ble Punjab & Haryana High Court, but the same was dismissed as withdrawn with a liberty to file a civil suit before the court. The plaintiff has time and again requested the defendants No.1 and 2 to consider the claim of legal heirs of late Shri Piara Ram and to set aside the Speaking orders dated 8.7.2009

  
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and 11.9.2009, but they were adamant. Hence the present suit has been filed by the plaintiff.

3. The notices were issued to the defendants. Defendants No.1 and 2 appeared through counsel and filed joint written statement, wherein, preliminary objections regarding maintainability, estoppel, cause of action, suit is bad for non-joinder and mis-joinder of necessary parties, proper court fees and jurisdiction, concealment of true facts etc., were taken.

On merits, defendants No.1 & 2 pleaded that as per the records of answering defendants, the father of the present plaintiff Gurnam Singh son of late Shri Piara Ram has already filed a suit for declaration on the same cause of action and the same was dismissed in default on 23.12.2006. Therefore, the present suit is not maintainable. Furthermore, the plaintiff has not impleaded the Land Acquisition Collector as party to the suit, as the land in question was acquired by the Acquisition Collector. It is further submitted that Piara Ram was the owner in possession of land measuring 11 Kanals-8 Marlas bearing Khewat/Khatoni No.428/568, Khasra No.13/3/2 & 4/1. The said land was acquired by the Land Acquisition Collector, Panchkula, vide award No.6 in the year 1992. Later on the same was transferred to the answering defendants for development of Sector-26, Panchkula. As per documents, the owner of the said land namely Piara Ram died in the year 2006. The answering defendants floated the plots for allotment in the year 2006,

  
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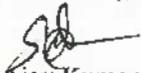
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wherein the Outsees claims were also invited. The defendant no.6- Smt.Tejo Devi being the wife of Piara Ram applied for the allotment of plot under Outsees Quota category in Sector 27, Panchkula, on the basis of registered Will dated 2.9.2002. Simultaneously, defendants No.3 & 4 also applied for allotment of plot on the basis of Wills dated 31.8.2005 and 23.12.2005 in their favour. Since all these three claims were qua the land owned by the same landowner, therefore their case were put up before the Screening Committee in its meeting held on 9.9.2006 and the committee decided to club all the three claims and found them ineligible for allotment of plot in Sector 27, Panchkula, as the land of the owner was acquired for Sector 26, Panchkula. However, a liberty was granted to defendants No.3, 4 & 6 to apply the plot in future in Sector 26, Panchkula as and when the plots were floated by the answering defendants. It is further pleaded that after a series of appeal filed by the aggrieved persons, the Screening Committee in its meeting held on 5.3.2009 decided that the Estate Officer will ascertain the authenticity of the Wills and satisfy as to whether the landowner was alive or not by affording proper opportunity of hearing to the defendants no.4,5 & 6, but Smt.Tejo Devi gave her No Objection in case all the benefits regarding the acquisition of the said land were given to Shri Manish Rehlan (defendant NO.3) and it was finally found that all the three defendants had agreed that one plot as per their eligibility was allotted, jointly in the names of Manish Rehlan and Rajesh Malhotra (defendants No.3 & 4). As such, they were jointly held entitled

  
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for allotment of 1 Kanal plot vide Speaking Order dated 8.7.2009 and after draw of lots, plot No.174, Sector-26, Panchkula was earmarked for allotment in favour of defendants-Manish Rehlán and Rajesh Malhotra. It is further pleaded that however, before the issuance of Allotment Letter, Smt.Tejo Devi (defendant No.6) had informed HUDA vide letter dated 21.7.2009 that her husband late Shri Piara Ram had executed a registered Will in her favour on 2.9.2002, vide which she had executed an agreement to sale for the plot to be allotted by the HUDA against the acquired land in favour of defendant No.6-Shri Pushpraj for a total sale consideration of RS.23,76,276/- and also denied the existence of any other Will in favour of any other person. She also denied to have ever attended the office of HUDA on the alleged date of execution of the Indemnity Bond, No Objection Certificate etc. on 19.5.2009, which led to the registration of FIR and many other civil litigations claiming benefit qua the plot in the Oustees Quota in their favour were also filed at Civil Courts at Panchkula and had been got dismissed as withdrawn. With these submissions, while denying all the averments made in the plaint vehemently, defendants No.1 & 2 ultimately prayed for dismissal of the present suit.

The defendants No.3 & 4 appeared before the court counsel and filed joint written statement, wherein preliminary objections regarding cause of action, concealment of true facts, maintainability, proper court fee etc. were taken.

  
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On merits, it is submitted by defendants NO.3 & 4 that even if it was presumed that no Will was ever executed by late Shri Piara Ram, then in that case also Smt. Tejo Devi (defendant NO.6) shall be entitled to inherit his properties and not the plaintiff as he was the grandson of Shri Piara Ram. Moreover, as neither the plaintiff, nor his father late Shri Gurnam Singh had ever applied for allotment of Oustees Quota Plots, no right existed in his favour, whereas, the Wills executed in favour of Smt. Tejo Devi and defendant no.4 were registered Wills and presumption of truth was also attached to them. It is further pleaded that during his life time, Shri Piara Ram son of Shri Moonga had entered into the agreement to sell with the defendant no.4 and had also executed General Power of Attorney and Will in favour of defendant no.4, however, he also executed a Will in favour of defendant no.3 and his wife (defendant NO.6) and defendant no.6 entered into an agreement with defendant no.5. That defendant no.6 has been changing her stand time and again before the different authorities, resultantly, an FIR also stood registered against her on the complaint of defendants no.1,2 and 3, in which she was arrested and remanded to judicial custody and thereafter, bailed out. Thereafter, she entered into a compromise deed, which was executed duly between the defendants No.3 to 6. As per compromise dated 23.3.2010, defendants no.5 & 6 surrendered their right in the disputed plot in favour of defendants no.3 & 4 and accordingly, defendant no.6 appeared before the HUDA Authorities and stated that this fact which ended the dispute

  
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between the defendants no.3 to 6 with the defendants No.3 & 4 acquiring the rights in the disputed plot with exclusion to defendants No.5 & 6. That hence the present suit was filed, defendant no.6 in view of the above compromise deed filed the written statement, from which she is now resiling that as she has already surrendered her rights in the plot along with defendant no.5 in the presence of defendants no.1 and 2, hence, the defendants no.1 & 2 are to allot the plot in question in favour of defendants no.3 & 4. It is denied that the defendants no.3 to 6 were hand in glove to grab the plot in question. With these submissions, while denying all the averments made in the plaint vehemently, defendants No.3 & 4 ultimately prayed for dismissal of the present suit.

Defendant no.6 appeared before the court through her counsel and filed separate written statement, wherein preliminary objections regarding maintainability, concealment of true facts, estoppel, cause of action and proper court fee and jurisdiction.

On merits, it is submitted by defendant no.6 that Shri Piara Ram has not died intestate, rather Shri Piara Ram died testate and executed a valid and effective Will in favour of defendant no.2. The answering defendant is the only legal heir of Shri Piara Ram. It is admitted that Shri Piara Ram has received some of the awarded money from the Land Acquisition Collector, Panchkula and it is denied that the remaining is still to be received by the legal heirs of Shri Piara Ram, however, be received by the answering defendant. It is denied that after

  
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the death of Piara Lal, his legal heirs were to be allotted a plot of one Kanal under the Outsees Quota only the answering defendant is entitled for the said plot. It is further pleaded that the answering defendant never executed the allotted No Objection Certificate, affidavit and indemnity bond dated 19.5.2009 in favour of defendant no.3 and all the documents were procured by the defendants no.3 to 5 in connivance with each other by obtaining the thumb impression on some blank papers. It is further submitted that the defendant no.2 passed a wrong Speaking order illegally. The answering defendant is a rustic, illiterate and simple land and she has no knowledge about the name of the Offices of any department. The alleged FIR No.469 registered against the answering defendant is false and frivolous and the result of high handedness of the defendants no.3 to 5 and the defendant no.6 is likely to be acquitted in this FIR. It is further pleaded that the procedure adopted by the defendants No.1 & 2 for allotment of the plot in question has not been adopted as per the rules and procedure and irregularity has been committed by the HUDA Authority as alleged. With these submissions, while denying all the averments made in the plaint vehemently, defendant No.6 ultimately prayed for dismissal of the present suit.

4. From the pleadings of the parties, the following issues were framed on 7.9.2011 :-

1. Whether the plaintiff and defendants no.6 to 13 are entitled to get the suit property detailed in the head note of the plaint

  
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allotted in their names being the legal heirs of late Shri Piara Ram son of Shri Manga Ram ? OPP

2. Whether the orders dated 8.7.2009 and 11.9.2009 passed by defendant no.2 along with the subsequent proceedings relating thereto are illegal, null and void and without jurisdiction ?OPP.
3. Whether the plaintiff is entitled to a decree for declaration as prayed for on the grounds mentioned in the plaint?OPP.
4. Whether the plaintiff is entitled a decree for mandatory injunction and permanent injunction as prayed for on the grounds mentioned in the plaint?OPP.
5. Whether the suit is not legally maintainable in the present form?OPD.
6. Whether the plaintiff is estopped by his own act and conduct?OPD.
7. Whether the Civil Court has got no jurisdiction to try and decide the present suit as per section 50 of HUDA Act, 1977?OPD.
8. Whether the defendant no.6 is entitled to inherit the suit property detailed in the head note of plaint on the basis of Will dated 2.9.2002?OPD.
9. Relief.

5. Following witnesses were examined from the side of plaintiffs:-

- |     |   |
|-----|---|
| PW1 | Jaswinder Singh (plaintiff) .                   |
| PW2 | HC Harinder Kumar                               |
| PW3 | Prem Singh                                      |
| PW4 | Gurmukh Singh, Crerk, HUDA.                     |
| PW5 | Balbir Singh, Accountant, DC Office, Panchkula. |


  
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Following documents were tendered on behalf of  
plaintiff:-

- Ex.P1 Copy of Jamabandi for the year 1999-2000.
- Ex.P2 Death Certificate of Pyara Ram.
- Ex.P3 Death Certificate of Gurnam Singh.
- Ex.P4 Death Certificate of Karam Chand.
- Ex.P4/A Copy of letter dated 25.06.2011 from CA HUDA.
- Ex.P5 Copy of Legal Notice dated 07.04.2010.
- Ex.P6 Copy of Representation/Request dated 07.03.11.
- Ex.P7 Copy of reply memo No. 10582 dated 23.08.11.
- Ex.P9 Copy of reply memo No. 10166 dated 11.08.11.
- Ex.P10 Copy of bank receipt dated 01.08.2010.
- Ex.P11 Photocopy of bank receipt dated 01.08.2010.
- Ex.P12 Copy of HUDA reply dated 08.07.2010.
- Ex.P13 Copy of appeal under RTI Act 2005 dated 08.07.2010
- Ex.P14 Copy of HUDA reply dated 21.07.2010.
- Ex.P15 Copy of appeal under RTI Act 2005 dated 26.07.2010
- Ex.P16 Copy of reply under appeal under Section 19(3) of RTI Act.
- Ex.P17 Copy of Judgment passed in case titled as "Yad Ram Vs Estate Officer" dated 21.05.2013.

  
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- Ex.P18 Copy of Decree Sheet of Case titled as "Yad Ram Vs Estate Officer" dated 21.05.2013.
- Ex.P19 Copy of family settlement compromise dated 21.12.2012.
- Ex.P20 Copy of application under RTI Act dated 06.06.2013.
- Ex.P21 Copy of reply from State Information commissioner Haryana dated 13.12.2010.
- Ex.P22 Copy of reply dated 07.12.2010
- Ex.P23 Copy of reply from Estate Officer HUDA
- Ex.P24 Copy of Order of Hon'ble High Court CWP No. 6697 of 2010 Case titled Jaswinder Vs State of Haryana and others
- Ex.P25 Copy of order dated 28.10.2013 passed in case titled as Piara Vs. State of Haryana etc.
- Ex P26 Copy of application u/o 22 rule 10 CPC filed in case titled as Yad Ram Vs. HUDA etc.
- Ex.P27 Copy of order dated 24.9.2012 passed in case titled as Yad Ram Vs. HUDA etc.
- Ex.P28 Copy of order dated 16.2.2013 passed in case titled as Yad Ram Vs. HUDA etc.
- Mark A Copy of application under section 4 and 6 of RTI Act 2005.
- Mark B Copy of plaint of civil suit titled as Manish Vs Tejo Devi"
- Mark C Copy of Power of attorney in case titled as Manish Vs Tejo Devi"
- Mark D Copy of statement of Shri Sameer Sethi, Advocate in case titled as Manish Vs. Tejo.

  
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- Mark E Copy of order dated 31.03.2010 passed in case titled as "Manish Vs Tejo Devi".
- Mark F Copy of Jamabandi for the year 2009-2010.
- Mark G Copy of letter dated 21.12.2005.
- Mark H Copy of Speaking order dated 08.07.2009
- Mark I Copy of Speaking order dated 11.09.2009
- Mark J Copy of FIR.
- Mark K Copy of FIR No. 220 dated 30.10.2009
- Mark L Copy of application filed by Yad Ram to Tehsildar, Panchkula.
- Mark L Copy of Sale Agreement dated 21.06.2006.

Thereafter, learned counsel for plaintiff has closed the evidence on behalf of plaintiff by making separate statement dated 25.9.2013.

6. Following witness was examined from the side of defendant:-

- DW1 Manish Ralhan S/o Sh. M J Ralhan.
- DW2 Parminder Sahni, Notary Public.
- DW3 Mahabir Singh, Criminal Ahlmad.
- DW4 Prem Singh, Assistant.
- DW5 Rajesh Malhotra, S/o CL Malhtora.
- DW6 Ashok Pawar.S/o Kehar Singh.
- DW6 Manmohan Dhamija, Clerk.

  
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DW7 Vikas Sharma, Executive Dainik Bhaskar.

DW8 Sanjay Kant Vijay S/o J P Vijay.

DW9 Yashpal Singh S/o sh. Surat Singh.

**Following documents were tendered from the side of defendant:-**

Ex.DA Copy of plaint of civil suit titled as "Jawahar Vs Tejo Devi"

Ex.DB Copy of affidavit of Jawahar Lal filed in case titled as "Jawahar Vs Tejo Devi"

Ex.DC Copy of application u/o 6 rule 17 CPC filed in case titled as "Yad Ram Vs Estate Officer"

Ex. DD Copy of application for amendment of plaint in case title "Yad Ram Vs Estate Officer"

Ex. DE Copy of affidavit of Yad Ram filed in case title as "Yad Ram Vs Estate Officer"

Ex.DF Copy of order dated 23.12.2006 passed in case titled as "Yad Ram Vs Estate Officer".

Ex.DG Copy of application for restoration filed in case titled as Yad Ram Vs. HUDA etc.


Ex.DH Copy of affidavit of S.S.Pathania filed in case titled as Yad Ram Vs. HUDA etc.

Ex.DI Copy of plaint of civil suit titled as Yad Ram Vs. Estate Officer HUDA etc.

Ex.DJ Copy of affidavit of Yad Ram in case titled as "Yad Ram Vs Estate Officer"

Ex-DK Copy of amended plaint of case titled as "Yad Ram Vs Estate Officer"

Ex.DW 4/A

  
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Ex DW 6/1 Copy of compromise deed dated 23.03.2010.

Ex DW 8/1 Original Sale agreement dated 29.08.2005  
Mark D3 between Piara and Rajesh

Ex DW 9/2 Will dated 31.08.2005  
Mark D

Ex.DW9/1  
Mark D1 General Power of Attorney dated 29.08.2005

Ex DW 7/1 Copy of Public notice regarding change of  
Mark D-1 name.

Mark DA Copy of Will of Pyara Ram dated 23.12.2005.

Thereafter, evidence of the defendants was closed on  
20.1.2014.

7. In rebuttal evidence, the following documents were tendered  
on behalf of plaintiff:-

Ex.PX Certified copy of written statement filed in  
case titled as Jawahar Lal Vs. Tejo Devi etc.

Ex.PY Certified copy of written statement filed in  
case titled as Jawahar Lal Vs. Tejo Devi etc.


Thereafter, learned counsel for the plaintiff has closed the  
rebuttal evidence vide separate statement dated 4.3.2015.

8. I have heard the arguments advanced by learned counsel for  
both the parties and further perused the paper book with their able  
assistance. My issue wise findings are as hereunder:-

**Issue no. 1 to 4, 7 & 8:**

  
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9. The onus to prove the issues No. 1 to 4 was on the plaintiff, whereas onus to prove issues no.7 & 8 was upon the defendants. As question for determination is inter connected, so above mentioned issues were taken up together.

The main contention of the plaintiff is that he being legal heir of late Sh. Piara Ram, entitled to share along with other legal heirs in the Plot No.174, Sector-26, Panchkula, measuring one Kanal to be allotted to late Shri Piara Ram son of Shri Manga Ram, resident of Village Ramgarh, Tehsil and District Panchkula, by defendants No.1 & 2 in lieu of the property of late Shri Piara Ram acquired by the Land Acquisition Collector, Panchkula, vide Award No.6, dated 17.6.1992 for the allotment of land to the Haryana Urban Development Authority, Panchkula, for carving out Sector-26, Panchkula. It is further contended that wills allegedly executed in favour of defendants no.3 & 4 are false and fabricated one, further there was no opportunity with late Pyara Ram that he had to execute will in favour of total strangers.

Per-Contra, defendants no.3 & 4 meted out supra mentioned contention with plea that late Pyara Ram relinquished his right in Plot No.174, Sector-26, Panchkula, in their favour by executing will, agreement to sell and general power of attorney. Further, defendant no.2 passed a speaking order, whereby he took a conscious decision that defendant no.3 & 4 are jointly entitled for one Kanal Plot under Oustees

  
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Quota. It is further contended that suit of the plaintiff is barred by doctrine of constructive res judicata and further hit by order 2 rule 2 CPC.

In rebuttal, it is argued that suit is not barred by doctrine of constructive res judicata, because in previous suit parties were not same. Further, it is contended that suit is also not barricaded by order 2 rule 2 CPC.

10. Keeping in view supra said rival contentions, it can not be gain said that this court is called upon to determine the inviolability of Wills, agreement to sell, and GPA allegedly executed by late Piara Ram in favour of defendants no 3&4. Further, whether, the Speaking Orders dated 8.7.2009 and 11.9.2009 along with the subsequent proceedings thereto passed by defendant no.2 are liable to be set aside being illegal, null and void or not? and also, whether suit is barred by doctrine of constructive res judicata and hit by order 2 rule 2 CPC or not? It will be in fitness of things to state at the very outset that it is admitted position that plaintiff is one of the legal heirs of late Piara Ram along with defendants No.6 to 13. Before commenting upon the credibility and reliability of Wills dated 23.12.2005, 31.8.2005 and 2.6.2003, allegedly executed in favour of defendant No.3, defendant no.4 and defendant no.6 respectively, it will be apposite to make ready reference to the observations made by apex court in case titled as Suraj Lamp and Industries Pvt. Ltd. v. State of Haryana, 2011(4) R.C.R.(Civil) 669, wherein apex observed as follows:-

  
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Therefore, a SA/GPA/WILL transaction does not convey any title nor create any interest in an immovable property. The observations by the Delhi High Court, in *Asha M. Jain v. Canara Bank*, 2002(1) R.C.R.(Civil) 543 : 94(2001) DLT 841, that the "concept of power of attorney sales have been recognized as a mode of transaction" when dealing with transactions by way of SA/GPA/WILL are unwarranted and not justified, unintentionally misleading the general public into thinking that SA/GPA/WILL transactions are some kind of a recognized or accepted mode of transfer and that it can be a valid substitute for a sale deed. Such decisions to the extent they recognize or accept SA/GPA/WILL transactions as concluded transfers, as contrasted from an agreement to transfer, are not good law.

We therefore reiterate that immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of 'GPA sales' or 'SA/GPA/WILL transfers' do not convey title and do not amount to transfer, nor can they be recognized or valid mode of transfer of immovable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of

  
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title, except to the limited extent of section 53A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in Municipal or Revenue Records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales.


It has been submitted that making declaration that GPA sales and SA/GPA/WILL transfers are not legally valid modes of transfer is likely to create hardship to a large number of persons who have entered into such transactions and they should be given sufficient time to regularize the transactions by obtaining deeds of conveyance. It is also submitted that this decision should be made applicable prospectively to avoid hardship.

We have merely drawn attention to and reiterated the well-settled legal position that SA/GPA/WILL transactions are not 'transfers' or 'sales' and that such transactions cannot be treated as completed transfers or conveyances. They can continue to be treated as existing agreement of sale. Nothing prevents affected parties from getting registered Deeds of Conveyance to complete their title. The said 'SA/GPA/WILL transactions' may also be used to obtain specific performance or to defend possession under section 53A of TP Act. If they

  
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*are entered before this day, they may be relied upon to apply for regularization of allotments/leases by Development Authorities. We make it clear that if the documents relating to 'SA/GPA/WILL transactions' has been accepted acted upon by DDA or other developmental authorities or by the Municipal or revenue authorities to effect mutation, they need not be disturbed, merely on account of this decision.*

11. Keeping into account, aforesaid observations, this court proceed further, advert its attention towards the Will, which was executed by late Shri Pyara Ram in favour of Manish Ralhan. The thought out scrutiny of this Will attached with paper-book as Mark-DA reveals that same only executed in the presence of one attesting witness. Hence, it cannot be gain said that same is of no consequence, because failed to comply the requirements of law. Furthermore, as far as Will attached with paper-book as Mark-D/Ex.DW9/2 is concerned, although, same was executed in the presence of two attesting witnesses, but very interestingly, no reason assigned in it why the legal heirs were deprived from their normal devolution of property as per line of succession. Needless to say, that is a suspicious circumstance, surrounding the Will and onus was upon the propounder to do away with suspicious circumstance, but nothing put on paper-book from the side of propounder qua this requisite effort. Be that as it may, this court proceed further, and sail itself through General

  
Ajay Kumar


CJ JD, Panchkula/ 4.3.2015.

**Attested to be true Copy**

  
**EXAMINER**  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)  
Dated 13.3.15  
Authorised by Section 78 India  
Evidence Act, 1878.



Power of Attorney attached with paper-book as Ex.DW9/1, through which, Rajesh Malhotra, one of the defendant was empowered to manage the plot, which going to be allotted in lieu of land acquisition of late Shri Piara Ram. Needless to say, this document at present stage have no sanctity because same lapsed or stood revoked, as and when, demise of late Shri Pyara Ram took place. Furthermore, keeping in view the observation made by Hon'ble Apex Court in the afore said titled case, wherein practice on the part of individuals to execute Will, Agreement to sell or General Power of Attorney qua the properties, where they feel their self handicap to execute the Deed of Conveyance was clearly and categorically met deprecation at the hands of Hon'ble Apex Court of the Land. Besides it, in present case also, it appears firstly Will executed in favour of defendant no.3, 4 and 6 are not as per the requirement of law. Further, same seems to be executed with some ulterior motive and consequently, in the consider opinion of this court is not palatable. Furthermore, as far as Agreement to Sell executed in favour of Rajesh Malhotra is concerned, that is attached with paper-book as Ex.DW8/1, same reveals that it was executed for a paltry sum of Rs.1,90,000/- specifically when, the plot in question is worth rupees in crores. Furthermore, the proper remedy, which lies with Rajesh Malhotra, one of the defendant, is to file a suit for specific performance against the legal heirs of late Shri Pyara Ram. Under such circumstances, this agreement to sell is also of no consequence and further would not beef up the stand

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

**Attested to be true Copy**

  
**EXAMINER**  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S Court (Panchkula)

Date d. 17/3/15  
Authorised by Section 78 India  
Evidence Act. 1872.

taken by defendants no.3 & 4. Now, this court turn towards the Speaking Orders dated 8.7.2009 and 11.9.2009 passed by defendant no.2, whose inviolability is challenged by the plaintiff before this Court. It will be in fitness of things to state at the very outset that the operation of afore said speaking orders by rooh of documents attached with paper-book as Ex.P7 & Ex.P9 had already been put in abeyance. Furthermore, this court is of the opinion that firstly, Speaking Orders passed by defendant no.2 were totally against the fundamental principles of judicial procedure and further, it is beyond comprehension of this court, why not, legal heirs of late Shri Pyara Ram were intimated before arriving the decision to allot a plot under Oustees Quota to the person, who was claiming through a Will despite the same being registered one. More so, when before Estate Officer, HUDA, Panchkula, three different persons put their appearance and were laying claim on the plot going to be allotted under Oustees Policy, each of the three were putting their reliance upon the Will, naturally matter became not only contentious, but also carried with itself a clamour of suspicions. But, very strangely, Estate Officer, HUDA, after presuming that each of the Will was hunky dory, lead to the conclusion that there was no need to serve prior notice upon the real legal heirs of late Shri Pyara Ram. Be that as it may, without divorcing itself from natural state of affairs, this Court is constrained to observe that defendant no.2 should have exercised more caution while passing afore said alleged Speaking Orders. This Court is of the opinion that the Speaking Orders

  
Ajay Kumar

CJ JD, Panchkula/ 4.3.2015.

Attested to be true Copy

  
EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)

Date d. 13-3-15  
Authorised by Section 78 India  
Evidence Act. 1878.

challenged by the plaintiff are liable to be set aside and further passed without following the fundamental principles of Quasi Judicial Procedure. This discussion left the Court with the technical pleas raised from the side of defendants to the effect that suit of the plaintiff is barred by the doctrine of constructive res-judicata and further hit by the provision contained in order 2 rule 2 CPC. Before proceeding further, this court appraise itself from the document attached with paper-book as Ex.P17, which is judgment dated 21.5.2013 passed in the Civil Suit No.234 of 2006 by Ms.Bhawna Jain, Ld. Additional Civil Judge (Sr.Division), Panchkula. Mere fleeting perusal of the title of that case and of present case reveals that parties are not same, hence, plea took by defendants specifically by defendants no.3 & 4 that present suit is barred by doctrine of constructive res-judicata seems to be thrown in to sponge. Furthermore, as far as plea taken by defendants no.3 & 4 that present suit is barricaded by the provision contain in order 2 rule 2 CPC is concerned, it will be apposite to first grasp the observations made by Hon'ble Punjab & Haryana High Court in case titled as Gurdeep Singh Versus Arjan Singh, 2001 (4) RCR (Civil), 104, wherein Hon'ble High Court was pleased to observe as follows:-

*"There is no dispute with the proposition of law (sic) laid down in Rakha Singh's case (supra). Order 2 Rule 2 of the Civil Procedure Code is based on the principle that the defendant should not be twice*



Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

Attested to be true Copy

EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)

Dated 13-3-17  
Authorised by Section 78 India  
Evidence Act. 1878

*vexed for one and the same cause by splitting the claim and the relief but does not preclude a second suit based on distinct and different cause of action. In Inacio Martins (deceased through Lrs.) Vs. Narayana Hari Naik and others, 1994(1) RRR 536 (SC): 1993 (3) Supreme Court Cases 123, the Hon'ble Supreme Court while dealing with Order 2 rule 2 and Section 11 of the Civil Procedure Code, held that the doctrine of res-judicata differs from the rule embodied in Order 2 rule 2, in that, the former places emphasis on the plaintiff's duty to exhaust all available grounds in support of his claim while the latter requires plaintiff to claim all reliefs emanating from the same cause of action."*

12. Keeping in view the above mentioned observations, it can easily be concluded that where the cause of actions are different, there is no event of operation of provision contained in order 2 rule 2 CPC. In the light of this, perusal of the copy of judgment attached with paper-book as Ex.P17 transpires that the cause of action in that suit and in the present one are pole apart. Because, admittedly, the Speaking Orders passed by defendant no.2 challenged through present case were not at all in existence at the time of institution of that very suit. Hence, when the present suit is based on different cause of action not founded in the formal

  
Ajay Kumar

CJ JD, Panchkula/ 4.3.2015.

Attested to be true Copy

  
EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
& S. Court (Panchkula)  
Date 4.3.2015  
Authorised by Section 78 India  
Evidence Act. 1878.



suit, plea qua order 2 rule 2 CPC is liable to be dismissed being meritless.


13. As far as, plea taken by defendants to the effect that the jurisdiction of this Court is stand ousted because of the operation of HUDA Act is concerned, it will be fit to firstly, make a ready reference, to the observations, made by Hon'ble Apex Court in the case titled as M/s Kamala Mills Limited Versus State of Bombay AIR 1965 SC 1942 by Hon'ble Apex Court of the land that exclusion of jurisdiction of the Civil Court is subject to two limitation:-

*1. The Civil Court would still enjoy jurisdiction to examine the cases, where the provision of a statute have not been complied with or the statutory tribunal has not acted in conformity with the fundamental principles of judicial procedure.*


*2. The Civil Court is also entitled to examine exact extent to which the powers of statutory tribunal are exclusive.*

Keeping in view the ratio of law delivered in aforesaid case laws, it cannot be gain said that this court has very much jurisdiction to look into the legality of the alleged Speaking Orders dated 8.7.2009 and 11.9.2009.

14. The sum and substance of my afore said discussion is that plaintiff along with defendants no.6 to 13 are entitled to a plot No.174, Sector-26, Panchkula and further, Speaking Orders dated 8.7.2009 and 11.9.2009 are non-est and consequently of no effect. Before parting away

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

**Attested to be true Copy**

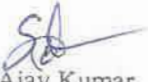
  
**EXAMINER**  
**Civil Judge (Senior Division)**  
**Cum-Judicial Magistrate**  
**& S. Court Panchkula**  
Dated 3/3/15  
Authorised by Section 78 India  
Evidence Act. 1875.

my discussion, it will be relevant to observe that a Will allegedly executed by late Pyara Ram in favour of defendant no.6 (Tejo Devi) on dated 2.6.2003 is also not proved on judicial file as per the requirement of law. Hence, same is also of no effect and defendant no.6 will only be entitled to a share like other legal heirs of late Shri Pyara Ram. Withal, learned counsel for the plaintiff apprised this court during arguments that it is prerogative of HUDA to allot either ear-marked plot i.e. Plot No.174, Sector-26, Panchkula or to allot some other plot of one Kanal under Oustees Policy as per the convenience and inconsonance with the rules governing HUDA day to day affair. Be that as it may, this court directs HUDA, Panchkula, either to consider the claim of plaintiff along with defendants no.6 to 13 for ear-marked Plot No.174, Sector-26, Panchkula or find out some other Workaday Option.

Hence, in sequel to my above said findings, present issues are decided in favour of plaintiff and against defendants.

Issues No. 5 & 6.

15. The onus to prove these issues were on the defendants. But neither these issues were pressed during the course of evidence nor pressed at the time of arguments by any of sides. In such circumstances, same deemed to be given up.

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

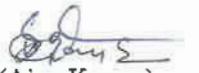
Attested to be true Copy

  
EXAMINER  
Civil Judge (Senior Division)  
Cum-Judicial Magistrate  
Panchkula  
Date 13-3-15  
Authorised by Section 78 India  
Evidence Act, 1874.


**Issue No. 9 RELIEF:-**

16. As a sequel to my supra-said discussion on the aforesaid issues, the suit of the plaintiff succeeds and the same is hereby decreed. The HUDA Authorities, Panchkula, are hereby directed either to consider the claim of plaintiff along with defendants no.6 to 13 for ear-marked Plot No.174, Sector-26, Panchkula or find out some other Workaday Option. Further, the Speaking Orders dated 8.7.2009 and 11.9.2009 are non-est and consequently of no effect. The defendants No.1 & 2 are also restrained from allotting the Plot No.174, Sector-26, Panchkula, to anybody else except the plaintiff and defendants No.6 to 13 in any manner. No order as to the costs. Decree sheet shall be prepared accordingly and file be consigned to the record room after due compliance.

Announced in open court.  
4.3.2015.

  
(Ajay Kumar)  
Civil Judge (Jr. Divn.),  
Panchkula

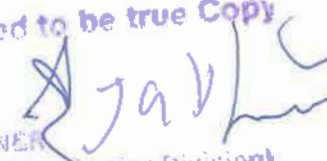
Note:- This judgment is contained in 32 pages, all of which have been checked and signed by me.

  
Ajay Kumar  
CJ JD, Panchkula/ 4.3.2015.

Prepared and Compared by 

13-3-15

Attested to be true Copy

  
EXAMINER  
Civil Judge (Senior Division)  
Judicial Magistrate  
& S. Court Panchkula  
Dated 13-3-15  
Authorised by Section 10, Inds  
Evidence Act, 1872.

IN THE COURT OF AJAY KUMAR, CIVIL JUDGE (JUNIOR  
DIVISION), PANCHKULA.

**DECREE SHEET**

Value of the suit for the purpose of jurisdiction Rs. 800/- -  
Value of the suit for the purpose of court fee Rs. 120/- -

Case Type: Cs  
Filing No. 2514/2013 Filing Date: 12.4.2010.  
Case No. 2730/2013 Registration Date: 12.4.2010.  
Case Code: 200400025142013.  
Date of Decision: 4.3.2015.

Jaswinder Singh S/o Late Sh. Gurnam Singh R/o Village Chatt. Tehsil  
Dera Bassi, Distt Mohali.

.... Plaintiff.

**Versus**

1. Haryana Urban Development Authority, Sector 6, Panchkula through its Chief Administrator.
2. The Estate Officer, Haryana Urban Development Authority Sector 6 Panchkula.
3. Sh. Manish Ralhan son of Sh. M J Rahlan, resident of House No. 128, Shivalik Encalve, MAC, Manimajra, UT, Chandigarh.
4. Sh. Rajesh Malhotra son of Sh. C L Malhotra, Resident of H. No. 731 Sector 16, Sector 16 Panchkula.
5. Sh. Pushap Raj son of Sh. Brahmanand, resident of Village and Post Office Ramgarh, Tehsil and District Panchkula.
6. Smt. Tejo Devi, Wd/o Sh. Piara, resident of Village and Post Office Ramgarh, Tehsil and District Panchkula.
7. Yad Ram son of Late Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
8. Ramesh Kumar son of Late. Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
9. Jagpal Singh son of Late Sh. Gurman Singh son of Late Sh. Sh. Piara Ram Resident of Village Ramgarh, Tehsil and District Panchkula.
- 10(a). Kamlesh daughter of late. Gurnam Singh Sh. Gurman Singh

Ajay Kumar,  
CJJD, Panchkula. 4.3.2015.

**Attested to be true Copy**

**EXAMINER**  
**Civil Judge (Senior Division)**  
**Cum-Judicial Magistrate**  
**& S. Court (Panchkula)**

Date d. 12-3-2015  
Authorised by Section 78 India  
Evidence Act. 1874.



son of Late Sh. Piara Ram Resident of Village Rangarh,  
Tehsil and District Panchkula.

9(b). Jayawantari daughter of late. Gurnam Singh Sh. Gurnam  
Singh son of Late Sh. Piara Ram Resident of Village  
Rangarh, Tehsil and District Panchkula.

9(c) Pammi daughter of late. Gurnam Singh Sh. Gurnam  
Singh son of Late Sh. Piara Ram Resident of Village  
Rangarh, Tehsil and District Panchkula.

9(d). Leela Devi daughter of late. Gurnam Singh Sh. Gurnam  
Singh son of Late Sh. Piara Ram Resident of Village  
Rangarh, Tehsil and District Panchkula.

10. Karam Chand son of Late Sh. Piara Ram, since deceased,  
represented through legal heirs a) Mukesh Kumar (son), b)  
Leela Devi (Wife) c) Reeta (daughter) d) Geeta (daughter) all  
Resident of Village Rangarh, Tehsil and District Panchkula.

11. Jogindro Devi wife of late Sh. Maghi Ram, Daughter of Late  
Sh. Piara Ram, Resident of Village Chhat, Tehsil Dera Bassi,  
Distt Mohali.

12. Savitri Devi, Wife of Late Sh. Jeet ram daughter of Late Sh.  
Piara Ram, Resident of Village Samarheri, Distt Patiala.

13. Mehro Wife of Kamial Singh, daughter of Lae Sh. Piara  
Ram, Since deceased represented through her legal heirs a)  
Jaswinder (Son) b) Raman (son) c) Kamial Singh (husband)  
all residents of Village Jolan Tehsil Derabassi, District  
Mohali.

measuring  
Defendants.

### Suit for Declaration with consequential relief of Mandatory as well as Permanent Injunction.

**Claim:-** A) decree for declaration to the effect that plaintiff and  
defendants No.6 to 13 are entitled to a Plot No.174, Sector-26, Panchkula,  
one Kanal to be allotted to late Shri Piara Ram son of Shri

Ajay Kumar,  
CJJD, Panchkula. 4.3.2015.

**Attested to be true Copy**

**EXAMINER**  
Civil Judge or Division  
Cum-Judicial Magistrate

3

Manga Ram, resident of Village Ramgarh, Tehsil and District Panchkula, by defendants No.1 & 2 in lieu of the property of late Shri Piara Ram acquired by the Land Acquisition Collector, Panchkula, vide Award No.6, dated 17.6.1992 for the allotment of land to the Haryana Urban Development Authority, Panchkula, for carving out Sector-26, Panchkula, being the only surviving legal heirs of late Piara Ram. Plaintiff also sought declaration to the effect that the Speaking Orders dated 8.7.2009 and 11.9.2009 along with the subsequent proceedings thereto passed by defendant no.2 are liable to be set aside being illegal, null and void. Plaintiff also sought a decree for mandatory injunction directing the defendants No.1 & 2 to allot Plot No.174, Sector-26, Panchkula, in favour of plaintiff and defendants No.6 to 13 against the acquired property. Plaintiff also sought a relief of permanent injunction restraining the defendants No.1 & 2 from allotting the Plot No.174, Sector-26, Panchkula, to anybody else except the plaintiff and defendants No.6 to 13 in any manner.

Plaint Presented On:- 12.4.2010.

This suit coming before me (Ajay Kumar) Civil Judge (Junior Division) Panchkula for disposal today i.e. 4.3.2015 in the presence of Shri Sh. N K Bajaj, counsel for the plaintiff, Sh. Ashwani Chaudhary, counsel for the defendant No. 1 & 2, S/Shri Sameer Sethi & Vinay Verma, counsel for the defendants No. 3 to 5, Sh. Hamid Hassan, counsel for the defendant No.6 and Sh. Arvind Sud, counsel for defendant No. 10(c), 10(d) and 13 (c).

It is ordered that the suit of the plaintiff succeeds and the same is hereby decreed. The HUDA Authorities, Panchkula, are hereby directed either to consider the claim of plaintiff along with defendants no.6 to 13 for ear-marked Plot No.174, Sector-26, Panchkula or find out

Ajay Kumar,  
CJJD, Panchkula. 4.3.2015.

**Attested to be true Copy**

**EXAMINER**  
**Civil Judge (Senior Division)**  
**Cum-Judicial Magistrate**  
**& S. Court Panchkula**

**Dated** 13.3.15  
**Authorised by Section 78 India**  
**Evidence Act. 1878**

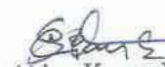
4

some other Workaday Option. Further, the Speaking Orders dated 8.7.2009 and 11.9.2009 are non-est and consequently of no effect. The defendants No.1 & 2 are also restrained from allotting the Plot No.174, Sector-26, Panchkula, to anybody else except the plaintiff and defendants No.6 to 13 in any manner. No order as to the costs.


**MEMO OF COSTS**

	Plaintiff	Defendant
1. Stamp for plaint	<u>120-00</u>	<u>60-00</u>
2. Stamp for power	<u>64-00</u>	<u>26-00</u>
3. Pleader's fee	<u>500-00</u>	<u>500-00</u>
4. Sub.of witnesses	<u>1,000-00</u>	<u>1850-00</u>
5. Process fee	<u>50-00</u>	<u>00-00</u>
6. Misc.	<u>170-00</u>	<u>70-00</u>
<hr/>		
Total	<u>1,844-00</u>	<u>2,440-00</u>

Given under my hand and the seal of the court today i.e. 4th day of March, 2015.

  
 (Ajay Kumar),  
 Civil Judge (Jr.Divn.),  
 Panchkula.

Note: All these four pages checked and signed by me.

  
 Ajay Kumar,  
 CJD, Panchkula. 4.3.2015.

**Attested to be true Copy**

  
**EXAMINER**  
 Civil Judge (Senior Division)  
 Cum-Judicial Magistrate  
 & S. Court (Panchkula)  
 Dated 5-3-15  
 Authorised by Section 70 India  
 Evidence Act, 1872

DP No. 110  
25/8/12

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

To,

1. The State of Haryana through the **Secretary**, and Commissioner, Town and Country Planning, Haryana Civil Secretariat, Chandigarh.
2. Haryana Urban Development Authority, through its Chief Administrator, Sector 6, Panchkula.
3. The Estate Officer, Haryana Urban Development Authority, Panchkula.
4. Land Acquisition Officer, Panchkula, Mini Secretariat, Sector 1, Panchkula.
5. State of Haryana through its Principal Secretary, Haryana Urban Development Authority, Civil Secretariat, Chandigarh.
6. Haryana Urban Development Authority, Sector 14, Gurgaon through its Chief Administrator.
7. Haryana Urban Development Authority, Sector 56, Gurgaon through its Estate Officer.
8. The State of Haryana through Financial Commissioner and Principal Secretary to Government Haryana, Urban Development Department, Haryana Civil Secretariat, Chandigarh.
9. The Estate Officer, Haryana Urban Development Authority, Karnal, District Karnal.

Subject:-

Civil Writ Petition No. 15002 of 2012 (Ram Singh)  
Civil Writ Petition No. 15004 of 2012 (Phool Singh and ors)  
Civil Writ Petition No. 15046 of 2012 (Om Pal)  
Civil Writ Petition No. 15047 of 2012 (Ram Chander)

-----Petitioner(s)

Versus

State of Haryana and ors

-----Respondent(s)

Sir,

In continuation of this Court's order dated                      I am directed to forward herewith a copy of Order dated 07.08.2012 passed by this Hon'ble High Court in the above noted Civil Writ Petitions, for immediate strict compliance along with copy of order dated 25.04.2012 in LPA 2096 of 2011.

Given under my hand and the seal of this Court on this 13<sup>th</sup> Day of August 2012.

BY ORDER OF HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Superintendent (Writ)

Estate Officer HUDA  
Panchkula



5  
8

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND

HARYANA AT CHANDIGARH

C.W.P. No. 15002 of 2012

Ram Singh S/o Ratna R/o village Haripur Sector-4,  
Panchkula.

.... Petitioner.

Versus

1. The State of Haryana through the Secretary,  
and Commissioner, Town and Country Planning,  
Haryana Civil Secretariat, Chandigarh.
2. Haryana Urban Development Authority, through  
its Chief Administrator, Sector 6, Panchkula.
3. The Estate Officer, Haryana Urban Development  
Authority, Panchkula.
4. Land Acquisition Officer, Panchkula, Mini  
Secretariat, Sector-1, Panchkula.

.... Respondents.

CIVIL WRIT PETITION UNDER ARTICLES  
226/227 OF THE CONSTITUTION OF INDIA  
FOR ISSUANCE OF A WRIT IN THE NATURE  
OF MANDAMUS FOR DIRECTING  
RESPONDENTS TO ALLOT PLOT IN THE

DEEPA CHAND  
Special Stamp Vendor  
Panchkula  
Red Ink Stamp Paper  
Not Available

*Handwritten signature*  
Sr. Accounts Officer  
Estate Officer HUDA  
Panchkula

69

NAME OF THE PETITIONER UNDER OUSTEES  
QUOTA CATEGORY ON ACCOUNT OF  
ACQUISITION OF HIS 22 KANAL 12 MARLA  
OF LAND SITUATED IN VILLAGE MADALPUR  
FOR DEVELOPMENT OF SECTOR-4,  
HUDA, PANCHKULA ACCORDING TO HIS  
ENTITLEMENT AS PER THE OUSTEES  
POLICIES FRAMED BY THE HUDA FROM  
TIME TO TIME REGARDING OUSTEES  
QUOTA ALLOTMENT ;

FURTHER PRAYER FOR DIRECTING THE  
RESPONDENTS TO CONSIDER AND DECIDE  
THE CLAIM OF THE PETITIONER FOR  
ALLOTMENT OF PLOT UNDER OUSTEES  
QUOTA CATEGORY BY DECIDING THE  
REPRESENTATION OF THE PETITIONER  
DATED 23.8.2011 (Annexure P-5)  
SUBMITTED BEFORE THE OFFICE OF  
RESPONDENT NO.3.

OR

ANY OTHER WRIT, ORDER OR DIRECTION  
WHICH THIS HON'BLE COURT DEEMS FIT  
AND PROPER IN THE FACTS AND  
CIRCUMSTANCES OF THIS CASE MAY ALSO  
BE ISSUED.

14/12/20  
Sd. Accounts Officer  
Estate Officer HUDA  
Panchkula

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision: 7.8.2012  
CWP No. 15002 of 2012

Ram Singh

.....Petitioner

vs.

State of Haryana and ors

.....Respondents

**CORAM: - HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: - Mr. Gaurav Bakshi, Advocate for the petitioner.

**HEMANT GUPTA, J**

The issues raised in the present writ petition are covered by the judgment of this Court in LPA No.2096 of 2011 titled "Haryana Urban Development Authority & others Vs. Sandeep & others" decided on 25.04.2012.

In view of the said fact, the present writ petition is disposed of in the same terms, as in Sandeep's case (supra).

*Sd/-* (HEMANT GUPTA)  
JUDGE

*Sd/-* (RAJIV NARAIN RAINA)  
JUDGE

7.8.2012

preeti  
*for*



*OP/Adltd  
Ply 30 mus  
14.8.12*

*Sarver*  
*22-08-12*

*Al/est/ldr*  
**St. Accounts Officer  
Estate Officer HUDA**

112



From

The Chief Administrator,  
Haryana Urban Development Authority,  
Sector-6, Panchkula.

To

1. All the Administrator(S), HUDA.
2. All the Estate Officer(S), HUDA.

Memo No. UB-A-6-2015/ 22113

Dated: 4/12/15

**Subject:** Modification in reservation of residential plots to various categories in Urban Estates developed by HUDA- Amendment in policies.

This is in partial modification of policy bearing this office memo no. A-11P-97/16028-58 dated 06.05.1997 on the subject cited above and policy no. UB-A3-2011/7895-40 dated 07.05.2011 regarding rehabilitation and resettlement of landowners-land acquisition oustees.

Land of Sh. Sandeep Singh was acquired for the development of Sectors 44-46, Gurgaon vide award dated 23.03.1993 and oustee claims were also invited through advertisement dated 20.05.1997. Sh. Sandeep Singh did not apply for allotment of plot in response to the advertisement and filed C.W.P. No. 19927 of 2009 before the Hon'ble High Court claiming allotment of plot under oustees' category. The Hon'ble High Court vide its order dated 16.05.2011, disposed off the writ petition and directed HUDA to allot residential plot to the petitioner as per his entitlement within a period of three months after accepting the price of the plot in terms of the policy and the law as applicable for calculating such price. Against the ibid order HUDA filed LPA No. 2096 of 2011 titled as HUDA V/s Sandeep and others which was allowed on 25.04.2012 with certain directions. One of the directions was that HUDA can reserve plots upto 50% of the total plots available for all reserved categories including that of oustees. Relevant direction is reproduced below:

"..... (III) HUDA or such other Authority can reserve plots up to 50% of the total plots available for all reserved categories including that of Ousteers. As to what extent there would be reservation for the Ousteers, is required to be decided by the State Government and/or by HUDA or any other Authority, who is entitled to acquire land....."

HUDA filed SLP No. 27256 of 2012 against the order dated 25.04.2012 mainly challenging the ibid direction with regard to reservation. The SLP filed by HUDA was dismissed by the Hon'ble Supreme Court vide order dated 06.03.2014. Therefore, in order to



-2-

ensure implementation of the aforesaid direction, it has been decided to make modification in the existing policy providing reservation for various categories. Henceforth, the reservation shall be provided in following manners:-

S. No.	Category	For plots above 8 Marla Category	Upto 8 Marla
1	Scheduled Caste/ Scheduled Tribes	Nil	10%
2	Backward Class	Nil	2%
3	War Widows/ Disabled Soldiers	Nil	2%
4	Widow (Other than War Widow)		1%
5	Freedom Fighter, their Widows, Children & Grand Children	Nil	1%
6	Handicapped	Nil	1%
7	Blind	Nil	1%
8(i)	Haryana Govt. Servants including employees of Board/ Corporation under Haryana Govt. (serving employees)	6%	6%
8(ii)	GSRQ (retired/retiring employees)	2%	2%
9(i)	Defence Personnel/ Ex-serviceman	6%	6%
9(ii)	Paramilitary forces like CRPF, BSF, ITBP, RPF, GSF, CFEF etc, of domicile of Haryana State.	2%	2%
10	HPKIA	1%	1%
11	Advocate	2%	2%
12	Oustees	12%	10%
	<b>TOTAL</b>	<b>31%</b>	<b>47%</b>

Note: - 1. If some plots are left in the reserved categories then the same shall be included in the general category.

2. Fractions, if any, shall be ignored.

Besides above, as per policy referred above dated 06.05.1997, residential plots

to NRIs and distinguished persons will also be made as per following details:-

- (i) 2 residential plots of one kanal category and 5 residential plots of 14 Marla category is reserved in every new sector when floated for those NRIs who have been allotted industrial plots. The residential plots to NRIs are offered only when the building upon the industrial plots allotted to them is completed, machinery is installed and the industry is ready to start commercial production. Further, such plots are not allowed to be disposed of under any circumstances for a period of 10 years.
- (ii) The preferential allotment of residential plots is also made to the domicile of Haryana who have distinguished themselves in the fields of Art, Culture, Social Service, Science & Technology, Judiciary, Defence and Sports etc. upon receipt of request from such distinguish persons as per policy dated 16.03.2009.

You are therefore requested to take further action accordingly & the same may be complied in letter & spirit. These instructions may be brought to the notice of all concerned. This will be made applicable with immediate effect.

*B.B. Taneja*  
(B.B. Taneja) 4/12/15  
Deputy Superintendent,  
For Chief Administrator HUDA

Endst. No. UB-A-6-2015/ 22114

dated:- 4/12/15

A copy is forwarded to the following for information a strict compliance.

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Town Planner, HUDA, Panchkula.
3. The Chief Engineer, HUDA, Panchkula.
4. The Senior Architect, HUDA, Panchkula.
5. The Secretary, HUDA, Panchkula.
6. The General Manager (IT), HUDA, Panchkula. He is requested to host it on HUDA website.
7. The District Attorney, HUDA, Panchkula.
8. The Enforcement Officer, HUDA, Panchkula.
9. The Dy. ESA, HUDA, Panchkula.
10. Dy. Supdts./ Assistants/ clerks of Urban Branch, HQ, HUDA, Panchkula.

*B.B. Taneja*  
(B.B. Taneja) 4/12/15  
Deputy Superintendent,  
For Chief Administrator HUDA

The Chief Administrator,  
Haryana Urban Development Authority,  
Sector-6, Panchkula.



To

1. All the Administrators (S), HUDA in State.
2. All the Estate Officer (S), HUDA in State.

Memo No. A-5-UB-2016/

Dated:

**Subject: - Amendment in policy for Reservation of residential plots to various categories in Urban Estate developed by HUDA.**

In continuation of letter no. A-6-UB-2016/22113 dated 04.12.2015 on the subject cited above.

The matter for amendments in the policy guidelines earlier issued vide no. A-11-P-97/16028-58 dated 06.05.1997 was placed before the authority for ex-post facto approval in its 110<sup>th</sup> meeting held on 12.05.2016 vide Agenda Item No. 13 under the Chairmanship of Hon'ble CM Haryana cum-Chairman HUDA. The proposal has been approved by the Authority. A copy of Agenda Item alongwith an extract of proceeding of the authority meeting is sent herewith for taking further action in the matter.

You are requested to comply with the instructions / guidelines already conveyed vide letter under reference and send action taken report to this office within a week positively.

DA/As above

(R. K. Kataria)

Superintendent,

for Chief Administrator HUDA

Endst. No. UB-A-5 2016/17268-71

Dated:- 29.6.16

A copy of the above is forwarded to the following for information and necessary action:

1. PS/ ACSTCP for kind information of W/ ACSTCP.
2. PS/ DGTCP for kind information of W/ D.G.T.C.P.
3. PS/ C.A. for kind information of W/ C.A. HUDA.
4. The Chief Controller of Finance, HUDA, Panchkula.
5. The Chief Engineer/ Chief Engineer-I, HUDA, Panchkula.
6. The Chief Town Planner, HUDA, Panchkula.
7. The Chief Architect, HUDA(HQ), Panchkula.
8. The District Attorney, Legal Cell. HUDA, Panchkula.
9. The Secretary HUDA, Panchkula.
10. The Chief Vigilance Officer, HUDA (HQ), Panchkula.
11. The Enforcement Officer, HUDA (HQ), Panchkula.
12. The Dy. Economic & Statistical Advisor, HUDA, Panchkula.
13. The General Manager /IT, Panchkula for updation in the system.
14. All the Assistants & Record Keepers of Urban Branch, HUDA (HQ), Panchkula.

(R. K. Kataria)

Superintendent,

for Chief Administrator HUDA

From

The Chief Administrator,  
Haryana Urban Development Authority,  
Sector-6, Panchkula.

To

1. All the Administrator(s), HUDA.
2. All the Estate Officer(s), HUDA.

Memo No.UB-A-5-2016/ 46608-09

Dated: 11.08.2016

**Subject: Settlement of oustees claims-terms and conditions thereof**

With the prior approval of the 'Authority' accorded in its 111<sup>th</sup> meeting held on 27.07.2016 vide agenda item no. 111<sup>th</sup> (18), the present instructions are being issued with a view to implement the judgment dated 25.04.2012 passed in LPA No. 2096 of 2011 titled as HUDA V/s Sandeep and others which has been upheld by the Hon'ble Supreme Court in SLP No. 27256 of 2012 filed by HUDA which was dismissed vide order dated 06.03.2014 and further the order dated 26.04.2012 passed by the Hon'ble High Court in CWP No. 10941 of 2010 titled as Bhagwan Singh & Others vs State of Haryana & Others which has been upheld by the Hon'ble Supreme Court when SLP No. 13375-388 of 2013 filed by HUDA was dismissed vide order dated 24.11.2015 by the Hon'ble Supreme Court. Therefore, in order to ensure implementation of the aforesaid direction and to ensure settlement of oustees claims, it has been decided to issue instruction with following terms and conditions for eligibility:

1. An oustee shall have to submit an application for allotment of plot under the oustees quota along with earnest money in pursuance of advertisement inviting claims for such allotment.
2. An oustee shall be entitled to seek allotment of plot in the same sector for which land has been acquired for residential/ commercial purpose. However, where the land has only been acquired for any non-residential purpose such as industrial, institutional, group housing sites, completely commercial sector etc., then such an oustee shall be entitled to seek allotment of plot in the adjoining sector. Adjoining sector for this purpose shall mean the sector with boundaries abutting to the said sector. Where there are more than one sectors adjoining to the sector for which land has been acquired, in that case, an oustee shall be entitled to make an application in any one sector of his choice. However, where any such application is made in more than one sector then only his one application in any such sector at the discretion of the HUDA Authority shall be considered and earnest money in respect of other applications shall automatically stand forfeited and no claim for such forfeiture shall lie in future.



3. The application of an oustee shall be considered against the plots determined under oustees quota as per the instruction issued vide memo no. UB-A-6-2016/2213 dated 04.12.2015. The number of plots shall be determined on basis of total available plots advertised.
4. An oustee shall have the right to make such application only till the plots are available for oustees in the sector as per condition no. 2 and 3 above.
5. The allotment of plot to the oustees will be made through draw of lots.
6. An oustee should have been the owner of the land as on the date when the notification under Section 4 of the Land Acquisition Act, 1894 is issued. Any subsequent purchaser of land after said notification has been issued will not be entitled to make such application. Any application made by such purchaser shall entail automatic rejection of application and forfeiture of earnest money. However, the forfeiture of earnest money will be done only after giving opportunity of hearing to the defaulting applicant.
7. An oustee shall be eligible to make such application only if 75 % or more of his total land in the concerned revenue estate is acquired. For this purpose, the total land to be considered for such determination will mean the land comprised in the same revenue estate(s) where the concerned sector is situated.
8. The eligibility of each co-sharer for allotment of plot under oustees quota shall be determined on the basis of his individual holding i.e each co-sharer will be entitled to seek allotment of plot on basis of his own individual holding.
9. An oustee who satisfies other conditions will be entitled to be allotted the plot in proportion to his holding at the time of award. For purpose of determining the size of plots, criteria laid down in the policy as was in force at the time when notification under Section 4 of the Land Acquisition Act, 1894 was issued, shall be followed. However, as regards the cases where awards have been announced on or after 05.03.2005 but prior to 07.09.2010, the government notification of Rehabilitation and Resettlement dated 07.12.2007 will be applicable and size of plot will be allotted in such cases as per notification dated 07.12.2007. Similarly, where the awards have been announced on or after 07.09.2010, the size of plots will be allotted as stipulated in Government Notification of Rehabilitation and Resettlement dated 09.11.2010. An oustee may submit his application for lesser size plot than his entitlement. However, in such an eventuality he will not be entitled for further allotment of plot in future.

10. No commercial site will be allotted to the oustees.
11. An oustee, any portion of whose land and/ or constructed house/ factory etc. notified under section 4 of the Land Acquisition Act has been released will not be eligible for availing benefit of the plot under oustees policy even if otherwise 75 % of the total land has been acquired. This will help in ensuring that benefit of oustees policy is available only to those oustees who have no house, so that purpose of rehabilitation is achieved. It is clarified that release for this purpose shall mean the case where the notification under Section 4 of the Land Acquisition Act, 1894 has been issued in respect of the said land.
12. An oustee who has already got the benefit of allotment of plot from Haryana Urban Development Authority in any reserved category including under oustee policy shall not be eligible to seek allotment of plot under oustees quota.
13. A co-sharer in the land will not be eligible to claim allotment of plot if he had given a no objection certificate in favour of his co-sharer and on account of submission of such no objection certificate, a plot was allotted to such co-sharer in any previous floatation of plots for oustees.
14. An oustee who has already been allotted a plot under the oustees policy on any previous occasion as a co-sharer shall not be entitled to stake claim for allotment of plot under oustees quota.
15. An oustee who has made an application for allotment of plot under oustees policy on any previous occasion and said application either is pending for decision or was rejected on any ground and said rejection order was impugned before any court of law or Authority or forum of any nature and matter has been remanded back to the Authority for fresh decision, shall be informed of the decision in Bhagwan Singh's case and Sandeep's case and may be advised to apply for allotment of plot in fresh advertisement which will be issued after determination of reservation and their earnest money may be refunded along with interest @ 5.5 % per annum from date of deposit till date of payment. However, where litigation is pending then the court of law or authority or forum where it is pending may be informed of the aforesaid decision and efforts may be made to get the litigation disposed off in terms specified herein.
16. The applications of the oustees as received shall be put in draw of lots and eligibility of only those oustees who are successful in draw of lots shall be determined. Mere submission of such application or success in draw of lots shall not create any vested right for such allotment as eligibility will be determined only after oustee is declared successful in draw of lots.



17. The list of applicants shall be compiled within a period of 15 days of closing of the scheme and draw shall be held within a period of 30 days of closing of scheme for advertised plots. The eligibility of the oustees who are successful in draw of lots shall be determined within a further period of one month. If any oustee who is declared as successful in draw of lots is found ineligible as per policy, then his draw shall be cancelled. The plot which will become available on account of such cancellation of draw may again be put to draw of lots out of remaining oustees who were earlier unsuccessful in the same draw. The earnest money of unsuccessful applicants may be refunded thereafter. No interest shall be payable on said amount if it is refunded within a period of 6 months from closing of the scheme otherwise interest @ 5.5 % per annum may be paid on earnest money after expiry of 6 months till date of payment.
18. An oustee shall have to submit with his application:
  - a. A certificate from the District Town Planner of Urban Estate concerned with regard to the sector for which land has been acquired. Where the land has been acquired for non-residential purposes, certificate regarding the adjoining sector as per development plan shall be submitted. He will also give report as to whether any self occupied house was in existence at the time when notification under Section 4 of the Land Acquisition Act, 1894.
  - b. A certificate from Land Acquisition Officer with regard to detail of his acquired land i.e khewat/ khatauni/ khasra no, area of acquired land, detail of released land if any, i.e area of released land, khasra no., ownership. He will also report regarding co-sharers giving name and number of co-sharer (s) with their share (s). He shall also report about the area of self occupied residential house if said self occupied residential house was in existence at the time when notification under Section 4 of the Land Acquisition Act, 1894 was issued and was acquired. He shall further report that no litigation is pending in respect of any court of law in respect of acquisition of this land except a reference made under Section 18 of the Land Acquisition Act.
  - c. A certificate from Tehsildar of the District concerned with regard to oustee's ownership of total land in the same revenue estate as on date when notification under Section 4 of the Land Acquisition Act, 1894 was issued and also at time when award was passed. He will give the certificate of the percentage of acquired land of oustee in regard to said oustee's total land.
  - d. An oustee shall submit a duly certified copy of jamabandi with respect to proof of ownership of land as on date when notification under Section 4 of the Land Acquisition Act, 1894 was issued and also when award was passed.
  - e. An affidavit containing all the elements of this policy.

You are therefore requested to take further action accordingly & the same may be complied in letter & spirit. These instructions may be brought to the notice of all concerned. This will be made applicable with immediate effect.

  
Administrator, HQ,  
For Chief Administrator HUDA


  
11/8/16

Endst. No. UB-A-5-2016/46610

Dated: - 11.08.2016

A copy is forwarded to the following for information a strict compliance.

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Town Planner, HUDA, Panchkula.
3. The Chief Engineer, HUDA, Panchkula.
4. The Senior Architect, HUDA, Panchkula.
5. The Secretary, HUDA, Panchkula.
6. The General Manager (IT), HUDA, Panchkula. He is requested to host it on HUDA website.
7. The District Attorney, HUDA, Panchkula.
8. The Enforcement Officer, HUDA, Panchkula.
9. The Dy. ESA, HUDA, Panchkula.
10. Supdts./Dy. Supdts./Assistants/ clerks of Urban Branch, HQ, HUDA, Panchkula.

  
Administrator, HQ,  
For Chief Administrator HUDA

  
11/8/16