IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM NO. _____ OF 2026

IN CWP NO. 28557 OF 2018

To

The Deputy Registrar (Judicial)
High Court, Chandigarh.

DHARAMBIR BHARDWAJ & ORS

... PETITIONERS

VERSUS

STATE OF HARYANA & ORS

... RESPONDENTS

Sir,

Will you kindly treat the accompanying petition/appeal/ revision as an urgent one in accordance with the provisions of Rule 9, Chapter 3-A of High Court Rules and Orders Volume V?

The Grounds of urgency are:-

PLACING ON RECORD

MAIN CASE IS FIXED FOR 03.11.2026

CHANDIGARH
DATED: 31.10.2026

(DEEPAK SABHERWAL)
ADVOCATE P/1117-2004
COUNSEL FOR THE RESPONDENTS NO. 2 TO 4
PH221334

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

CM No. _____ of 2026

IN CWP No. 28557 of 2018

Dharambir Bhardwaj & Others ... Petitioners

Versus

State of Haryana & Others ... Respondents

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01.	Application under section 151 of CPC, 1908 for the placing on record.	30.10.2026	A - C	03.00/-
02.	Affidavit	30.10.2026	D - F	---
03.	Application U/s. 151 of CPC for condonation of delay in filing the written statement.	30.10.2026	G - I	03.00/-
04.	Affidavit	30.10.2026	J - M	---
05.	Annexure A-1 (Order)	24.09.2026	N - P	03.00/-
06.	Written Statement on behalf of respondent no 2 to 4 through Rakesh Saini, Estate Officer-II, HSVP, Gurugram.	30.10.2026	01 - 101	---
07.	Annexure R-1 (Policy)	04.12.2015	102 -104	01.95/-
08.	Annexure R-2 (Guideline)	11.08.2016	105 -107	01.95/-
09.	Annexure R-3 (Instruction)	11.08.2016	108 -109	01.30/-
10.	Annexure R-4 (Instruction)	19.01.2017	110	00.65/-
11.	Annexure R-5 (Modification)	08.05.2018	111-112	01.30/-
12.	Annexure R-6 (Instruction)	26.10.2021	113-114	01.30/-
13.	Annexure R-7 (Order)	27.11.2024	115-116	01.30/-
14.	Annexure R-8 (Advertisement)	04.04.2025	117-125	06.00/-
Power of Attorney already on record.				

TOTAL Rs.24.75/-

NOTES:-

1. Whether any sitting MLAs/MPs are involved in the present case: No
2. Similar case:- No.
3. Main case is fixed for 03.11.2026.
4. Advance copy supplied to the counsel for the Petitioners through email receipt is attached.

Chandigarh
Dated:31.10.2026

(Deepak Sabherwal)
Advocate P/1117/2004
Counsel for the respondent No. 2 to 4
PH221334

A

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

CM No. _____of 2026

IN CWP No. 28557of 2018

Dharambir Bhardwaj & Others

... Petitioners

Versus

State of Haryana & Others

... Respondents

Application under section 151 of CPC, 1908 for the placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of RESPONDENT NO. 2 TO 4, in compliance of order dated 24.09.2026 **(A-1)** passed by this Hon'ble Court in CWP No. 14164 of 2017 and other connected Civil Writ Petitions in the interest of justice.

RESPECTFULLY SHOWETH:-

1. That it is respectfully submitted that the present petition is pending consideration before this Hon'ble Court for 03.11.2026.

2. That it is respectfully submitted that the present application is being filed by the answering respondents for placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of Respondent No. 2 to 4 in compliance of order dated 24.09.2026 passed by this Hon'ble Court in CWP No. 14164 of 2017 titled as Dalip Singh Vs State of Haryana & Ors and other connected cases. The captioned Civil Writ Petition is also part of the Bunch of cases with CWP No. 14164 of 2017. The order dated 24.09.2026 is reproduced as under for the kind consideration of the Hon'ble Court:-

"With the consent of learned senior counsel / counsel for the petitioners and the counsel for the respondents, three writ petitions are being taken up as the lead cases i.e., CWP-28557-2018, 22252-2016 and 6778- 2025.

It has been pointed out that in CWP-28557-2018, the written statement has already been filed and the petitioners have filed certain additional documents.

Learned counsel for the respondents would file a consolidated written statement in the said writ petition rebutting the additional documents placed on record by the petitioners as well as rebutting the additional arguments / pleas raised in the other writ petitions.

The written statement be filed within a period of two weeks from today and a copy of the said written statement be put up on the HSVP website and it would be open to all the counsel to take a copy of the same.

The pleadings would be referred from CWP-28557-2018 by all the senior counsel / counsel. In case an independent plea or an additional plea is raised in any of the writ petition, it would be open to the senior counsel / counsel for the petitioners to refer from their individual writ petition.

It would be open to the petitioners to file replication / rejoinder to the consolidated written statement to be filed by the respondents in CWP28557-2018 within a period of ten days after the written statement is filed.

Adjourned to 03.11.2026.

To be taken up at 01:45 PM.

A photocopy of this order be placed on the files of connected cases."

A copy of order dated 24.09.2026 is annexed herewith as **Annexure A-1** for the kind consideration of the Hon'ble Court.

3. That accordingly present application is being filed for placing on record the consolidated written statement in the captioned Civil Writ Petition in compliance of order dated 24.09.2026 passed in CWP No. 14164 of 2017 and other connected cases.

4. That it is respectfully submitted that the applicant has not filed any such or similar application at any earlier point of time either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

C

In view of the above, it is most humbly prayed that the present application under Section 151 of the Code of Civil Procedure, 1908 praying for for the placing on record the consolidated written statement in compliance of order dated 24.09.2026 (Annexure A-1), as the same is necessitated for the adjudication of accompanying petition, in the interest of justice.

Note:- Affidavit is attached

Chandigarh
Dated:30.10.2026

Deepak

(Deepak Sabherwal)
Advocate P/1117/2004
Counsel for the Applicant/respondent No. 2 to 4
PH221334

D

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

CM No. .....of 2026
IN
CWP No. 28557of 2018

Dharambir Bhardwaj & Others

Petitioner

Versus

State of Haryana & Others

Respondents

Affidavit of Rakesh Saini S/o Sh. Rulia Ram Saini presently working as Estate Officer-II, HSVP, Gurugram (Aadhar no. 444374095928, Mob No. 9996074043) in support of application under section 151 of CPC, 1908 for the placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of RESPONDENT No. 2 TO 4, in compliance of order dated 29.09.2026(Annexure A-1) passed by this Hon'ble Court in CWP No. 14164 of 2017 and other connected Civil Writ Petitions in the interest of justice.

I above named deponent most solemnly declare and affirm as under:-

Most Respectfully showeth

1. That it is respectfully submitted that the present petition is pending consideration before this Hon'ble Court for 03.11.2026.

2. That it is respectfully submitted that the present application is being filed by the answering respondents for placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of Respondent No. 2 to 4 in compliance of order dated 29.09.2026 passed by this Hon'ble Court in CWP No. 14164 of 2017 titled as Dalip Singh Vs State of Haryana & Ors and other connected cases. The captioned Civil Writ Petition is also part of the Bunch of cases

NOTARY Mahender S. Punia GURUGRAM Regn. No. 3929 GOVT. OF INDIA

with CWP No. 14164 of 2017. The order dated 29.09.2026 is reproduced as under for the kind consideration of the Hon'ble Court:-

> *"With the consent of learned senior counsel / counsel for the petitioners and the counsel for the respondents, three writ petitions are being taken up as the lead cases i.e., CWP-28557-2018, 22252-2016 and 6778- 2025.*
>
> *It has been pointed out that in CWP-28557-2018, the written statement has already been filed and the petitioners have filed certain additional documents.*
>
> *Learned counsel for the respondents would file a consolidated written statement in the said writ petition rebutting the additional documents placed on record by the petitioners as well as rebutting the additional arguments / pleas raised in the other writ petitions.*
>
> *The written statement be filed within a period of two weeks from today and a copy of the said written statement be put up on the HSVP website and it would be open to all the counsel to take a copy of the same.*
>
> *The pleadings would be referred from CWP-28557-2018 by all the senior counsel / counsel. In case an independent plea or an additional plea is raised in any of the writ petition, it would be open to the senior counsel / counsel for the petitioners to refer from their individual writ petition.*
>
> *It would be open to the petitioners to file replication / rejoinder to the consolidated written statement to be filed by the respondents in CWP28557-2018 within a period of ten days after the written statement is filed.*
>
> *Adjourned to 03.11.2026.*
> *To be taken up at 01:45 PM.*
> *A photocopy of this order be placed on the files of connected cases."*

NOTARY Mahender S. Punia GURUGRAM Regn. No. 3999 GOVT. OF INDIA

A copy of order dated 29.09.2026 is annexed herewith as **Annexure A-1** for the kind consideration of the Hon'ble Court.

3. That accordingly present application is being filed for placing on record the consolidated written statement in the captioned Civil Writ Petition

in compliance of order dated 24.09.2026 passed in CWP No. 14164 of 2017 and other connected cases.

4. That it is respectfully submitted that the applicant has not filed any such or similar application at any earlier point of time either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

In view of the above, it is most humbly prayed that the present application under Section 151 of the Code of Civil Procedure, 1908 praying for for the placing on record the consolidated written statement in compliance of order dated 24.09.2026(Annexure A-1), as the same is necessitated for the adjudication of accompanying petition, in the interest of justice.

Place: GURUGRAM
Dated: 30.10.2026

NOTARY Mahender S. Punia GURUGRAM Regn. No. 3999 GOVT. OF INDIA

DEPONENT
(RAKESH SAINI)

Verification:

Verified that the contents of Para No. 1 and 4 of my affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed there from.

Place: GURUGRAM
Dated: 30.10.2026

DEPONENT
(RAKESH SAINI)

ATTESTED
MAHENDER S. PUNIA
Advocate & Notary
Distt. Gurugram (Haryana), India

30 OCT 2026

G

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

CM No. _____of 2026

IN CWP No. 28557of 2018

Dharambir Bhardwaj & Others

... Petitioners

Versus

State of Haryana & Others

... Respondents

Application under section 151 of CPC, 1908 for the placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of RESPONDENT NO. 2 TO 4, alongwith Annexures in compliance of order dated 24.09.2026 **(A-1)** passed by this Hon'ble Court in CWP No. 14164 of 2017 and other connected Civil Writ Petitions in the interest of justice & exemption from filing certified copies of the same.

RESPECTFULLY SHOWETH:-

1. That it is respectfully submitted that the present petition is pending consideration before this Hon'ble Court for 03.11.2026.

2. That it is respectfully submitted that the present application is being filed by the answering respondents for placing on record consolidated written Statement of Rakesh Saini, Estate Officer-II, HSVP, Gurugram on behalf of Respondent No. 2 to 4 in compliance of order dated 24.09.2026 passed by this Hon'ble Court in CWP No. 14164 of 2017 titled as Dalip Singh Vs State of Haryana & Ors and other connected cases. The captioned Civil Writ Petition is also part of the Bunch of cases with CWP No. 14164 of 2017. The order

dated 24.09.2026 is reproduced as under for the kind consideration of the Hon'ble Court:-

> *"With the consent of learned senior counsel / counsel for the petitioners and the counsel for the respondents, three writ petitions are being taken up as the lead cases i.e., CWP-28557-2018, 22252-2016 and 6778- 2025.*
> *It has been pointed out that in CWP-28557-2018, the written statement has already been filed and the petitioners have filed certain additional documents.*
> *Learned counsel for the respondents would file a consolidated written statement in the said writ petition rebutting the additional documents placed on record by the petitioners as well as rebutting the additional arguments / pleas raised in the other writ petitions.*
> *The written statement be filed within a period of two weeks from today and a copy of the said written statement be put up on the HSVP website and it would be open to all the counsel to take a copy of the same.*
> *The pleadings would be referred from CWP-28557-2018 by all the senior counsel / counsel. In case an independent plea or an additional plea is raised in any of the writ petition, it would be open to the senior counsel / counsel for the petitioners to refer from their individual writ petition.*
> *It would be open to the petitioners to file replication / rejoinder to the consolidated written statement to be filed by the respondents in CWP28557-2018 within a period of ten days after the written statement is filed.*
> *Adjourned to 03.11.2026.*
> *To be taken up at 01:45 PM.*
> *A photocopy of this order be placed on the files of connected cases."*

A copy of order dated 24.09.2026 is annexed herewith as **Annexure A-1** for the kind consideration of the Hon'ble Court.

3. That accordingly present application is being filed for placing on record the consolidated written statement in the captioned Civil Writ Petition in compliance of order dated 24.09.2026 passed in CWP No. 14164 of 2017 and other connected cases.

I

4. That it is respectfully submitted that the applicant has not filed any such or similar application at any earlier point of time either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

In view of the above, it is most humbly prayed that the present application under Section 151 of the Code of Civil Procedure, 1908 praying for for the placing on record the consolidated written statement in compliance of order dated 24.09.2026 (Annexure A-1), as the same is necessitated for the adjudication of accompanying petition, in the interest of justice.

It is, therefore, respectfully prayed that the present application may be allowed and the Applicant/Respondents No. 2 to 4 may kindly be allowed to place on record of the accompanying consolidated written statement alongwith Annexures in compliance of order dated 24.09.2026 **(A-1)**, and exemption may be granted from filing certified copy the same in the interest of justice and equity.

Note:- Affidavit is attached

Chandigarh
Dated:30.10.2026

(Deepak Sabherwal)
Advocate P/1117/2004
Counsel for the Applicant/respondent No. 2 to 4
PH221334

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

CM No. .....of 2026
IN
CWP No. 28557of 2018

Dharambir Bhardwaj & Others

Petitioner

Versus

State of Haryana & Others

Respondents

Affidavit of Rakesh Saini S/o Sh. Rulia Ram Saini presently working as Estate Officer-II, HSVP, Gurugram (Aadhar no. 444374095928, Mob No. 9996074043) in support of application under section 151 of CPC, 1908 for condonation of delay of 23 days in filing the consolidated written Statement of Rakesh Saini , Estate Officer-II,HSVP,Gurugram on behalf of RESPONDENT NO. 2 TO 4 IN COMPLIANCE OF ORDER DATED 24.09.2026 (ANNEXURE A-1) PASSED IN CWP NO. 14164 OF 2017 IN THE INTEREST OF JUSTICE.

I ABOVE ABOVE NAMED DEPONENT MOST SOLEMNLY DECLARE AND AFFIRM AS UNDER:-

Most respectfully Showeth

1. That it is respectfully submitted that the present petition is pending consideration before this Hon'ble Court for 03.11.2026.

2. That when the captioned Civil Writ Petition was taken up for hearing on 29.09.2026 along with main case being CWP No. 14164 of 2017 titled as Dalip Singh Vs State of Haryana & Ors & Other Connected cases , this Hon'ble Court was pleased to pass following order:-

"With the consent of learned senior counsel / counsel for the petitioners and the counsel for the respondents, three writ petitions

GOVT. OF INDIA
Manender S. Punia
GURUGRAM
Regn. No. 3999
NOTARY

are being taken up as the lead cases i.e., CWP-28557-2018, 22252-2016 and 6778- 2025.

It has been pointed out that in CWP-28557-2018, the written statement has already been filed and the petitioners have filed certain additional documents.

Learned counsel for the respondents would file a consolidated written statement in the said writ petition rebutting the additional documents placed on record by the petitioners as well as rebutting the additional arguments / pleas raised in the other writ petitions.

The written statement be filed within a period of two weeks from today and a copy of the said written statement be put up on the HSVP website and it would be open to all the counsel to take a copy of the same.

The pleadings would be referred from CWP-28557-2018 by all the senior counsel / counsel. In case an independent plea or an additional plea is raised in any of the writ petition, it would be open to the senior counsel / counsel for the petitioners to refer from their individual writ petition.

It would be open to the petitioners to file replication / rejoinder to the consolidated written statement to be filed by the respondents in CWP28557-2018 within a period of ten days after the written statement is filed.

Adjourned to 03.11.2026.

To be taken up at 01:45 PM.

A photocopy of this order be placed on the files of connected cases."

GOVT. OF INDIA
Mahender S. Punia
GURUGRAM
Regn. No. 3999
ADVOCATE

A copy of order dated 24.09.2026 is annexed herewith as Annexure A-1 for the kind consideration of the Hon'ble Court.

3. That it is respectfully in compliance of order dated 29.09.2026, the respondents collected data pertaining to all writ petitions regarding averments made in each of the Civil Writ Petitions which are part of the bunch of the cases with lead case being CWP No. 25887 of 2018 as directed by this Hon'ble Court vide order dated 24.09.2026(A-1).

4. That thereafter after collecting information on all Civil Writ petitions which pertains to different zones and Estate Offices of the HSVP, Haryana , a detailed and consolidated written statement was prepared in the instant Civil Writ Petition while referring to all policies of the HSVP since 10.09.1987 and various judicial pronouncements made by this Hon'ble Court including Sandeep Case and Rajiv Manchanda cas.

5. That it is respectfully submitted that in order to file a detailed and consolidated written statement covering all petitions of the bunch , some time was taken and as a result consolidated written statement could not be filed in the time frame as mandated by this Hon'ble Court vide order dated 24.09.2026(A-1).

6. That the delay in filing the consolidated written statement is neither deliberate not malafide and has occurred only on account of preparation of consolidated written statement covering all aspects of each petition and in order to assist this Hon'ble Court by filing a detailed consolidated written statement in letter and spirit of order dated 24.09.2026(A-1).

NOTARY Mahender S. Punia GURUGRAM Regn. No. 3999 GOVT. OF INDIA

7. That in view of the submissions made hereinabove , it is respectfully submitted that present application for condonation of delay may kindly be allowed and written statement may kindly be taken on record.

8. That it is respectfully submitted that the applicant has not filed any such or similar application at any earlier point of time either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

In view of the above, it is most humbly prayed that the present application under Section 151 of the Code of Civil Procedure, 1908 praying for condonation of delay OF 23 days in filing the consolidated written statement as per order dated 24.09.2026(A-1) may kindly be allowed in the interest of justice, equity and conscience.

NOTARY
Mahender S. Punia
GURUGRAM
Regn. No. 3999
GOVT. OF INDIA

Place: GURUGRAM
Dated: 30.10.2026

DEPONENT
(RAKESH SAINI)

Verification:

Verified that the contents of Para No. 1 and 8 of my affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed there from.

Place: GURUGRAM
Dated: 30.10.2026

DEPONENT
(RAKESH SAINI)

ATTESTED
MAHENDER S. PUNIA
Advocate & Notary
Distt. Gurugram (Haryana), India

30 OCT 2026

N

ANNEXURE A-1

252 CWP-14164-2017 & other connected writ petitions
DALIP SINGH V/S STATE OF HARYANA AND OTHERS

Present: Mr. Rupinder Singh Khosla, Senior Advocate with
Mr.Sandal Sharma, Advocate,
Mr.Narender Singh, Advocate,
Mr.Sartaj Singh Sudan, Advocate and
Mr.Sushil K. Sharma, Advocate in COCP-1836-2020, COCP-1857-2020, COCP-1858-2020, COCP-1866-2020, COCP-1867-2020, COCP-2057-2020, CWP-13676-2019, CWP-15684-2019(O&M), CWP-19841-2019, CWP-24549-2019, CWP-26232-2019, CWP-27612-2018(O&M), CWP-27685-2018, CWP-28280-2018, CWP-28449-2018, CWP-28557-2018(O&M), CWP-28697-2018(O&M), CWP-28718-2018, CWP-29228-2018, CWP-30153-2018(O&M), CWP-32063-2018, CWP-32348-2018, CWP-5012-2019(O&M), CWP-5393-2019, CWP-17214-2021, CWP-14067-2021, CWP-21589-2021, CWP-6093-2025, CWP-14032-2021, CWP-15710-2021, CWP-15715-2021, CWP-15837-2021, CWP-1737-2022, CWP-19081-2021(O&M), and CWP-19091-2021(O&M);
Ms.Meenakshi Sharma, Advocate in CWP-19286, 22138, 22141, 26502, 26660, 26666, 26677, 27145, 27173, 29963, 31624, 19777, 19841, 19906, 34755, 34367 of 2019;
Mr.Rohan Moudgil, Advocate for
Mr.Sandeep Sharma, Advocate;
Mr. Anil Kumar Rana, Advocate and
Mr. Harsh Rana, Advocate in CWP-33010, 33011, 30467, 33007, 36187, 36601, 36655, 37773-2018, 3280-2019, 13520-2019, 13982-2020 and COCP-1847, 1852, 1853-2020;
Mr.Gurpreet Singh, Advocate for
Mr. S.K.Panwasr, Advocate
in CWP-21669-2020;
Mr. Aadarsh Jain, Senior Advocate with
Ms.Amandeep Kaur, Advocate
in CWP-14164-2017;
Mr.A.M. Punchhi, Senior Advocate with
Mr.Narender Singh, Advocate in CWP-22252-2016 &
CWP-22417-2018;
Mr.Harmanjit Singh Sethi, Advocate and
Mr.Manpreet Singh, Advocate
in CWP-6778-2025;
Mr. Sunil K. Dhanda, Advocate,
Mr.Suman Saharan, Advocate and
Mr.Rishabh Miglani, Advocate
in CWP-20672-2021 and CWP-12812-2020;
Mr. Ankur Malik, Advocate,
in CWP-17064-2021;
Mr.Tushar Sharma, Advocate and
Mr.Shourya Arora, Advocate
in CWP-20995-2020;
Mr.Naveen Jhajholia, Advocate
in CWP-1737-2022;
Mr.Divyam Singh, Advocate
in CWP-38730-2025, 6650-2026, 6633-2026, 6638-2026, 6619-2026, 6813-2026 & 6823-2026;

DAVINDER KUMAR
2026.10.05 10:21
I attest to the accuracy and
authenticity of this order/judgment

Mr. S.K. Tripathi, Advocate in CWP-17564-2020,
Mr. Rajan Manchanda, Advocate in CWP-22417-2018 & 22252-2016;
for the petitioner(s).

Mr. Saurabh Mago, DAG, Haryana.

Mr.Maninderjit, Advocate for
Mr. Amit Jaiswal, Advocate
for respondents No.2 and 3 in CWP-20995-2020.

Ms. Vasundra Asija Bhandari, Advocate and
Mr.Mrinal Dewan, Advocate
for respondents No.2 to 5 in CWP-15715-2021 and CWP-1737-2022.

Mr. Deepak Balyan, Advocate and
Mr. Vicky Chauhan, Advocate
for respondent-HSVP in CWP-14164-2017 & 880-2019.

Mr. Arvind Seth, Advocate
for HSVP in CWP-21420-2019, 20802-2019, 27173-2019, 14067-2021, 17214-2021 & 19081-2021.

Mr. Anil Chawla, Advocate
for respondents in CWP-21467-2019 and CWP-20672-2019.

Mr.Harmanjot Singh Gill, Advocate
for HSVP in CWP-12812-2020 & CWP-34755-2019.

Mr. Deepak Sabherwal, Advocate
for the respondent-HSVP.

***

With the consent of learned senior counsel / counsel for the petitioners and the counsel for the respondents, three writ petitions are being taken up as the lead cases i.e., CWP-28557-2018, 22252-2016 and 6778-2025.

It has been pointed out that in CWP-28557-2018, the written statement has already been filed and the petitioners have filed certain additional documents.

Learned counsel for the respondents would file a consolidated written statement in the said writ petition rebutting the additional documents

DAVINDER KUMAR
2026.10.05 10:21
I attest to the accuracy and
authenticity of this order/judgment

placed on record by the petitioners as well as rebutting the additional arguments / pleas raised in the other writ petitions.

The written statement be filed within a period of two weeks from today and a copy of the said written statement be put up on the HSVP website and it would be open to all the counsel to take a copy of the same.

The pleadings would be referred from CWP-28557-2018 by all the senior counsel / counsel. In case an independent plea or an additional plea is raised in any of the writ petition, it would be open to the senior counsel / counsel for the petitioners to refer from their individual writ petition.

It would be open to the petitioners to file replication / rejoinder to the consolidated written statement to be filed by the respondents in CWP-28557-2018 within a period of ten days after the written statement is filed.

Adjourned to 03.11.2026.

To be taken up at 01:45 PM.

A photocopy of this order be placed on the files of connected cases.

(VIKAS BAHL)
JUDGE

(DIVYA SHARMA)
JUDGE

September 24, 2026.
Davinder Kumar

TRUE DOWN LOADED Copy

ADVOCATE

DAVINDER KUMAR
2026.10.05 10:21
I attest to the accuracy and
authenticity of this order/judgment

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

CWP No. 28557of 2018

Dharambir Bhardwaj & Others

Petitioner

Versus

State of Haryana & Others

Respondents

Written Statement on behalf of respondent no 2 to 4 throughRakesh Saini, Estate Officer-II, HSVP, Gurugram.

Respectfully Showeth

1. That the present writ petition has been filed with the prayer to issue directions to the respondents to allot the plot to them under the oustees policy dated 18.03.1992 and further praying for setting aside the impugned order dated 10.07.2018, impugned policy dated 11.08.2016 (P-15), policy dated 08.05.2018 (P-16) and advertisement dated 03.09.2018 (P-20).

2. That with a view to allot the plots to the land owners whose land has been acquired for development purposes, the Haryana ShehriVikas Pradhikaran 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 i.e. on dated 9.5.1990, 18.3.1992, 12.3.1993, 28.8.1998, 8.12.2003. Thereafter, the Haryana Government published the Rehabilitation and Resettlement Notification

dated07.12.2007 which was made applicable to HSVP and has been adopted by HSVP and was made applicable to the cases where the awards of compensation have been announced on or after 05.03.2005. The Haryana Government published the Rehabilitation and Resettlement Notification dated 09.11.2010 which has been made applicable in those cases where the awards of compensation have been announced on or after 07.09.2010.

3. That it is submitted that under the oustees policy, the answering respondents 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.

4. That the answering respondent 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 HSVP 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) 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.

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 form 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.

5. That the ibid judgment in Sandeep's case was impugned by the answering respondent in SLP No. 27256 of 2012 and by various

claimants in different SLPs. This SLP 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.

6. 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).

7. That the ibid order was impugned by the HSVP 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 HSVP has been dismissed by the Hon'ble Supreme Court vide its order dated 24.11.2015.

8. 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-1.**

9. That in view of the fact that SLPs filed by HSVP 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 being placed on record as **Annexure R-2.**

10. That 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 HSVP 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. 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. 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.

11. That it is submitted that the Pradhikaran has taken a decision to dispose of the residential plots through process of e-auction. The said process not only results into fairness and transparency into disposal of land but on other hand, it also fetches revenue for HSVP. In this manner, policy bearing Memo No.UB-A-6-2016/46585-86 dated 11.08.2016 has been issued on 'Disposal of left out plots through auction' laying down as under:

> "The matter regarding disposal of left out residential plots through open auction was placed before the Authority vide Agenda item No. Auth. 111th (11) in its meeting held on 27.07.2016 for seeking its expost facto approval. The Authority has accorded its approval to the disposal of left out plots kept for the last 10 years (excluding plots reserved for oustees) but with stipulation that plots shall not be disposed off on usual terms and conditions applicable to auction of Commercial Sites as circulated vide memo. No. 19748-68 dated 31.05.2006."

In continuation of ibid memo dated 11.08.2016, Memo No.UB-A-6-2017/11878 dated 19.01.2017 was issued to the following effect:

> "The matter has further been reviewed by the Authority in its 112th Meeting held on 10.01.2017. It has been decided that in the financial interest of HUDA, and so as to generate more revenue, all the left out residential plots belonging to all reserved categories (except Oustees Quota) lying un allotted for the last 5 Years instead of 10 Years as earlier in-force, to be reckoned from the date of floatation of a Sector, be disposed off through e-auction."

Therefore, a decision has been taken by the competent authority to dispose of the plots through auction.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. A copy of the instructions dated 11.08.2016 and 19.01.2017 is annexed herewith as **Annexure R-3** and **Annexure R-4** respectively.

12. That it is submitted that after applying the reservation percentage for oustees in terms of policy dated 04.12.2015 (R-1) read with clause (1) and (3) of policy bearing memo no. UB-A-5-2016/46608-09 dated 11.08.2016 (P-2), remaining plots were put to e-auction as per instructions on 'Disposal of left out plots through auction' dated 11.08.2016 as modified on 19.01.2017.

13. That it is submitted that policy bearing memo no. UB-A-5-2016/46608-09 dated 11.08.2016 (P-2) was assailed before this Hon'ble Court in number of writ petitionsand a Division Bench of this Hon'ble Court, by an order dated 15.09.2017 thought it appropriate that these petitions be decided by a larger Bench. Several issues were framed by the Hon'ble Division Bench. The Full Bench was constituted by the Hon'ble Chief Justice and thus, three main case bearing Civil Writ Petition No. 22252

of 2016 Rajiv Manchanda and others versus Haryana Urban Development Authority and another, Civil Writ Petition No. 2747 of 2017 Surlekh Singh and others versus Haryana Urban Development Authority and others and Civil Writ Petition No. 5927 of 2017 Bhagwan Singh and others versus State of Haryana and others were takenup for consideration and decision by the Hon'ble Full Bench. Hon'ble Full Bench while answering the reference vide order dated 22.11.2017 not only answered the questions framed by the Hon'ble Division Bench but also considered the clauses of policy dated 11.08.2016.

14. That it is submitted after considering the order dated 22.11.2017 of the Hon'ble High Court in Civil Writ Petition No. 22252 of 2016 Rajiv Manchanda and others versus Haryana Urban Development Authority and another, the answering respondents issued Memo No. A-1-UB-2018/92633-34 dated 08.05.2018 in partial modification of the office memo no. UB-A-5-2016/46608-10 dated 11.08.2016, a copy of which is annexed herewith as **Annexure R-5.**

15. That thereafter the answering respondents carried out a comprehensive exercise to identify the plots for oustees and issued a public notice inviting oustees claim in Gurugram in the year 2018 i.e on 03.09.2018. In same manner, the public advertisements for other areas of HSVP were issued in November, 2018.

CHALLENGE RAISED IN CWP

16. That the first challenge raised by the petitioners in regard to the advertisement dated 03.09.2018 is liable to be rejected because the advertisement inviting oustees claims for consideration of the oustees

claims as per policy dated 04.12.2015, 11.08.2016 and 08.05.2018, has been issued, pursuant to the order passed in Rajiv Manchanda case (supra) as per oustees quota. The relevant portion of the order passed by the Hon'ble Full Bench in Rajiv Manchanda case (supra) is reproduced hereunder:

> "The respondents shall be entitled to dispose off plots after reserving plots for the oustees in accordance with this judgment....."

The advertisement dated 03.09.2018 having been issued in respect to the plots reserved for oustees as per policy for reservation for oustees in terms of policy dated 04.12.2015 (R-1) read with clause (1) and (3) of policy bearing memo no. UB-A-5-2016/46608-09 dated 11.08.2016 (P-2), the challenge made is liable to be rejected.

17. That it is further submitted that the challenge made to public advertisement dated 03.09.2018 is also liable to be rejected because pursuant to this advertisement, the answering respondents have considered the applications and also made the allotment of plots. It is pertinent to mention that the decision of the screening committee was assailed before this Hon'ble Court in various writ petitions **CWP No. 19273/2020 titled as Mukhtiar Singh vs State of Haryana and Others,**CWP Nos. 20147, 20719, 19817, 20869, 19887 of 2020 and CWP No.2543, 2549, 2614, 2616 & 2617 of 2021 etc. which were tagged with Mukhtiar Singh case. It is mentioned that claim of legal heirs was also rejected in view of the judgment in CWP/3118/2015 Gorakh Nath vs State of Punjab & Others as the applicants were not the owners of the land as on date when section 4 notification was issued but were claiming as legal heirs. During the pendency of the writ petitions,

the answering respondents decided to re-examine all the applications except of the legal heirs and accordingly, the applications were re-examined. In so far as the rejection of the application on basis of the judgment dated 05.04.2016 passed by the Hon'ble High Court in CWP No. 3118 of 2015 titled as Gorakh Nath vs State of Punjab and ors. is concerned, the decision to reject the claim of legal heirs has been impugned by the applicants before this Hon'ble Court in number of writ petitions with main case bearing main civil writ petition bearing no. 18734 of 2020 titled as Inderjit Yadav vs State of Haryana and Others.Theoffice of the Chief Administrator, HSVP issued the communication in 2020 with the request to examine the matters minutely to ensure that applicant fulfils all the prescribed conditions, that the applicant have not obtained the benefit of allotment of plot under the reserved category in the past and that no co-sharers has obtained the benefit of under the oustees quota. It was further directed that all the cases of eligible applicants will be submitted to the Head Quarter for approval. It is further noticeable that the Estate Office initiated the process as per the earlier proceedings for verification of the names. All the proceedings of the screening committee were submitted to the Chief Administrator, HSVP. The office of the Chief Administrator, HSVP examined the proceedings and it came to view that the applications are required to be re-examined. Hence, the Chief Administrator, HSVP, Panchkula vide Memo No A-7-UB-2021/41633 dated 16.08.2021 returned the cases for re-examination and scrutiny of individual applications directed to all the Administrators and Estate Officers. It is pertinent to state that the competent authority noticed that

large number of litigations have been initiated in the entire Haryana State questioning the decisions of the screening committee. During the pendency of civil writ petition bearing no. 18734 of 2020 titled as Inderjit Yadav vs State of Haryana and Others and other connected cases, the entire matter with respect to claim of the legal heirs was again revisited by the competent authority and instructions dated 26.10.2021 has been issued by the Chief Administrator, HSVP deciding to consider the legal heirs as oustees for purpose of allotment of plot under oustees quota on compliance of the terms and conditions stipulated in the said instructions. Consequently, Civil Writ Petition bearing no. 18734 of 2020 titled as Inderjit Yadav vs State of Haryana and Others and other connected matter were disposed of by the Hon'ble High Court vide order dated 27.10.2021. A copy of the instructions dated 26.10.2021 is annexed herewith as **Annexure R-6.**

18. That consequently, the eligible applicants have been allotted plots on current reserve price. Some of the applicants assailed the charging of current reserve price in various writ petitions and the Hon'ble High Court in CWP No. 16389 of 2025 titled as Ram Lal Mahendru vs State of Haryana and Others has allowed the writ petitions directing to charge the rate of advertisement with interest. The said decision has been assailed before the Hon'ble Supreme Court by the answering respondents in SLP (C) No. 27462 of 2026 in CWP NO.28331/2025 HSVP and another etc. vs Satish Kumar Bansal etc. and it has been directed by the Hon'ble Supreme Court that there shall be interim protection from any coercive steps being taken against the petitioners, until further orders and the contempt proceedings have been stayed.

Hence, the prayer of the petitioners to quash the advertisement dated 03.09.2018 is wholly irrational and will lead to further litigations and as process has been completed, the challenge is liable to be negated.

19. That it is mentioned that the petitioners have not applied against the advertisement issued in 2018.

20. That it is further submitted that the answering respondents have issued another advertisement in 2025 inviting applications from the land owners whose land was acquired prior to 10.09.1987 and separate advertisement for post 10.09.1987 acquisitions, for allotment of plot under oustees quota. This advertisement has been issued pursuant to the orders dated 27.11.2024 passed in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others, the said order is reproduced hereunder:

> "The petitioners are the erstwhile landowners, whose holdings were acquired by the State Government for a public purpose. Thus, being oustees, they are seeking allotment of a suitable site/plot, as per their entitlement.
>
> Learned counsel for the respondents-HSVP submits that the respondent authorities, in its 127th meeting, held on November 08, 2024, have taken certain vital decisions to address the claim of the oustees across the State of Haryana. Accordingly, it is submitted that the necessary advertisement would be issued within four weeks from today to address the claim of the petitioners and they would be at liberty to move the requisite application(s) in response thereto for allotment. Further, in case they are found eligible, per the eligibility criteria laid down in the policy dated August 11, 2016, amended on May 08, 2018, their names would be included in the draw of lots. And, if they succeed, they would be allotted a suitable site/plot.

That being so, learned counsel for the petitioners submits that let the petition be disposed of in terms of the statement of learned counsel for the respondent(s).

However, in case, any dispute, cause of action or interest still survives, he be granted liberty to move an appropriate application for restoration of the petition and its decision on merits.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of, binding them to the same."

A copy of the order dated 27.11.2024 is annexed herewith as **Annexure R-7.** A copy of one such advertisement issued for Gurugram is annexed herewith as **Annexure R-8.**

21. That it is pertinent to state that number of writ petitions which were pending in which claims of the petitioners which were decided/ rejected in past advertisements were involved and said orders were assailed, have been disposed of in terms of Adesh Aggarwal case.

1	CWP-2078-2017	Sohan Singh & Ors Vs Haryana Urban Development Authority & Ors	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
2	CWP-4608-2017	Vivek Vahi Vs Haryana Urban Development Authority & Anr	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
3	CWP-3880-2017	Amar Nath Sharma Vs State Of Haryana And Ors.	Disposed of on 27.11.2024 in terms of order in C.W.P. No.

			22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
4	CWP-3146-2017	Sunita Devi Vs State Of Haryana And Others	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
5	CWP-2747-2017	Surlekh Singh & Others Vs Huda & Others	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
6	CWP-2720-2017	Laxmi Devi & Anr Vs State Of Haryana & Ors	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
7	CWP-1531-2017	Nirmal Singh Vs Haryana Urban Development Authority & Ors	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others
8	CWP-2924-2017	Kanta Rani Vs State Of Haryana & Ors	Disposed of on 27.11.2024 in terms of order in C.W.P. No. 22136 of 2015 Smt. Adesh Agarwal and others Vs. State of Haryana and others

All these cases were related to the Mansa Devi Complex, Panchkula wherein the petitioners had applied in the past advertisement. There have been decided cases other than the above cases also.

22. That in view of the above, the matter of consideration in fresh advertisement has duly been answered by this Hon'ble Court and accepted by the petitioners therein.

23. 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 re-change, 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 re-change, 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.

24. That it is pertinent to bring to the notice of this Hon'ble Court the judgment dated 14.07.2025 passed by the Hon'ble Supreme Court in **Civil Appeal No. 7707 of 2025 (Arising out of Special Leave Petition (C) No. 15148 of 2017) Estate Officer, Haryana Urban Development**

Authority and Ors. Versus Nirmala Devi and other connected cases.

Hon'ble Supreme Court disposed of the Civil Appeals as under:

> 95. We summarise our final conclusion and dispose of all the appeals with the following directions:
>
> (i) The respondents are not entitled to claim as a matter of legal right relying on the decision of Brij Mohan (supra) that they should be allotted plots as oustees only at the price as determined in the 1992 policy.
>
> (ii) The respondents are entitled at the most to seek the benefit of the 2016 policy for the purpose of allotment of plots as oustees.
>
> (iii) We grant four weeks time to all the respondents herein to prefer an appropriate online application with deposit of the requisite amount in accordance with the policy of 2016. If within a period of four weeks any of the respondents herein prefer any online application in accordance with the scheme of 2016 then in such circumstances the authority concerned shall look into the applications and process the same in accordance with the scheme of 2016. We clarify that it will be up to the authority to look into whether the respondents are otherwise eligible for the allotment of plots or not.
>
> (iv) We make it clear that there shall not be any further extension of time for the purpose of applying online with deposit of the requisite amount.
>
> (v) We understand that some of the respondents may be very rustic and illiterate and may not be in a position to apply online, in such circumstances we permit them to apply by preferring an appropriate application or otherwise addressed to

the competent authority with deposit of the requisite amount.

(vi) We make it clear that the entire exercise shall be completed within a period of eight weeks from the date of the receipt of the online application that may be filed by the respondents.

(vii) The State of Haryana as well as HUDA shall ensure that land grabbers or any other miscreants may not form a cartel and try to take undue advantage of the allotment of plots. At the end it should not happen that unscrupulous elements ultimately derive any benefit or advantage from allotment of land to the oustees. In this regard the State and HUDA will have to remain very vigilant.

(viii) We believe that since the allotment of plot is with a laudable object and not for any monetary gain, a condition should be imposed at the time of allotment that the allotee shall not be entitled to transfer the plot to any third party without the permission of the competent authority and in any case not within five years from the date of the allotment.

(ix) This litigation is an eye opener for all States in this country. If land is required for any public purpose law permits the Government or any instrumentality of Government to acquire in accordance with the provisions of the Land Acquisition Act or any other State Act enacted for the purpose of acquisition. When land is acquired for any public purpose the person whose land is taken away is entitled to appropriate compensation in accordance with the settled principles of law. It is only in the rarest of the rare case that the Government may consider floating any scheme for rehabilitation of the displaced persons over and

above paying them compensation in terms of money. At times the State Government with a view to appease its subjects float unnecessary schemes and ultimately land up in difficulties. It would unnecessarily give rise to number of litigations. The classic example is the one at hand. What we would like to convey is that it is not necessary that in all cases over and above compensation in terms of money, rehabilitation of the property owners is a must. Any beneficial measures taken by the Government should be guided only by humanitarian considerations of fairness and equity towards the landowners.

(x) Ordinarily, rehabilitation should only be meant for those persons who have been rendered destitute because of loss of residence or livelihood as a consequence of land acquisition. In other words, for people whose lives and livelihood are intrinsically connected to the land.

(xi) We have made ourselves very explicitly clear that in cases of land acquisition the plea of deprivation of right to livelihood under Article 21 of the Constitution is unsustainable.

The Hon'ble Supreme Court while discussing many issues, has categorically held that benefit as oustee can be claimed only under the current policy. The Hon'ble Court emphasized that benefits under rehabilitation schemes cannot be claimed as a matter of right without fulfilling foundational requirements.

25. That the petitioner has prayed for issuing the directions to the respondents to allot the plot to the petitioner under the policy dated 18.03.1992 (P-1). This plea of the petitioner is not tenable for more than one reason. It is submitted that the policy dated 18.03.1992 has been

amended on 12.03.1993. Hence, the plea to allot plot under policy of 18.03.1992 is erroneous. It is further submitted that the petitioner was a co-sharer in the land and as per policy of 18.03.1992 modified on 12.03.1993 all the co-sharers were to be considered jointly for allotment of one plot and 75% land should have been acquired and no land should have been released. However, the screening committee found that in the total land, land has been released and thus, did not find the petitioner eligible. After lapse of sufficient time, Sh Rajinder Bhardwaj filed CWP 5952 of 2012 and same was disposed of vide order dated 01.11.2012 in view of order dated 28.05.2012 passed in CWP No. 14977 of 2011 titled as Paras Ram v. State of Haryana and others decided on 28.5.2012 which in turn considered the order dated 26.04.2012 passed by the Hon'ble Court in CWP No. 10941 of 2010, Bhagwan Singh & ors vs. State of Haryana and ors. The same was assailed by the respondent before the Hon'ble Supreme Court in SLP (Civil) No. 8579 of 2013 HUDA vs Rajinder Bhardwaj. This SLP was listed along with main Civil Appeal No. 10341-10350 of 2014 Chief Administrator, HUDA and Ors. Vs Jage Ram & Ors. Etc. and SLP was dismissed vide order dated 13.11.2014. However, Hon'ble Supreme Court directed the respondent-herein to consider the case of Sh. Rajinder Bhardwaj to allot a plot in accordance with law and in the light of the decision of the High Court of Punjab and Haryana in the case of Haryana Urban Development Authority vs. Sandeep & Ors. (L.P.A. No. 2096 of 2011) etc., dated 25.04.2012. It is a fact that out of the total land measuring 19 Kanal 3 Marla, Sh. Rajinder Bhardwaj was having 1/30th share which comes to 12.7 marla and as per the same, size of the plot to which he

was entitled is 2 marla. The same were not advertised. Sh. Rajinder Bhardwaj is stated to have died and now, Dharambir Bhardwaj has now tried to take the matter to pre-order stage in Rajinder Bhardwaj case and associated other co-sharers/ their land to stake claim for plot. Rajinder Bhardwaj filed COCP 1092 of 2015 allegig non-compliance and the respondent therefore passed a speaking order dated 01.09.2016. CWP 11032 of 2017Dharambir Bhardwaj and Ors vs State of Haryana and Ors has been filed for issuance of a direction to the respondents to allot plots to the petitioners under the oustees policy dated 18.3.1992, to quash policy dated 11.8.2016 and the speaking orders and vide order dated 15.03.2018 Hon'ble Court disposed of the said writ petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority within a period of one month from the date of receipt of the certified copy of the order which was directed to be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of six months from the date of receipt of the representation. The matter was thereafter again considered and speaking order dated 10.07.2018 was passed. Therefore, once there was an order whereby the claim was to be considered in accordance with law and considering the judgment in Sandeep and Bhagwan Singh judgments, it is not appropriate on part of the petitioners to include the land of the co-sharers in eligibility determination as now each individual co-sharer claim is separately considered. Sh Rajinder Bhardwaj was not the father of petitioner no. 1 to 6 and therefore, it is wrongly contended that their father applied for

plot. Further, the petitioner no. 1 to 6 have failed to disclose the details of the application submitted by them pursuant to the public advertisement and hence the claim now raised by them is contrary to the judgment in Sandeep case. That in **CM No. 1242 of 2013 in CM No. 14757 of 2012 in CWP No. 6646 of 2010 Balwant Singh vs State of Haryana & others**, it was held by the Hon'ble Division bench that it cannot be said that the petitioner is entitled to a plot in his name exclusively without considering the right of other oustees in terms of judgment of this Court in Sandeep's case (supra) and Bhagwan Singh's case (supra). Therefore, the order to issue the allotment letter in favour of the petitioner therein was recalled by the Hon'ble High Court.

26. That the petitioners have sought to claim parity with the case of other land owners in matter of allotment of plot and in this regard, it is submitted that the petitioners have to stand on their own legs. There cannot be any negative equality.

27. That the petitioners have relied upon the judgment in Brij Mohan v HUDA however the same judgment has duly been considered in HUDA vs Sandeep case and Hon'ble Court's findings are as under:

> *Question No.8. What price could be charged from an allottee i.e. price prevailing on the date the allotment or when the Sector is floated first?*
>
> *It is argued by learned counsel for the appellant that the price, applicable on the date of allotment, is chargeable from an allottee and not the price, which was once fixed at the time of floatation of sector. It is contended that price of the plots keep varying keeping in view the cost of acquisition, development work and other numerous factors which go into determination of the price. It is contended that the judgment of Hon'ble Supreme Court in Brij Mohan's case (supra) is of no help to the oustees. In*

the said case, the appellant was not allotted plot when HUDA offered residential plots in Sector - 4, Karnal. The two questions arose for consideration before the Hon'ble Supreme Court. In respect of first question i.e. whether HUDA should charge only the actual land cost plus development charges for the plots allotted to an oustee and not the market price/normal allotment price; the Court returned a finding that the Land Acquisition Act, 1894 contemplates only only benefits like solatium, additional amount and higher rate of interest to the oustees and not allotment of plots at cost price. HUDA or the State Government does not have any scheme providing for allotment of plots at actual cost of oustees. Therefore, it is not possible for the Court to direct the State Government or the Development Authority to allot plots to the oustees at a reasonable cost. It was held to the following effect:

> *"17. Where there is a scheme, but it does not regulate the allotment price, it may be possible for the court to direct the State Government/Development Authority to allot plots to land-losers at a reasonable cost, and in special and extraordinary circumstances, it may also indicate the manner of determining the allotment price. But where the scheme applicable specifies the price to be charged for allotment, its terms cannot be ignored. If any land-loser has any grievance in regard to such scheme, he may either challenge it or give a representation for a better or more beneficial scheme. But he cannot ask the court to ignore the terms of an existing or prevailing scheme and demand allotment at cost price."*

In respect of second question i.e. what is the meaning of the words "normal allotment rate", the Court found that as a matter of fact the land-loser has made an application in the year 1990 for allotment of plot. A direction was issued by the Court in the year 1992, but the HUDA delayed allotment to the appellants. Therefore, the rate for which plots were initially offered was ordered to be charged. The said question has been answered keeping in view the facts of the aforesaid case, wherein application was submitted by an oustee, but still plot was not allotted to him. The said judgment does not lay down that the 'normal allotment rate' in all circumstances shall be the date

when the sector is first floated for sale. As a matter of fact, 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.

28. That it is further submitted that the petitioner has misstated the facts pertaining to the allotment of plot in lieu of land acquired for the construction of Northern Peripheral Road(NPR) 150 mtr. wide road with 30 Mtr. green Belt on either side as approved in the Development Plan of Gurgaon-Manesar Urban Complex-2031 to connect Gurugram with Delhi via Dwarka. Some of the land owners which included GPA/SPA/Agreement holders impugned the acquisition in various writ petitions. During the pendency of CWP No. 8060 of 2008 titled as Devashish Chakarvarity & Ors. and other connected petitions, final terms of settlement dated 18.05.2015 was agreed upon and all these writ petitions were disposed of vide order dated 20.05.2015 by the Hon'ble High Court in terms of the final terms of settlement and agreement. That with respect to the GPA/ SPA holders this Hon'ble Court observed that the Nodal Officer-cum-Administrator, Gurgaon will take into consideration the GPA, SPA and agreement to sell held by some of the petitioners in these cases and will consider the same on merits, as per the judgment passed by Hon'ble Supreme Court in case titled Suraj Lamp & Industries (P) Ltd. Through Director vs. State of Haryana and Anr., 2012(1) SCC 656. In terms of the ibid decision of the Hon'ble Court dated 20.05.2015, the matter was considered by the Administrator, HSVP, Gurugram and a detailed speaking order dated 27-07-2016 was passed after considering the judgment in Suraj Lamp case as well as the terms of the R & R policy

dated 09-11-2010 rejecting the right of GPA/ SPA/ Agreement to sell holder to seek allotment of plot as per FTS. A draw of lots was conducted for GPA/ SPA/ Agreement holders and the plots were earmarked in sector 110 A Gurugram, however, allotment letters were not issued as there was an interim order dated 03.10.2016 passed in CWP No. 20635 of 2016 which was disposed of on 21.03.2017. Thereafter, the allotment letter were not issued and kept in abeyance in view of the interim order dated 30.03.2017 in CWP No. 6650 of 2017 titled as Janak Raj & Anr. Vs State of Haryana & Others wherein this Hon'ble Court had stayed the allotment of plot to the holders of GPA/SPA/Agreement to sell/Will. This Hon'ble Court extended the benefit of the final terms of settlement (FTS) to the oustees of Rambir Ki Dhani also. The matter was examined and after due examination, it was decided and approved by the 'Authority' that "Since the matter relating to allotment of plots to GPA/SPA holders is sub-judice before the Hon'ble Punjab and Haryana High Court and stay granted, therefore, it has been proposed that the benefits of FTS may be granted to all the oustees of NPR/SPR irrespective of the fact as to whether they were petitioner or not in any court writ petitions/ SLPs and their claims may be accepted and decided in terms of prevalent R & R policy (FTS) excluding the claims put forwarded by GPA, SPA and Agreement to Sell holders." Accordingly, the instruction has been issued vide letter dated 23.01.2017. The Competent Authority thereafter decided that necessary action may be taken in accordance with the order dated 27.7.2016 of the Administrator, HSVP, Gurugram. Accordingly, the Estate Officer-I, HSVP, Gurugram issued notices dated 24-05-18 under Section 18(2) of Haryana Shehri Vikas Pradhikaran Act, 1977 to the GPA/ SPA/Agreement/ Will holders for

eviction from the acquired land. Thereafter, CWP No. 13731 of 2018 titled as Pratibha Jha and Others and CWP No. 13943 of 2018 titled as Puran Chand and Ors Vs State of Haryana And Ors.were filed with a prayer to quash the notices dated 24-05-18 issued under Section 18(2) of Act, 1977 and with a further prayer for directing respondents not to dispossess the petitioners from their respective residential houses/plots situated in village Choma, Gurugram till the petitioners are allotted and/or handed over the possession of the alternative plots. This Hon'ble Court on 26.05.2018 passed the following order in Pratibha Jha case:

> *"The Court has been called to session on a special request made before Hon'ble the Acting Chief Justice.*
>
> *We have considered the matter and de hors the controversy which we propose to determine after hearing the State but noticing that there is an immediate threat to the houses of the petitioners, if one is to puruse the impugned notice giving 24 hours time to the petitioners to vacate the premises or face coercive action, we issue notice of motion for 29.5.2018. Process dasti only.*
>
> *We request the Advocate General, Haryana to have proper instructions in the matter when the case is listed on the date fixed.*
>
> *Till next date of hearing i.e 29.5.2018, demolition/dispossession of the petitioners shall remain stayed.*
>
> *A copy of this order be given dasti to the learned counsel for the petitioners under the signatures of the Special Secretary of this Bench."*

The above writ petitions bearing no. 13731/2018 and 13943/2018 came to be decided by the Hon'ble High Court vide its order dated 29.05.2018 in following terms:

"This order shall dispose of two writ petitions bearing CWP No.13731 of 2018 – Pratibha Jha and others v. State of Haryana and others and CWP No.13943 of 2018– Puran Chand and others v. State of Haryana and others and

Learned counsel for the respondents have stated that they would make every endeavour to resolve the issue d'hors the merits of the case and keeping in view the urgency of utilising the land for a project of national importance.

Written statement on behalf of respondents No.2 and 3 has also been filed in the Court. It is stated that possession of the plots to the persons, who were signatories to the FTS would be handed over within a period of one week commencing today. The petitioners shall present all the affected persons who are party to the FTS and entitled to a plot, for verification, at 10:00 A.M on Thursday i.e. 31.05.2018 before the Administrator, HUDA, Gurgaon whereafter the process of handing over the possession shall be completed as indicated above. It is made clear that no excuse from either of the parties shall be brooked on the plea that they were not in the know of the order or any other pretext that they may choose to raise to defeat the orders of the Court or the process of handing over the possession. We make it clear that this will be the last opportunity to these affected persons, to accept the offer of possession in terms of the settlement to which they bound themselves. We also make it clear that any attempt of the petitioners to resist eviction shall be viewed by this Court as an obstruction to the course of justice and dealt with properly. The petitioners would submit themselves to the orders of this Court as also to the process of law peacefully and any attempt to brow-beat the process of law will also be dealt with appropriately.

The possession of the vacant premises shall be voluntarily handed over by the petitioners to the respondents within a week after taking the possession.

Both petitions are disposed of in above terms."

Thereafter, the said petitioners-GPA/SPA/Agreement holders were considered for allotment of plots and plots have been allotted through draw of lots. And the possession of the acquired land in their occupation has been taken over. Hence, the reliance on the above said allotments which have been made under Final Terms of Settlement (FTS) is misplaced as same was a peculiar case.

CHALLENGE TO POLICY DATED 11.08.2016 AND 08.05.2018

29. That the petitioner has challenged the policy dated 11.08.2016 of the answering respondent. It is pertinent to mention that the vires of the policy dated 11.08.2016 has been considered in Rajiv Manchanda case (supra). Hon'ble Full Bench in Rajiv Manchanda case (supra) framed Question No.14 to the following effect:

> Whether the policy of 11.08.2016 or any part thereof is illegal?

Thereafter, the various clauses of the policy of 11.08.2016 were taken up for consideration by the Hon'ble Full Bench.

30. That it is a matter of fact that the petitioners have not applied in 2018 or 2025 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.

31. That in similar circumstances, the petitioners who failed to apply as per policy of 11.08.2016 and 08.05.2018 have filed CWP-13631-2021 Om Parkash Versus State of Haryana and others and other connected CWPs, which has been dismissed by this Hon'ble Court vide its judgment dated 31.08.2016. It is pertinent to state that the fact of policy dated

11.08.2016 having been upheld by the Hon'ble Full bench in Rajiv Manchanda case has duly bee noticed. The relevant part of the judgment is as under:

> "21. The Full Bench of this Court in the case of Rajiv Manchanda and others vs. Haryana Urban Development Authority and another reported as 2018(2) PLR 422 had framed 14 questions related to oustees and had answered all the said questions. Importantly, all the clauses of the instructions dated 11.08.2016 were considered and none of the clauses were set aside. While considering clause 4 of the policy, which provided that an oustee shall have a right to make an application only till the plots are available in the concerned sector, it was observed that the said clause was inconfirmity with the judgment of the Division Bench in the case of Sandeep Singh (supra) and the said clause was upheld. Policy/instructions dated 11.08.2016 were thus held to be legal. The 14 questions which were framed as stated in para 5 of the said judgment are reproduced hereinbelow:-
>
> "5. The order of reference raised various questions. However, during the course of the hearing, we modified the questions and allowed the parties to raise certain additional questions. The questions as finalized and answered by us are as follow:-
>
> 1. Whether the claims of oustees for allotment of plots under the oustee quota are required to be settled first before offering plots to the general public and other constitutionally permissible reserved categories?
>
> 2. Whether the reservation of 10 percent for the oustee quota is based on a valid rational criteria?

3. Whether the number of plots to be reserved for oustees ought to be first allotted to the oustees?

4. Are the authorities bound to offer the oustee the plot under the oustee quota or is the oustee bound to first apply for the same?

5. If the authorities are bound to offer the oustee the plot under the oustee quota are they entitled at their absolute discretion to decide when the offer is to be made to the oustees? If not, when are the authorities bound to make the offer?

6. When is an oustee entitled to be considered for allotment of a plot under the oustee category?

7. What is the right of an oustee who does not exercise his right of allotment when it first accrues or of an oustee who does not get a plot though he applies for it?

8. Is the oustee liable to pay the price fixed for allotment on the date of acquisition of the oustee's land, the date of entitlement for allotment under the oustee quota, the date of offer of allotment under the oustee quota or the date of exercise of option for allotment under the oustee quota?

9. The basis on which the price is to be quantified/calculated for allotment under the oustee quota?

10. Which policy is applicable to an oustee the policy in force on the date of entitlement, the date of acquisition, the date of offer the date when the sector is floated or the date of exercise of option?

11. Whether in view of the Policy dated 28.08.1998, a person is entitled to the oustee quota only if his land is acquired for the purposes mentioned therein?

12. Is an oustee who cannot be allotted a plot in the same sector entitled to the allotment of a plot in

the next/adjoining sector? What is the concept of next residential sector vis-a-vis an adjoining sector?

13. What are the rights of co-sharers?

14. Whether the policy of 11.08.2016 or any part thereof is illegal?"

22. With regard to question no.2, the Full Bench had observed that once it was settled law that the respondents have to reserve upto a maximum of 50% of the plots which included the oustee quota, the extent of reservation under the oustee quota was the matter of policy which must be left at least in the first instance to the respondents and it was not for the Court to decide the said extent. Under question no.3 it was observed that the extent/ percentage of the reservation was required to be qua the total numbers of plots in a sector and not qua the number of plots floated each time in a sector and that plots in a sector to the extent of reservation for oustees must be allotted to the oustees. Importantly, under question no.4 it was held that the claims of the oustees were required to be invited through an advertisement in the newspaper and not by individual notices to the oustees personally and after the said advertisement it was for the oustees to make an application for the allotment of plot under the oustees quota and the obligation of the respondent would arise only if an application is made by the oustee. Thus, necessarily meaning that in case no application is filed by the oustee then nothing further is to be considered on the part of the respondents. It is not in dispute that subsequent to the passing of the judgment by the Full Bench on 22.11.2017, the respondents issued a memo dated 08.05.2018 (Annexure R-1) (page 175

of the paper book) which was in partial modification of the policy / instructions dated 11.08.2016. The said memo specifically refers to the Full Bench of this Court in the case of Rajiv Manchanda and others (supra) and in pursuance of the same has amended clauses 2, 3, 11 and 15 of the policy / instructions dated 11.08.2016 and has added clause 19. The substituted clause 3 reads as under:-

"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 percentage of plots shall be determined on the basis of plots in a sector and it shall be ensured that number of plots allotted under all the reserved categories shall not exceed maximum limit of 50 % of the plots in a sector. The change in number of plots in a sector subsequently should be taken into account for determining the reservation of oustees quota plots."

A perusal of the above clause would show that it was specifically provided that the plots allotted under all reserved categories shall not exceed maximum limit of 50% of the plots in a sector, which clause is in consonance with the judgment passed by the Division Bench in the case of Sandeep Singh (supra) and also of the Full Bench in the case of Rajiv Manchanda (supra). It is the undisputed case of the parties, as stated hereinabove, that no reservation was made in pursuance of the policy dated 09.11.2010 and it is only after the abovesaid judgments were passed and the policy / instructions dated 11.08.2016 were issued (modified on 08.05.2018), that the respondent authorities, carried out the process of

reservation of plots in various sectors which included reservation with respect to the oustees quota in every sector. Thereafter the advertisement dated 01.11.2018 with respect to Hisar Zone was published in the national newspaper inviting online application for allotment of plots for the said Hisar Zone under the oustee quota. Admittedly, the petitioner(s) did not apply under the said advertisement dated 01.11.2018 for allotment of plot under the oustee quota.

23. From the abovesaid unrebutted facts, it is apparent that the petitioner(s) had received the deposit made by the petitioner(s) and had not made any application in pursuance of the advertisement dated 01.11.2018, which was issued subsequent to the instructions / policy dated 11.08.2016 which instructions / policy were framed in pursuance of the judgment passed by the Co-ordinate Division Bench of this Court which judgment has been upheld upto the Hon'ble Supreme Court. The petitioner(s), in fact, remained silent for a further period of 4 years after receiving the refund before filing the present writ petitions and thus, attract the principle of delay and laches.

24. Admittedly, the procedure which governs allotment of plots in the oustees quota as it stands now is as follows:-

i) The respondent authorities are to first make a reservation with respect to the plots reserved for all categories including the oustees category in every sector.

ii) A public advertisement is then required to be issued inviting the applications from the oustees along with other categorires with respect to various sectors.

iii) After the allottees have given an application in pursuance of the said advertisements, then, a draw of lots is to be held only of the persons who have applied.

iv) Only the persons who are successful in the draw of lots, their eligibility is to be considered by the screening committee. v) In case the person who is successful in draw of lots is found to be eligible by the screening committee, then only, a formal allotment letter is to be issued to the said allottee.

25. From the abovesaid undisputed procedure, it is apparent that in case an oustee, who may be eligible, does not apply in pursuance of the advertisement, cannot be permitted to participate in the draw of lots and thus, cannot be considered for the purpose of allotment. It is however not in dispute that merely because a person, who is eligible, has not applied under a particular advertisement would not bar him from applying under a subsequent advertisement and in case any such advertisement is issued and the said allottee applies, then, his right would be considered under the said advertisement. In the present case since, undisputedly, the petitioner(s) did not apply under the advertisement of year 2018 and had accepted the return of money under the earlier application and had also not challenged the said aspect, thus, at this stage no relief can be granted to the petitioner(s).

26. The reliance sought to be placed upon by the petitioner on the judgment dated 16.09.2016 (Annexure P-6) does not in any way further the case of the petitioners. It would be relevant to note that the said writ petition was filed in the year 2009 in which challenge was made to the acquisition

proceedings including the notifications under Section 4 and 6 of the 1894 Act, whereas in the present case it is not in dispute that the writ petitions have been filed in the year 2021/2023 and no challenge has been made to the acquisition. In the abovesaid case, while considering the challenge to the acquisition, the State counsel, vide order dated 16.07.2013 as is apparent from para 18 of the said judgment was granted time to get instructions as to whether the members of the society therein could be allotted residential plots and it is in the said background that the respondent authorities had stated that while considering the matter sympathetically as a special and exceptional case and also in the light of the observations made by the Court, the plots were being allotted and the challenge to the acquisition by the said persons was accordingly adjudicated after taking into consideration the said aspect. Apart from the fact that the facts of the present case are on a completely different footing, it would be relevant to note that in the present case, the petitioner(s) has based his claim on the basis of policy of 2010, which policy, has now been substantially altered in view of the policy / instructions dated 11.08.2016 passed in pursuance of the judgments passed by the Division Bench and Full Bench of this Court. Thus, for the petitioner(s) to succeed before this Court, the petitioner(s) would have to bring his case within the parameters of policy / instructions dated 11.08.2016, subsequently modified by the policy / instructions dated 08.05.2018, as there is no challenge to the said policy / instructions. However, the petitioner(s) has not been able to

bring his case within the parameters of the said policy.

27. Keeping in view the above said facts and circumstances, we are of the opinion that no relief, much less, mandamus can be issued to the petitioner(s) at this stage but the present petitions are disposed of with an observation that in case the respondent authorities issue a fresh advertisement with respect to adjoining sectors of Sector 25, Hisar, then, it would be open to the petitioner(s) to apply in pursuance of the said advertisement and the respondent authorities would consider the said application in accordance with law.

32. 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 holdthat 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.*

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."

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. In respect to clause (1) of the guidelines dated 11.08.2016, Hon'ble Full Bench observed that this clause is procedural. It does not indicate the consequence of an oustee not being allotted a plot for different reasons such as those we referred to viz. where the oustee is at fault, where the respondents are at fault, where both are at fault and where neither are at fault. The clause does not affect the existing rights of oustees. Thus, even assuming that

fresh applications are to be made, this clause by itself does not affect the rights of oustees which we have decided in this judgment.

That this Hon'ble Court in**CWP No.29083 of 2017 Pushp Lata vs State of Haryana and others**vide its judgment dated 13.03.2024 upheld that in view of the judgment in the case of HUDA and others versus Sandeep and others, SLP (Civil) No(s). 27256-27264 of 2012, decided on 06.03.2014, that the oustees would be entitled to apply for the allotment of a plot along with earnest money in pursuance of public advertisement issued for the purpose.

33. That condition no. 2 of the guidelines dated 11.8.2016 provided 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, HSVP 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 made 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 the first time vide instructions dated 27.03.2000 and was restricted to the same sector subject to the availability of land in the said sector. This instruction was issued in consonance with the orders passed in Suman Aneja vs State of Haryana and Others

The above 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."

It is pertinent to mention that the Full Bench judgment of the Punjab and Haryana High Court in **Sumer Pal & Anr. v. State of Haryana & Ors. (CWP No. 5917 of 1999)** also hold to the following effect:

> "In the result, the writ petition is allowed. It is declared that benefit of policy contained in circular dated 10.9.1987 is admissible to all the oustees irrespective of the date on which there is acquired. However, such oustees shall be entitled to allotment of residential plots/ commercial sites only if the land of the urban estate established/ sector floated out of the acquired land has not been utilized as a whole and unutilized land is available for the purpose of allotment. Respondent nos. 2 and 3 are directed to consider the case of the petitioners for allotment of residential plots/ commercial sites and take appropriate decision within a period of three months from the date of submission of a certified copy of this order. If no land is available in Urban Estate established/ Sector floated out of the acquired land, then the petitioners shall not be entitled to allotment of residential plots/ commercial sites."

Therefore, the right of the oustee is limited and is subject to the availability of the plots in same sector for which land has been acquired.

It is mentioned that the Hon'ble Full Bench while deciding a question of law, in para 48 of its judgment in Rajiv Manchanda case held as under

> 48. However, oustees whose lands were acquired prior to 10.09.1987, would be entitled to

plots only from the sectors in which their lands were acquired. A Division Bench of this Court in Smt. Suman Aneja v. State of Haryana 1993 (3) PLR 377 held:-

> "8. We have considered the arguments of the learned counsel for the parties and find that the extreme stand taken by the contesting parties is not warranted by the documents placed on record. Under the policy dated September 10, 1987, it has been provided that those persons whose lands had been acquired, were entitled to be treated as oustees so that they could be accommodated by giving them plots on reserved price. In this policy, it was stated that Hon'ble Supreme Court had decided that the land should be allotted for a house or shop to those persons whose lands had been acquired and it was the legal obligation of the respondents to take steps in that direction. While referring to commercial sites/buildings, it was clarified that the cases of the oustees could be considered for allotment on reserved price as and when the auction for the same was held and it was further stipulated that when these sites/ buildings are put to auction, oustees who wished to purchase them, could represent before-hand for allotment so that the requisite number could be reserved for them. Vide memo No.A-11-P-90-9721, dated May 9, 1990, certain clarifications were made in the policy dated September 10, 1987 and it was provided that "the claims of the oustees shall be invited before the sector is floated

for sale." This matter was reiterated vide communication No.A-11-P-91/5678, dated March 18, 1991 in which it was once again reiterated that "the claim of the oustees shall be invited before the sector is floated for sale." From a reading of the aforesaid instructions, particularly the portions quoted above, it is apparent that the date fixed by the respondents themselves in determining the eligibility of the oustees was the date on which the sectors were floated for sale, as it would, indeed, be cruel to a person whose land had been acquired prior to September 10, 1987 but not utilized or disposed of after due development prior to that date to be told that he was not eligible for allotment as an oustee although the land was still available. It is to be noted that the purpose underlying the Rehabilitation Scheme for oustees is basically one involving an obligation on the State to take care of a touching human problem, and if it is at all possible to lean, we must lean on the side of the hapless individual whose land has been acquired. It would be anomalous to hold that while acquiring the land for the purpose of land development to provide houses and other facilities to one section of the populace, those persons whose land had been acquired, should be adversely treated or left homeless and without shelter. We are not unmindful for the fact that to consider the policy dated 10-9-1987 as being retrospective would be to stultify and frustrate land development for years to come as in such a situation, a very

large number of persons would now come forward claiming a right to the allotment of plot as oustees but we are of the view that if in pursuance of a development scheme, some land has been acquired but not yet utilised, the oustees from that land should have a prior right to be rehabilitated and that the date fixed for the purpose is the date on which the sector is floated for sale. In other words, if the sector is floated for sale prior to 10-9-1987 and the plots etc., have not been disposed off, the oustees from this land would come within the provision of the scheme. Reliance of the petitioner's counsel on S. B. Kishore's case (supra) is however misplaced. In that case, there was a policy for rehabilitation of oustees but the litigant oustee did not make any application within the time fixed for allotment of plots. The Supreme Court in the facts and circumstances of that case and while observing that the case was not to be cited as a precedent, allowed the claim of the individual after condoning the delay in the making of the application. In view of what has been held above the judgments cited by Mr. Sibbal need not be dealt with." (emphasis supplied).

Hon'ble Full Bench formulated Re: Question No.11:

Whether in view of the Policy dated 28.08.1998, a person is entitled to the oustee quota only if his

> land is acquired for the purposes mentioned therein?

The same was considered in para 73 to 81 of the judgment and the same was answered in para 81 as under:

> 81. In the circumstances, the entitlement of an oustee to be offered a residential plot in the next residential sector arises if the plot under the oustee policy cannot be offered to him in the same sector irrespective of the nature of the use his land is put to. Further, the benefit of this policy would enure to the oustees making an application for allotment of a plot under the oustee quota after 28.08.1998 even if it is a subsequent application. In other words even if the application for allotment was made prior to 28.08.1998 and was rejected for any reason whatsoever, the subsequent application if made after 28.08.1998 must be considered by extending the benefit of the policy dated 28.08.1998.

Further, Hon'ble Full Bench also considered clause (2) of the policy dated 11.08.2016 and the Hon'ble Full Bench observed in para 93 of its order that:

> (A) This clause is similar to the corresponding provisions of the policy dated 28.08.1998. What we said in respect of that policy applies equally to this clause. In other words, if a plot under the oustee quota is not available in the same sector from which the oustee's property has been acquired, he would be entitled to the allotment of a plot under the oustee quota from any other sector. This entitlement is not limited to the cases specified in the clause, namely, industrial, institutional, group housing sites, completely

commercial sector etc. This is clear from the words "any non-residential purpose such as" which precede the words "industrial, institutional, group housing sites, completely commercial sector etc.". The words "any" and "such as" strengthen this view. The word "etc" at the end of the sentence further strengthens the view. The word "et cetera" indicates other such similar things. The petitioners' apprehension in this regard is, thus, set at rest.

(B) The petitioners also expressed understandable concern regarding the sentence: "Adjoining sector for this purpose shall mean the sector with boundaries abutting to the said sector". They apprehend that the respondents may construe the clause as restricting the oustees rights only to the sectors with boundaries abutting the sector from which the oustee's property was acquired. The apprehension is allayed by the learned Advocate General's statement that if in the abutting sector a plot is not available under the oustee quota, the oustee may seek the allotment of the plot in the next available sector. We agree that that is the purport of the clause. The sentence is illustrative and was added only to indicate that if a plot is not available from the oustee quota in the sector from which the oustee's land was acquired, it could be allotted from another sector. Theintention was not to restrict this right only to the immediately abutting sector even if a plot in that sector is not available. If that was the intention, the clause would have been worded entirely differently.

Considering the decision of the Hon'ble Full Bench, the answering respondent carried out amendment in clause 2 in

policy dated 08.05.2018 and amended clause 2 is reproduced as under:

> 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 and in case the plots are not available in the same sector for which land has been acquired for residential/ commercial purpose, then such an oustee may also be considered for allotment in an adjoining sector except where the land was acquired prior to 10.09.1987. Where the land has only been acquired for any non-residential purpose such as industrial, institutional, group housing sites and completely commercial sector etc., then such an oustee shall be entitled to seek allotment of plot in an adjoining sector. Adjoining sector for this purpose shall mean any sector where boundary abuts that of the said sector. However, if no plot is available for one or more oustees in any of the adjoining sectors, then a sector adjoining to any of the original adjoining sectors, may be considered for purpose of allotment of plots. An oustee shall be free to apply for allotment of an oustee quota plot in one, more or all the adjoining sectors. It is clarified that once any of these applications is successful, all remaining applications shall be automatically assumed to have been cancelled."

Thus, an oustee whose land is acquired prior to 10.09.1987 is entitled to be considered for allotment of the plot under oustees quota against advertisement only if the plots are available in the sector floated out of said land. In State Of U.P. Etc vs Smt. Pista Devi & Ors 1986 AIR 2025 decided on 12 September, 1986, Hon'ble Supreme Court has

held that authority will as far as practicable provide a house site or shop site of reasonable size on reasonable terms to each of the expropriated persons who have no houses or shop buildings in the urban area in question.

In view of the above, the amendments in clause 2 vide policy dated 08.05.2018 has been rightly made in accordance with ibid order. Therefore, the challenge made thereto is untenable in the eyes of law.

In Rajiv Manchanda case, the acquisition of the land took place in 1970's when HSVP was not even in existence. As stated above the first policy was issued on 10.09.1987 which was applicable prospectively. Claim was made by his mother for allotment of plot in Sector-6, MDC Panchkula, for which the land was acquired. The policy of 28.08.1998 issued to consider in adjoining sector where the land was acquired for non-residential purpose was also applicable prospective. Therefore, there was no cause to seek allotment of plot under the oustees policy.

In view of the above discussion, the challenge of the petitioner in CWP/22252/2016 Rajiv Manchanda vs HUDA to clause 2 of the policy dated 11.08.2016 is erroneous and not tenable in the eyes of law.

Further, the prayer of the petitioner in CWP/22252/2016 Rajiv Manchanda vs HUDA to allot one kanal plot in Sector-6, MDC Panchkula or in alternative in a sector contiguous and next to sector-5, Panchkula is also liable to be rejected.

Hon'ble Supreme Court decision in Ravi Khullar & Anr. v Union of India & Ors 2007 (5) SCC 231 where claim for alternate site was

repelled.In para 29 of the said decision in Ravi Khullar (supra) the Hon'ble Supreme Court stated that:

> "29. It then proceeded to consider the submission urged on behalf of the appellant that in any event it was entitled to the allotment of alternative land in lieu of the lands acquired. The High Court after noticing the Full Bench decision of the High Court in Ramanad v. Union of India and the judgment of this Court in New Reviera Coop Housing Society v Special Land Acquisition Officer observed that if there was a scheme promulgated by the State to provide alternative sites to persons whose lands had been acquired, the Court could give effect to the Scheme. However, it could not be argued as a matter of principle that in each and every case of acquisition the landowners must be given an alternative site because such a principle, if adopted, would result in the State being unable to acquire any land for public purpose. In the instant case the High Court dismissed the writ petition in view of the fact that there was nothing on record to indicate that any application was made to the competent authority for allotting an alternative site within a reasonable period.Reliance placed on the decision of the learned Single Judge of the Delhi High Court in Daryao Singh v Union of India was rightly rejected. That case related to a different award and the landowners concerned in that case gave up the challenge to the acquisition proceedings in view of the assurance given that an alternative plot under the scheme to be formulated shall be given to them. Those facts do not exist in the instant case. Moreover, the Government had agreed to allot the plots to the landowners and there was no question of recognising any right of the landowners to an allotment of alternative plots. In view of these findings the writ petition preferred by the appellant was rejected."

Therefore, by mere acquisition of land no vested right to seek allotment of plot is created and no claim will lie without any policy.

34. 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 HSVP, 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 HSVP.

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.

Hon'ble Full Bench in Rajiv Manchanda case formulated

Re: Question No. 1

Q. Whether the claims of oustees for allotment of plots under the oustee quota are required to be settled first before offering plots to the general public and other constitutionally permissible reserved categories?

While answering this question, it was held that:

24. This question must be answered in the negative against the petitioners and in favour of the respondents in view of the judgment of the Division Bench of this Court in Haryana Urban Development Authority and others v. Sandeep and others 2012(67) RCR (Civil) 691.....

These observations conclude the matter on the issue of reservation. In view of this judgment the respondents are not entitled to reserve more than 50% of the plots available and proposed to be allotted in favour of all reserved categories including the oustee(s)."

Hon'ble Full Bench in Rajiv Manchanda case formulatedRe: Question No.2:

Whether the reservation of 10 percent for the oustee quota is based on a valid rational criteria?

32. The question does not admit of any difficulty. Once it is held that the respondents are entitled to reserve only upto a maximum of 50% of the plots including towards the oustee quota, the extent of reservation is a matter of policy which must be left at least in the first instance to the respondents. The respondents are entitled to determine the policy in this regard. It is not for the Court to decide the extent of the reservation. So long as the reservation is fixed on a rational criteria, the Court ought not to substitute its view for that of the policy maker.

33. The Administrator of HUDA has filed an affidavit justifying the extent of reservation for the oustees. The affidavit inter-alia states as follows:

> There are already existing reservations ranging from 27% to 69% in different sizes of plots. A certain number of plots are required to be provided for NRIs and for persons who have distinguished themselves in the field of science, technology, art, culture, social service, judiciary, sports, defence and domiciles of Haryana. The extent of reservation, therefore, required modification. After the decision in Sandeep's case, the plots were reserved under the oustee's quota as well. After considering the competing demands, HUDA has reserved for oustees 10% of 8 marlas plots and 12% of plots above 8 marlas. The decision was taken after a detailed consideration of the data collected by the HUDA. We are unable to say that the decision was not an informed one. It is not for the Court to interfere with the extent of reservation unless it can be said that the extent of reservation was not based on valid criteria.
>
> 34. The submission that the extent of reservation is not based on any rational criteria is not well founded.

Hon'ble Full Bench in Rajiv Manchanda case formulated Re: Question No. 3

> Whether the number of plots to be reserved for oustees ought to be first allotted to the oustees?

The Hon'ble Bench dealt with the issue in para 35 to 41 and answered the question in para 41 to following effect:

> 40. Question-3, therefore, is answered by holding that the respondents are entitled to stipulate the extent of the reservation subject to maximum of 50% of the plots in each sector. The extent/percentage of the reservation is qua the total number of plots in a sector and not qua the number

> of plots floated each time in a sector. The plots in a sector must be allotted to the oustees to the extent of reservation for oustees before allotting the plots to the general public. It follows, therefore, that the balance plots in a sector must also be first allotted to the oustees to the extent of reservation. If there are any unallotted plots in a sector, they would henceforth be first allotted to the oustees to the extent of reservation in their favour and only thereafter be allotted to the general public. The allotments already made cannot be disturbed as that would affect the rights of third parties who are not before us and who understandably would have several defences against unsettling their settled position.

This clause (3) of policy dated 11.08.2016 has been considered by the Hon'ble Full Bench in Rajiv Manchanda case in para 94 of its order and it was observed as under:

> "..... The memo dated 04.12.2015 fixes the percentage of reservation for each of the categories mentioned therein which includes the oustees, schedule castes, schedule tribes, backward classes, war widows, disabled soilders, widows, freedom fighters, the handicapped, the blind, paramilitary forces, defence personnel etc. The last sentence in this clause only provides that the number of plots for the oustees shall be determined on the basis of the total available plots advertised which is but natural for only the number of plots advertised would be available. It only indicates that the respondents are not bound to advertise the total available plots in a sector at the same time. The plots may be floated from time to time in varying qualities.

> Further, clause 3 does not stipulate that the plots when advertised would be allocated to the oustee's quota only to the extent of 10% of the plots advertised. If that was the intention, it would have been stated so specifically. In this view of the matter, it is not necessary to test the validity of the clause had it meant otherwise."

Accordingly, clause 3 of the policy dated 11.08.2026 has been amended vide Memo No. A-1-UB-2018/92633-34 dated 08.05.2018 to the following effect:

> 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 percentage of plots shall be determined on the basis of plots in a sector and it shall be ensured that number of plots allotted under all the reserved categories shall not exceed maximum limit of 50 % of the plots in a sector. The change in number of plots in a sector subsequently should be taken into account for determining the reservation of oustees quota plots.

Hence, challenge made to the policy dated 11.08.2016 and 08.05.2018 is erroneous and amended cause (3) of policy dated 8.5.2018 is liable to be upheld.

On this basis, the prayer of the petitioner in CWP/22252/2016 Rajiv Manchanda vs HUDA for quashing of policy dated 04.12.2015 providing for reservation @ 12% for oustees is liable to be rejected being meritless.

Further, it is clear that no claim will lie for consideration for allotment of plot as oustee where the quota has been exhausted in a sector.

35. 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 HSVP 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 in case 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. HSVP 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.

Hon'ble Full Bench in Rajiv Manchanda case considered clause (4) of the policy dated 11.08.2016 in para 95 of its order and held as under:

> ".....This clause only means that for a sector the oustee can make an application only to the extent of reservation for the oustee category namely 10%. This is in inconformity with Sandeep's case and what we have held."

36. 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 carmarking 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.

Hon'ble Full Bench in Rajiv Manchanda case considered clause (5) of the policy dated 11.08.2016

> "96. No objections were raised in respect of clauses 5 and 6 of the policy."

Thus, this clause has also been upheld.

37. 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.

In **Smt. Sneh Prabha Etc vs State Of U.P. & Anr 1996 AIR 540** decided on 15 November, 1995,Hon'ble Supreme Court has held that:

> "Though at first blush, we were inclined to agree with the appellant but on deeper probe, we find that the appellant is not entitled to the benefit of the Land Policy. It is settled law that any person who purchases land after publication of the notification under Section 4 [1], does so at his/her own peril. The object of publication of the notification under Section 4 [1] is notice to everyone that the land is needed or is likely to be needed for public purpose and the acquisition proceedings points out an impediment to anyone to encumber the land acquired thereunder. It authorizes the designated officer to enter upon the land to do preliminaries etc. Therefore, any alienation of land after the publication of the notification under Section 4 [1] does not bind the Government or the beneficiary under the

> acquisition. On taking possession of the land, all rights, titles and interests in land stand vested in the State, under Section 16 of the Act, free from all encumbrances and thereby absolute title in the land is acquired thereunder. If any subsequent purchaser acquires land, his/her only right would be subject to the provisions of the Act and/or to receive compensation for the land. In a recent judgment, this Court in Union of India vs. Shri Shivkumar Bhargava & Ors. [JT 1995 (6) SC 274] considered the controversy and held that a person who purchases land subsequent to the notification is not entitled to alternative site. It is seen that the Land Policy expressly conferred that right only on that person whose land was acquired. In other words, the person must be the owner of the land on the date on which notification under Section 4 [1] was published. By necessary implication, the subsequent purchaser was elbowed out from the policy and became disentitled to the benefit of the Land Policy."

Hon'ble Full Bench in Rajiv Manchanda case considered clause (6) of the policy dated 11.08.2016

> "96. No objections were raised in respect of clauses 5 and 6 of the policy."

Thus, this clause has also been upheld. Hence, challenge is misplaced. On this count, the CWP No. 6778 of 2025 titled as Haripal Singh Vs State of Haryana and othersis liable to be dismissed as the petitioner has purchased the land after section 4 notification.

38. 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 09.05.1990also has a similar nature condition thatif 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.

That the ibid policies were considered in **Sandeep case** and this Hon'ble Court's Division Bench while deciding question no. 3 held that:

> "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."

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.

In **Savitri Devi Vs. State of Haryana & others 1996 (3) PLR 644,** the Hon'ble Supreme Court has held as under:

> "Once the land is acquired and the acquisition has became final, the pre- existing right, title, and interest held by the erstwhile owner ceases to exist and is divested and stands vested in the State and the beneficiaryfree from all encumbrances. The question is: whether the erstwhile holder is entitled to the allotment of the sites? The last paragraph of the policy connotes that:

> "An oustee could be offered a plot when he files affidavit to the effect that he does not hold any house/shop/plot in that town, moreover, he should be an owner of land proposed to be acquired for one year before the issue of notification under Section 4 of the Land Acquisition Act, 1894 and 75% of his land must come under acquisition."
>
> On fulfilment of these conditions and then subject to the guidelines laid down therein, the candidate would be entitled to be considered for allotment. Merely because the land is not utilised after the acquisition, they are not automatically entitled to the allotment but subject to the guidelines, their claim would be considered. The appellant is entitled to file an application before the competent authority which would consider and dispose it of according to rules."

Though in **Rajiv Manchanda case** Hon'ble Full Bench observed in para 97 as under:

> 97. Clause 7 of the policy was not challenged and we, therefore, do not express any view in respect thereof

However, Hon'ble Full Bench in para no. 88 considered the issue of 75 % land. Para no. 88 is reproduced hereunder for ready reference of this Hon'ble Court

> "88. ****** The co-sharers rights would be determined based on his individual share. For instance, a co-owner may not loose 75% of his independent holding. In that event he would not be entitled to be allotted a plot under the oustee quota."

Therefore, challenge to clause 7 is not legally tenable and liable to be rejected.

39. 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.

The same was considered by the Hon'ble Full Bench in rajiv Manchanda case, in para 98 of its order as under:

> This clause is in conformity with what we have held in respect of question No. 13 pertaining to the co-sharers.
>
> Hon'ble Full Bench formulated Re: Question No. 13
>
> What are the rights of co-sharers?
>
> The same was answered in para 87, 88 as under:
>
> 87. The rights of the co-owners are therefore now established by the judgment of the Full Bench of this Court in Jarnail Singh's case. The judgment is binding on us. The question, however, that remains is the manner in which these rights can be enforced.
>
> 88. In our view, once a person establishes his right to be allotted a plot under the oustee quota as a co-sharer, his application must be decided in the same manner in which the application of any other oustee is considered. All the policies and the principles governing any other persons would also

> apply to co-sharers. For instance, a co-sharer would also be entitled to the benefit of an alternate plot in the next/adjoining plot if he is not allotted a plot in the sector from which his lands were acquired. The co-sharers rights would be determined based on his individual share. For instance, a co-owner may not loose 75% of his independent holding. In that event he would not be entitled to be allotted a plot under the oustee quota.

Therefore, clause 8 of policy dated 11.08.2016 is liable to be upheld.

40. 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 applicableand 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.

In **CWP No.4654 of 2010 titled "Sadhu Ram & others Vs. Haryana Urban Development Authority and others"**vide

judgment and order dated 16.03.2010, this Hon'ble Court has upheld the cutoff date as 05.03.2005, on which award was announced on or after the said date. It was held that the prescribing cut-off date is a matter of Policy and such Policy cannot be said to be arbitrary.

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 have 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 Rajiv Manchanda case Hon'ble Full Bench observed in para 99 that the learned counsel did not address any arguments on clauses 9 of the policy and therefore, express no view in respect thereof. The issue as to the validity of these clauses is kept open. However, as the Hon'ble High Court in **Sube Singh case** has already considered the said issue, therefore, it must be held to be a fully justified condition for allotment of plot to oustees.

41. 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 Reviera 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 addiction 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. No challenge was made to the said condition in Rajiv Manchanda case before the Hon'ble Full Bench. Therefore, this condition require to be upheld.

42. 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 polices. 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 landloser 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.

However, in view of the observations of the Hon'ble Full Bench in Rajiv Manchanda case, the answering respondent amended clause 11 of the policy dated 11.08.2016 while issuing policy dated 08.05.2018, and thus, amended clause 11 is as under:

> "11. An oustee whose land and/ or constructed house/ factory etc. was notified under section 4 of the Land Acquisition Act, 1894 and was released subsequently (in its entirety or a part thereof) will not be eligible for availing benefit of oustees quota plot irrespective of the fact that 75 % of his total land has been acquired as per clause no. 7 of the guidelines dated 11.08.2016. 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 view of the aforesaid submissions, the condition regarding release of land is fully justified.

43. 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 above para which are reiterated herein.

44. 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 en 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.

45. 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 of the reply as above. The clause was not disputed when the matter was answered by the Hon'ble Full bench in Rajiv Manchanda case on 22.11.2017.

46. 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.

Hon'ble Full Bench while answering the reference observed this clause is merely advisory and recommendatory. It does not create or curtail any rights. The rights of oustees will be determined as per this judgment. However, in view of the observations of the Hon'ble Full Bench in Rajiv Manchanda case, the answering respondent amended clause 15 of the policy dated 11.08.2016 while issuing policy dated 08.05.2018, by adding clause (a) to existing clause 15 and thus, amended clause 15 is as under:

> "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 (a). Where an application is made by an oustee in an advertisement issued afresh, the price of plot that may be charged from him if he is successful in draw of lots out of plots reserved for oustees shall be the rate as advertised in new advertisement. In cases where the allotment of plot could not be effected despite determination of his eligibility, the prevalent price at the time of application by the oustee in pursuance to an advertisement may be charged alongwith simple interest @ 11 % per annum till date. It is clarified that eligibility for the purpose as aforesaid shall be treated as determined only when such an oustee completed and satisfied all the formalities/ conditions as per the applicable policy."

The above clause has been considered by this Hon'ble Court in **CWP-17741-2021 titled as Ashish Gupta & another Versus State of Haryana & others**. The Hon'ble Division Bench dismissed the writ petition vide judgment dated 09.09.2021, the relevant part of the judgment is reproduced for kind reference of this Hon'ble Court:

"Reliance placed by counsel on Clause 15(a) of the Instructions dated 11.08.2016 is wholly misplaced. Under these

instructions, it is only upon an application having been made by an oustee pursuant to an advertisement that has been issued afresh that his claim could have been considered. In the impugned order, it has been categorically recited that in the light of Instructions dated 11.08.2016 previous applications were to be rejected and applicants were required to apply afresh as and when advertisement is issued. It has further been stated that online claims were invited on 03.09.2018 for oustee category allotment in the light of Instructions dated 11.08.2016 but the petitioners did not apply. This fact is not disputed in the pleadings on record. Under such circumstances, the benefit of Clause 15(a) of the Instructions dated 11.08.2016 cannot enure to the petitioners.

The Hon'ble Division Bench further held that:
Consideration of the claim of the petitioners was possible only if pursuant to the Instructions issued by the respondent/authorities towards compliance of the Full Bench decision in Rajiv Manchanda's case (supra) and an advertisement having been issued, the petitioners had applied in response thereto. In the facts of the present case, petitioners have not submitted their applications."

In above said case, the petitioners therein filed **Special Leave to Appeal (C) No(s). 20882/2021titled as Ashish Gupta & another Versus State of Haryana & others** which was dismissed on 12.01.2022.

Thereafter, **RA-CW-18-2022 in CWP-17741-2021 Ashish Gupta And Another V/s State of Haryana and Others**was filed before this Hon'ble Court and same was dismissed vide order dated 29.07.2022. The above said judgments squarely covers the present case and hence, the petitioners having failed to apply in terms of public advertisement issued in year 2018 is not entitled to allotment of plot.

That this Hon'ble Court has another occasion to consider the matter in**CWP No.29083 of 2017 Pushp Lata vs State of Haryana and others**. The Hon'ble Division bench while dismissing the writ petition vide its judgment dated 13.03.2024 held to the following effect:

> *"(iii) The third issue which was taken up by the Appellate Authority was that in the presence of co-sharers, the husband of the petitioner could not have been held entitled to a plot individually. This finding can also not be found fault with because allotment of a plot to an oustee would be in accordance with the policy only which was applicable at the relevant time. In fact, the Appellate Authority held that the husband of the petitioner would be at liberty to apply as per the advertisement which may be issued in future meaning thereby that the doors were not closed permanently for the petitioner.*

Therefore, claims being raised to allot the plots in past advertisement without conforming to the terms and conditions of the applicable oustees policy is erroneous and liable to be rejected.

47. That it is also pertinent to state that the answering respondents issued a public notice dated 28.09.2013 inviting applications from oustees whose land was acquired on or after 05.03.2005. However, the same has been impugned before this Hon'ble Court in CWP No. 2212 of 2014 Hukam Singh and another Versus State of Haryana and others and vide order dated 20.08.2014, the Hon'ble Court held that the action of the respondents in putting a cut-off date in the advertisement runs counter to the Division Bench judgment of this Court in Sandeep's case (supra). Since the action of the respondents is unjustified, the condition in the advertisement is set aside. The respondents are directed to issue a fresh advertisement inviting applications from all land owners, whose land was acquired in the area in question. It is pertinent to mention that

this advertisement was issued subject to decision in HUDA vs Sandeep as SLP was pending at that time. Therefore, in view of the above order of the Hon'ble Court and fact that subsequently, Sandeep and Bhagwan Singh cases were decided by the Hon'ble Supreme Court resulting into issuance of new policy dated 04.12.2015, 11.08.2016 and further, decision in Rajiv Manchanda case, lead to issue of policy dated 08.05.2018, thereby necessity issuance of fresh advertisement. Hence, the applications, if any, made in pursuance to the previous advertisement could not have been considered and thus, the applicants were required to apply afresh in new advertisement. There were advertisements issued in 2015 also and as there resulted into change in policies as detailed above, a decision was taken to refund the amount.

48. 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. The condition has been considered by the Hon'ble Full Bench in Rajiv Manchanda case and it was held in para 101 that:

> (B) That may well be a better way of doing things. However, there is nothing illegal about the procedure stipulated in paragraph-16. The same may save time instead of first determining the eligibility which may well involve litigation even before the draw of lots is held. Clause 16 would at least ensure that those applicants whose eligibility is not questioned can at least get the plots at an early date.

However, as it is a procedural aspect the process that has actually been adopted at present by the answering respondent is to consider the eligibility and only eligible applicant's draw is being conducted.

49. 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.

50. That the final condition of the guidelines dated 11.08.2016 is 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.

51. That other conditions of policy dated 08.05.2018 are already discussed in preceding paras, the condition restricting transfer of plot under oustees quota for 05 years has been upheld vide judgment dated 14.07.2025 passed by the Hon'ble Supreme Court in Civil Appeal No. 7707 of 2025 (Arising out of Special Leave Petition (C) No. 15148 of 2017) Estate Officer, Haryana Urban Development Authority and Ors. Versus Nirmala Devi and other connected cases. Relying on this judgment, this Hon'ble Court vide judgment dated 24 December, 2025 passed in Hari Singh vs State Of Haryana And Others CWP/22585/2025, has upheld the condition of the policy of 08.05.2018.

52. That 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.

The rates for allotment of plots are determined on the basis of the policy/ instructions of HSVP. As per this policy the rates are revised every year.

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. 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 Hon'ble Full Bench in Rajiv Manchanda case considered the issue of rate of allotment of plot and formulated Re: Question No. 8

> Is the oustee liable to pay the price fixed for allotment on the date of acquisition of the oustee's land, the date of entitlement for allotment under the oustee quota, the date of offer of allotment under the oustee quota or the date of exercise of option for allotment under the oustee quota?

The same was considered in para 51 to 60 of the order dated 22.11.2017 by the Hon'ble Full Bench.

> 51. Mr. Punchhi submitted that the price is the price prevalent when the sector in which the oustee's land was acquired was first floated for allotment. He further submitted that if the land was not floated for residential purpose, the price at which the next sector was floated nearest in point of time and location must be the applicable price. The submission is not well founded. It is contrary to the judgment of this Court in Sandeep's case.
>
> 52. The answer to this question lies in the last sentence of paragraph-53 of the judgment of this Court in Sandeep's case. Paragraph53 reads as under:-
>
> > "53. In respect of second question i.e. what is the meaning of the words "normal allotment rate", the Court found that as a matter of fact the land-loser has made an application in the year 1990 for allotment of

> plot. A direction was issued by the Court in the year 1992, but the HUDA delayed allotment to the appellants. Therefore, the rate for which plots were initially offered was ordered to be charged. The said question has been answered keeping in view the facts of the aforesaid case, wherein application was submitted by an oustee, but still plot was not allotted to him. The said judgment does not lay down that the 'normal allotment rate' in all circumstances shall be the date when the sector is first floated for sale. As a matter of fact, 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." (emphasis supplied).

53. Paragraph-53 and in particular the last sentence thereof stipulates that the normal allotment rate would be the rate advertised by the HUDA in pursuance of which the applications are invited from the general public and the oustees, in pursuance of which the plots are allotted. Thus, the allotment rate would be the rate advertised while inviting applications from the oustees and in pursuance of which the plots are actually allotted. Thus, it is not merely the rate advertised by the HUDA while inviting the applications from the general public and the oustees which constitutes the normal allotment rate. There must be an actual allotment pursuant thereto. In other words, it is only when pursuant to the application for allotment, a plot is actually allotted, that the normal allotment rate can be fixed and that rate would be the rate stipulated in the advertisement inviting the said application. Thus two requirements must be met. Firstly, there must be an advertisement by HUDA inviting applications from the general public and the oustees for allotment. Secondly, the

oustee must be allotted a plot pursuant to an application as per such advertisement. If these two requirements are met, the normal allotment rate would be the rate stipulated in such advertisement. This is in consonance with paragraph-56(v) of the judgment of this Court in Sandeep's case which reads as follow:- "

> 56. Thus, the present appeal as well as the other connected matters are disposed of with the following directions, in addition to the decision on the questions of law discussed above: (i) to (iii) xx xx xx (v) That 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 the sector is floated for sale for the first time; Paragraph-56(v) puts the matter beyond doubt and sets at rest any controversy as regards the interpretation of paragraph-53 and in particular the last sentence thereof.

54. The learned counsel appearing on behalf of the petitioners, however, submitted that the first part of the last sentence, namely, the words: "As a matter of fact, 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....." is correct and in consonance with the judgment of the Supreme Court in Brij Mohan's case and in particular paragraph-22 thereof which we set out earlier. They, however, contend that the concluding words in that sentence, namely, ".....in pursuance of which the plots are allotted" are contrary to the judgment in Brij Mohan's case and

the judgment to that extent ought to be overruled by us. We are not inclined to do so as the judgment has been approved by the Supreme Court. The words in paragraph-53 "in pursuance of which the plots are allotted" were obviously in recognition of the findings that there cannot be a reservation of more than 50% including for the oustees. If all the oustees' claims were to be satisfied first, it would not have been necessary for the Division Bench to add this caveat. The Division Bench recognized the fact that the plots under the oustee quota may be allotted at a later stage or stages.

55. Had we upheld the contention on behalf of the petitioners that the price must be that which was stipulated on the first floatation of the sector in which an oustee would have been entitled to the allotment under the oustee quota, we would have balanced the equities by compelling the oustees to pay interest on such price from the date of such first floatation upto the date of payment in respect of the actual alloltment. Otherwise, it would confer a windfall upon the oustees who would have been entitled to obtain a plot at a price prevalent several years earlier. We appreciate that even that approach would require further adjustments for such oustees would in turn be entitled to contend that they were deprived the use of the plots during the period for which they are compelled to pay interest. It is not necessary, however, to dilate further on this aspect as we find ourselves bound by the judgment in Sandeep's case.

56. This judgment was followed by a judgment of a Division Bench of this Court dated 26.08.2014 in Civil Writ Petition No.9969 of 2013 Raghbir Singh v. Haryana Urban Development Authority and

others. Another Division Bench of this Court by an order and judgment dated 18.09.2002 in Civil Writ Petition No.13548 of 2001 Bhag Singh and others v. Haryana Urban Development Authority and others held:-

> "The only contention raised by Shri Rupinder Khosla, counsel for the petitioners, is that the petitioners are eligible and entitled to be allotted a plot in Sector 21, Part-I, Panchkula or in any other Sector in the said Urban Estate at the initial rate on which the plots were initially allotted when Sector 21 was floated. The allotment of plot at the prevalent rate and asking for deposit of 10% earnest amount of the price of the plot prevalent as on 18.6.2000 is totally arbitrary and illegal. We find no substance in the contention of the counsel for the petitioners. Admittedly, for the first time, the policy for allotment of plots to the oustees was framed on 10.9.1987. The petitioners are not covered by the said policy, as their land was acquired prior to the said policy. Subsequently, in view of the decision dated 11.8.1993 rendered in CWP No.14708 of 1990, reported as Smt. Suman Aneja v. State of Haryana and others, AIR 1994 P & H 56, a new policy for those oustees whose land was acquired prior to the year 1987, was framed modifying the earlier policy regarding allotment of plots to the oustees of the acquired land. According to this policy, it was decided that where the land was acquired prior to 10.9.1987, on which a residential Sector had been floated and the plots are still available in that Sector, the oustees claim shall be invited and they will have the prior right for allotment of plots. In this policy, there is nothing which provides that such oustees will be allotted the plots on the initial price when the Sector was floated. Vide this policy, only a prior right to allot the

left-over plots from those Sector has been given to the oustees of the acquired land, but for allotment of plot under this policy, they have to pay the prevalent marked price which has been fixed for allotment to the general public. Only the priority has been given to the oustees but they have to pay the prevalent rate which has been fixed for allotment of these left-over plots. There is no illegality and arbitrariness in the said policy. Rather, it will be unjust enrichment of the petitioners if they are allotted the plots at the rate prevalent in the year 1987. The respondents have spent a lot of money for development of the roads, parks and other facilities for the Sector. The petitioners filed the applications in the year 2000, after framing of the new policy. Their applications were duly considered and the same were rejected because they did not pay 10% of the earnest money, as per the advertisement dated 21.8.2000. They 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. There is no illegality or infirmity in the impugned order dated 16.12.2000, passed by the Chief Administrator, HUDA. In view of the aforesaid, we find no merit in this petition and the same is hereby dismissed."

Thus the position in this regard is the same for oustees where properties were acquired prior to 1987. We are in respectful agreement as the judgment is inconsonance with the judgment of this Court in Sandeep's case.

57. In the circumstances, an oustee including one whose land was acquired prior to 1987 is liable to pay the price fixed in the advertisement by

which the applications are invited from the oustees and pursuant to which advertisement the plot is actually allotted to the oustee.

58. Another aspect of this question also requires consideration. It pertains to the price payable by an oustee who although entitled to be allotted a plot on a particular date and could have been allotted a plot on that date was allotted the plot much later. The answer to this question would depend upon the circumstances in which the oustee was not allotted a plot on the date which he was entitled to and could have been allotted the same but was allotted the plot later. We have advisedly stated the situation to be one where the allottee was not merely entitled to be allotted the plot but also could have been allotted the plot. Where for any reason the plot could not have been allotted, this question would not arise.

59. Where the oustee is at fault or was for any reason responsible for the same, he must pay the price prevalent as stipulated in the last sentence of paragraph-53 of the judgment of this Court in Sandeep's case, namely, the price prevalent in the advertisement inviting applications and pursuant to which the oustee was actually allotted the plot. There is no reason why in such circumstances the oustee should have the benefit of a price that was prevalent earlier, sometimes even many years ago. Where both the oustee and the respondents are at fault or were responsible for the same or where neither is at fault for the same, the same rule ought to apply. Even in such circumstances there is no warrant for permitting the oustee the benefit of a price that was prevalent many years ago. There is no reason for excluding such cases from the rule in

the last sentence in paragraph-53 of Sandeep's case.

60. There is yet another situation that must be dealt with, namely, where the respondents are entirely at fault. This is a situation where the oustee was entitled to a plot on a particular date and it was possible for the respondents to allot the plot on that date but they did not do so entirely on account of their default and not on account of any default on the part of the oustee. The ultimate allotment of the plot may even result at the end of a protracted litigation. When a court passes an order in favour of such an oustee, it infact holds that the oustee was entitled to the plot when he had made the application and was entitled to the allotment on that date and the respondents were in a position to handover the possession of the plot on that date but wrongly did not do so. In such circumstances it follows that the oustee would be entitled to the benefit of the price that was prevalent when he made the application and pursuant to that application the respondents deliberately did not allot the plot although they could have. However, even in such a case, the oustee must pay reasonable interest from the date on which he could have been given the possession of the plot till the date he is actually given the possession of the plot, for in such a case the oustee has had the benefit of the use of his money during this period. We appreciate that such an oustee would have been deprived during this period of the use of the plot. This further fine tuning adjustment would require evidence and cannot conveniently be decided in a writ petition.

Further, Hon'ble Full Bench formulated Re: Question No. 9

The basis on which the price is to be quantified/calculated for allotment under the oustee quota?

In para 63, the Hon'ble Full Bench has held as under:

"Regulation-4 does not and indeed cannot deprive the respondents the right to auction its properties.

Regulation-3 deals with only the mode of disposal. It does not deal with price fixation. Regulation No.4 refers only to the tentative price. The doubt, if any, is set at rest by Regulation No.6 which expressly refers to the cases of sale or lease by auction.

The contention that the respondents cannot dispose of their properties by auction and the price fetched at an auction cannot be the basis of price fixation for allotment of plots under the oustee quota is, therefore, rejected. The respondents are entitled to fix the price in any reasonable and just manner keeping all the facts and circumstances in mind including the nature of the allotment to oustees and the purpose thereof.

Hon'ble Supreme Court in **Civil Appeal No. 7707 of 2025 (Arising out of Special Leave Petition (C) No. 15148 of 2017) Estate Officer, Haryana Urban Development Authority and Ors. Versus Nirmala Devi and other connected cases** vide judgment dated 14.07.2025 while allowing the Civil Appeal has rejected the pleas of the respondents therein amongst others, the plea for rate of allotment of 1992.

Therefore, the plea of the petitioner disputing the rate of allotment without any basis or justification is erroneous and liable to be rejected.

The petitioners having not applied under the advertisement of 2018 or 2025 have no right to seek allotment of plot under oustees quota.

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.

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: Gurugram
Dated: 30|10|2026

(RAKESH SAINI)
Estate Officer-II, HUDA, Gurugram
For and on behalf respondent no. 2 to 4

Through

(Deepak Sabherwal)

Advocate

Counsel for Respondents no 2-4

Verification

Verified that the contents of the para 1 to 52 of the reply to writ petition are true and correct as per the information derived from the official record. Legal submissions 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: Gurugram
Dated: 30|10|2026

(RAKESH SAINI)
Estate Officer-II, HUDA, Gurugram
For and on behalf respondent no. 2 to 4

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Annexure-R1

From

The Chief Administrator,
HUDA(Legal Cell), Panchkula

To

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

Sub: 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-IIP-97/116028-58 dated 06.05.1997 on the subject cited above and policy no. UB-A3-2011/7895-40 dated 07.032011 regarding rehabilitation and resettlement of landowner-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 2008 before the Hon'ble High Court claiming allotment of plot under ousttes 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 Oustees. As to what extent there would be reservation for the Oustees, is required to be decided by the State Government and/ or by HUDA or any other Authority, who is entitled to acquired 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 ensure implementation of the aforesaid direction, it has been decided to make modification for various category. Henceforth, the reservation shall be provided in following manners:-

S No.	Category	For plots above 8 marla in category	Upto 8 marla
1	Scheduled Caste/ Scheduled Tribes	Nil	10%
2	backward Class	Nil	2%
3	War widow/diabaled soldiers	Nil	25
4	Widow(other than war)	Nil	1%
5	Freedom Fighter, their widow, children and 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 employee)	6%	6%
8(ii)	GSRQ(retired/retiring employee)	2%	2%
9(i)	Defence Personal/Ex-servicemen	6%	6%
9(ii)	Paramilitary forces like CRPF, BSF, ITBP, RPF, GSF, CEEF etc of domicile of Haryana State	2%	2%
10	HPIKA	1%	1%
11	Advocate	2	2%
12	Oustees	12%	10%
	Total	31%	47%

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 dared 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 plot 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 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 plot is also made to the domicle of Haryana who have distinguished themselves in the fields of Art, Culture, Social Service, Science and Technology , Judiciary, Defence and Sports etc. upon receipt of request from such distinguish persons as per policy dated 16-02-09.

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

Sd/-
(BB Taneja)
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 and 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/clerk of Urban Branch, HQ HUDA Panchkula.

Sd/-
BB Taneja)
Deputy Superintendent,
For Chief Administrator, HUDA

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ADVOCATE

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ANNEXURE R-2

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 111th meeting held on 27.07.2016 vide agenda item no. 111th (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 the 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.

-sd/-
Administrator, HQ,
For Chief Administrator HUDA

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.

-sd/-
Administrator, HQ,
For Chief Administrator HUDA

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ANNEXURE R-3

From

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

To

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

Memo No.UB-A-6-2016/46585-86 Dated: 11.08.2016

Subject: Disposal of left out plots through auction.

This is in-continuation of this office memo. No. UB-A-5-2016/8730-31 dated 05.07.2016 on the subject cited above.

2. The matter regarding disposal of left out residential plots through open auction was placed before the Authority vide Agenda item No. Auth. 111th (11) in its meeting held on 27.07.2016 for seeking its ex-post facto approval. The Authority has accorded its approval to the disposal of left out plots kept for the last 10 years (excluding plots reserved for oustees) but with stipulation that plots shall not be disposed off on usual terms and conditions applicable to auction of Commercial Sites as circulated vide memo. no. 19748-68 dated 31.05.2006.

3. In compliance with the above decision the terms & conditions for of auction of left out residential plots, as explained in para 2 above, will be issued separately.

4. A copy of Agenda Item and an extract of proceeding of the meeting are sent herewith for your reference and records.

5. You are therefore requested to take further action accordingly. Action taken report may be sent to this office immediately.

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Endst. No. UB-A-6-2016/46587 Dated:-11.08.2016

A copy of the above is forwarded to the following for information:-

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Engineer, HUDA, Panchkula.
3. The Chief Town Planner, HUDA, Panchkula.
4. The Secretary, HUDA, Panchkula.
5. The General Manager (IT), HUDA, Panchkula. He is requested to host it on HUDA Web-site.
6. The District Attorney, HUDA (HQ), Panchkula.
7. The Dy. ESA, HUDA(HQ), Panchkula.
8. All the Assistants/Record-Keepers, Urban Branch, HUDA (HQ), Panchkula.

Administrator (HQ's)
for Chief Administrator HUDA

11/8/16

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ADVOCATE

Annexure-R-4

110

From

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

To

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

Memo No.UB-A-6-2017/11878 Dated: 19.01.2017

Subject: Disposal of **left out plots** through **auction- amendment thereof.**

1. This is continuation of this office memo no. A-6-UB-2016/46585-87 dated 11.08.2016.
2. Authority in its 111th Meeting held on 27.07.2016 has decided that all the left out plots kept for the last 10 years (excluding plots reserved for Oustees) shall be disposed off through e-auction, on usual terms & conditions as applicable to the e-auction of commercial sites.
3. The matter has further been reviewed by the Authority in its 112th Meeting held on 10.01.2017. It has been decided that in the financial interest of HUDA, and so as to generate more revenue, all the left out residential plots belonging to all reserved categories (except Oustees Quota) lying un allotted for the last 5 Years instead of 10 Years as earlier in-force, to be reckoned from the date of floatation of a Sector, be disposed off through e-auction.
4. You are requested to take further action accordingly. The follow up action taken in the matter be also sent to this office.
5. The receipt of this communication may also be acknowledged.

-sd/-
Administrator (HQ's)
for Chief Administrator, HUDA
Dated:- 19.01.2017

Endst. No. UB-A-6-2017/11879

A copy of the above is forwarded to the following for information:-

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Engineer, HUDA, Panchkula.
3. The Chief Town Planner, HUDA, Panchkula.
4. The Secretary, HUDA, Panchkula.
5. The General Manager (IT), HUDA, Panchkula. He is requested to host it on HUDA Web-site.
6. The District Attorney, HUDA (HQ), Panchkula.
7. The Dy. ESA, HUDA(HQ), Panchkula.
8. All the Assistants/Record-Keepers, Urban Branch, HUDA (HQ), Panchkula.

-sd/-
Administrator (HQ's)
for Chief Administrator HUDA

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ADVOCATE

ANNEXURE R-5

To

1. All the Administrator(s),
   HSVP in the state.

2. All the Estate Officer(s),
   HSVP in the state.

Memo No. A-1-UB-2018/92633-34 Dated:08.05.2018

Subject:-Settlement of **oustees** claims-terms and conditions thereof –**withdrawal of one time scheme and clarification of policy dated 11.08.2016.**

In partial modification of this office memo no. UB-A-5-2016/46608-10 dated 11.08.2016 on the subject cited above.

Haryana Shehri Vikas Pradhikaran issued detailed guidelines dated 11.08.2016 providing terms and conditions for settlement of oustees claims 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.

Thereafter, number of litigations qua oustees claims have arisen and Hon'ble Division Bench referred the oustees matter to the Full Bench after framing questions of law. The Hon'ble Full Bench has delivered a judgment dated 22.11.2017 in CWP No. 22252 of 2016 titled as Rajiv Manchanda vs State of Haryana & Others.

The matter has been examined and it has been decided to amend clause no. 2, 3, 11 and 15 of the guidelines dated 11.08.2016 and to add clause no. 19 as under:

A. For clause 2 of the guidelines, following clause may be substituted:

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 and in case the plots are not available in the same sector for which land has been acquired for residential/ commercial purpose, then such an oustee may also be considered for allotment in an adjoining sector except where the land was acquired prior to 10.09.1987. Where the land has only been acquired for any non-residential purpose such as industrial, institutional, group housing sites and completely commercial sector etc., then such an oustee shall be entitled to seek allotment of plot in an adjoining sector. Adjoining sector for this purpose shall mean any sector where boundary abuts that of the said sector. However, if no plot is available for one or more oustees in any of the adjoining sectors, then a sector adjoining to any of the original adjoining sectors, may be considered for purpose of allotment of plots. An oustee shall be free to apply for allotment of an oustee quota plot in one, more or all the adjoining sectors. It is clarified that once any of these applications is successful, all remaining applications shall be automatically assumed to have been cancelled.

B For clause 3 of the guidelines, following clause may be substituted:

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 percentage of plots shall be determined on the basis of plots in a sector and it shall be ensured that number of plots allotted under all the reserved categories shall not exceed maximum limit of 50 % of the plots in a sector. The change in number of plots in a sector subsequently should be taken into account for determining the reservation of oustees quota plots.

C. For clause 11 of the guidelines, following clause may be substituted:

11. An oustee whose land and/ or constructed house/ factory etc. was notified under section 4 of the Land Acquisition Act, 1894 and was released subsequently (in its entirety or a part thereof) will not be eligible for

availing benefit of oustees quota plot irrespective of the fact that 75 % of his total land has been acquired as per clause no. 7 of the guidelines dated 11.08.2016. 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.

D. In clause 15 of the guidelines, following clause may be added:

15. (a). Where an application is made by an oustee in an advertisement issued afresh, the price of plot that may be charged from him if he is successful in draw of lots out of plots reserved for oustees shall be the rate as advertised in new advertisement.

In cases where the allotment of plot could not be effected despite determination of his eligibility, the prevalent price at the time of application by the oustee in pursuance to an advertisement may be charged alongwith simple interest @ 11 % per annum till date.

It is clarified that eligibility for the purpose as aforesaid shall be treated as determined only when such an oustee completed and satisfied all the formalities/ conditions as per the applicable policy.

E. Clause no. 19 may be added as under:

"The plot allotted shall not be allowed to be sold/ transferred for a period of 5 years from the date of issue of allotment letter."

The one time settlement scheme issued vide memo no. A-4-UB-2017/ 160690 dated 29.08.2017 is hereby withdrawn with immediate effect.

This issues with the prior approval of Hon'ble CM-cum-Chairman, HSVP and ex-post facto approval will be obtained from the "Authority" in its next meeting.

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.

-sd/-
(R.S.Verma)
Administrator (HQ),
For Chief Administrator HSVP

Endst. No. UB-A-1-2018/92634
Dated: - 08-05-2018

A copy is forwarded to the following for information and strict compliance:

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

-sd/-
(R.S.Verma)
Administrator (HQ),
For Chief Administrator HSVP

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ADVOCATE

हरियाणा शहरी विकास प्राधिकरण
HARYANA SHEHRI VIKAS PRADHIKARAN

Website : www.hsvp.org.in
E-mail id : lrhsvp@gmail.com
Address : C-3 HSVP HQ Sector-6, Panchkula

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ANNEXURE R-6

To

All Administrators in HSVP
All Estate Officers in HSVP

Memo No. LR/ ADA (M)/2021 /83565 Dated: 26/10/21

Subject: **CWP No. 3118 of 2015 titled as Gorakh Nath vs State of Punjab & Ors.**

Refer this office memo no. LR/2020/142783 dated 10.09.2020 on subject cited above.

The matter is examined. It has been decided that:

i. As per HSVP policy, there is a screening committee headed by zonal Administrator and comprising District Town Planner and Land Acquisition Officer as members and Estate Officer concerned as member Secretary to consider and decide the oustees claims. The applications will be processed on online portal created by CITO. The hierarchy and time period for action will be as under:

Estate Officer	7 days	He will compile the documents in 7 days on basis of applications received.
Administrator	30 days	Zonal Committee under Chairmanship of Administrator will examine the applications in 30 days time and submit the case to Chief Administrator, HSVP through Administrator, HSVP Hq. online with all documents
Administrator, Hq.	15 days	Administrator, HSVP Hq. will submit the case after examination to Chief Administrator, HSVP for approval zonewise.

ii. The instructions issued vide office memo no. LR/2020/142783 dated 10.09.2020 are hereby withdrawn.

iii. The cases of legal heir who applied under the advertisement issued on 04.09.2018 to 07.09.2018 and on dated 01.11.2018 be re-considered on merit through a committee of Administrator, Hq. and Chief Town Planner, HSVP as they were part of the erstwhile Apex Appellate Body, after action as per point no. (i) as above. The committee will submit its recommendations to the Chief Administrator, HSVP who will take the final decision in the matter.

iv. The applicant will submit a certificate of Tehsildar concerned regarding legal heirs of deceased land owner with complete pedigree table.

v. Only one plot shall be allotted to all the legal heirs jointly irrespective of fact that only one of legal heirs applied for such allotment. For this purpose, the guiding principle would be the provisions laid down in Hindu Succession Act, 1956 and as amended from time to time.

vi. In the eventuality of more than one legal heir raising a claim for allotment of plot by filing separate applications, then all such applications shall be clubbed and only one plot will be allotted to all legal heirs jointly on completion of formalities and amount paid against applications will be adjusted against the price of plot.

vii. If the applicant wants allotment of plot in his sole name, then he shall be required to submit the 'No Objection Affidavit' of other legal heir (s), duly attested from Executive Magistrate. If on basis of such an affidavit, plot is allotted to eligible applicant/ legal heir, then the legal heir affirming and deposing the 'No Objection Affidavit' shall be deemed to have waived off all his rights to such allotment and no further claim will be entartained from him later on.

viii. In case, a legal heir is found eligible by the committee for such allotment, then a public notice at the expense of applicant be got published in two newspapers i.e Hindi and English newspaper, inviting objections within a period of 30 days from such publication as to said allotment. If no objection is received within the stipulated time, then allotment will be made to eligible applicant/ legal heir. No objection will be entertained after expiry of period of 30 days from date of publication.

This issues with the approval of the Hon'ble Chief Minister cum Hon'ble Chairman, HSVP. Ex-post facto approval of the Pradhikaran will be taken.

The instructions shall be followed meticulously.

(Mukesh)
Assistant District Attorney,
For: Chief Administrator,
HSVP, Panchkula.

Endst. No. LR/ADA-M/2021 183565 Dated: 26/10/21

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

1. Administrator, Hq. HSVP, Panchkula
2. Chief Vigilance Officer, HSVP, Panchkula
3. Legal Remembrancer, HSVP, Panchkula
4. Chief Town Planner, HSVP, Panchkula.
5. Chief Controller of Finance, HSVP, Panchkula.
6. Chief Architect, HSVP, Panchkula
7. Chief Engineer-I & II, HSVP, Panchkula
8. Secretary, HSVP, Panchkula.
9. Chief Information Technology Officer, HSVP, Panchkula with the request to host it on the website of HSVP.
10. Enforcement Officer, HSVP, Panchkula.
11. Deputy ESA, HSVP, Panchkula.

(Mukesh)
Assistant District Attorney,
For: Chief Administrator,
HSVP, Panchkula.

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ADVOCATE

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ANNEXURE R-7

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 22136 of 2015
Date of decision: 27.11.2024

Smt. Adesh Agarwal and others **.... Petitioners**

Vs.

State of Haryana and others **.... Respondents**

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Munish Kumar, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, Asstt. A.G. Haryana.

Mr. Ankur Mittal, Advocate and
Mr. Deepak Balyan, Advocate, for the respondent-HSVP.

ARUN PALLI, J (Oral)

The petitioners are the erstwhile landowners, whose holdings were acquired by the State Government for a public purpose. Thus, being oustees, they are seeking allotment of a suitable site/plot, as per their entitlement.

Learned counsel for the respondents-HSVP submits that the respondent authorities, in its 127th meeting, held on November 08, 2024, have taken certain vital decisions to address the claim of the oustees across the State of Haryana. Accordingly, it is submitted that the necessary advertisement would be issued within four weeks from today to address the claim of the petitioners and they would be at liberty to move the requisite application(s) in response thereto for allotment. Further, in case they are found eligible, per the eligibility criteria laid down in the policy dated August 11, 2016, amended on May 08, 2018, their names would be included in the draw of lots. And, if they succeed, they would be allotted a suitable site/plot.

That being so, learned counsel for the petitioners submits that let the petition be disposed of in terms of the statement of learned counsel

DEEPAK KUMAR
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I attest to the accuracy and
authenticity of this document
P & H High Court, Chandigarh

for the respondent(s). However, in case, any dispute, cause of action or interest still survives, he be granted liberty to move an appropriate application for restoration of the petition and its decision on merits.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of, binding them to the same.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

27.11.2024
deepak

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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ADVOCATE

DEEPAK KUMAR
2024.12.17 10:15
I attest to the accuracy and
authenticity of this document
P & H High Court, Chandigarh

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ANNEXURE R-8

HARYANA SHEHRI VIKAS PRADHIKARAN

PUBLIC NOTICE

As per the decision of the Full Bench of Hon'ble High Court of Punjab and Haryana in CWP No. 22252 of 2016 titled as Rajiv Manchanda Vs. State of Haryana and others, reservation policy dated 04.12.2015 upheld by the Hon'ble High Court in CWP No. 22252 of 2016 titled as Rajiv Manchanda Vs. State of Haryana and others and affidavit filed by the Chief Administrator, HSVP, Panchkula in the Hon'ble High Court in CWP No. 22136 of 2015 titled as Adesh Aggarwal & CWP No. 14164 of 2017 Dalip Singh Vs. State of Haryana, Haryana Shehri Vikas Pradhikaran hereby invites applications from landowners (oustees) whose land was acquired for the development of sectors post 10.09.1987 in Urban Estate Gurugram-2 i.e. Sector 50 & 52.

In view of the mandate of Hon'ble Hon'ble High Court in Rajiv Manchanda case (Supra) a detailed exercise was carried out in all sectors with respect to the plots available to be offered to oustees in terms of the reservation policy dated 04.12.2015, which had been upheld by the Hon'ble Court in Rajiv Manchanda's case (Supra). The entire details as regards the availability of plots in respective sectors and the plots reserved for the oustees (subject to their availability in sectors) in terms of policy dated 04.12.2015 was also placed before the Hon'ble Court in the affidavit filed in CWP No. 22136 of 2015 titled as Adesh Aggarwal & CWP No. 14164 of 2017 Dalip Singh vs State of Haryana. In view thereof, the last and final advertisement for setting the claims of oustees is being issued in respect of the plots available in respective sectors in terms of policy dated 14.12.2015, 11.08.2016 and 08.05.2018. No further advertisement shall be issued.

The oustees are requested to apply along with application money Rs.50,000/-. The claims of oustees shall be decided in terms of policy dated 04.12.2015, 11.08.2016 and 08.05.2018 and thus, the oustees shall duly read the terms and conditions therein before applying against the advertisement.

For detailed terms and conditions, terms of payment, policy guidelines and Sector wise & category wise details of the plots are available on the HSVP website i.e. (www.hsvphry.org.in).

The scheme will start w.e.f. 25.01.2025 and close on 24.03.2025 at 5:00 PM

Note-

1. Any landowner whose land is acquired prior to 10.09.1987 by Urban Estate Department are not eligible against the advertisement at hand.
2. Mere submission of application would not confer any right in the applicant as same is subject to the availability of plot, entitlement and eligibility to be determined as per the policy dated 04.12.2015, 11.08.2016 and 08.05.2018.
3. As held by Hon'ble High Court in Rajiv Manchanda's case (supra), the policy applicable to an oustee is the one which is in force when an application is made pursuant to an advertisement issued by HUDA and in pursuance of which the plot is allotted. Therefore, for deciding the claims of oustees the applicable policy would be policy dated 04.12.2015, 11.08.2016 and 08.05.2018 as per which only the entitlement and eligibility shall be decided.
4. The allotment shall be made on the current reserve mentioned in the table attached.
5. No claim whatsoever will be entertained beyond the last date to apply.

For any other details may contact Estate Officer-2, HSVP Sector-34, Gurugram.

Other terms & conditions shall be as under:-

1. Landowners shall have to submit online application with following documents:

   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 the 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.

2. Mere submission of such application or success draw of lots by itself shall not create any right for such allotment as eligibility will be determined only after oustees is declared successful in draw of lots.

3. Allotment of plots and all matters connected therewith shall be governed by HSVP Act and Rules/Regulations/policy framed there under and as amended from time to time.

4. Enhanced compensation already awarded or which may be awarded in future, by the competent court of law from time to time for land will be recovered from plot holders as per policy.

5. No application/claim of oustees shall be entertained after the closing date of this scheme.

6. The applications without application money shall be treated as invalid.

7. Applicants who have already availed benefit of reserved category including under oustees or have previously submitted NOC or allotted plot as co-sharer will not be eligible.

8. Applicants are required to apply strictly as per policy and are advised to read carefully the terms and conditions of policies which are available on website of HSVP. No claim will be entertained on ground that applicant was not aware of the terms of policy.

9. Allotment will be made only to the successful applicants found eligible by the Screening Committee on the current reserve price with the approval of Competent Authority and plot number will be identified for allotment through draw of lots.

10. Landowner who has been allotted plot pursuant to advertisement issued in the year 2018 shall not be eligible to apply.

11. Legal heirs of the landowners who were recorded owners at the time of Section 4 notification can also apply and in their case eligibility shall be decided as per instructions dated 26.10.2021.

12. Further terms and conditions shall be as follows.

Payment terms:-

1. The eligibility of oustees will be scrutinized strictly as per HSVP policy and only eligible oustees who fulfill requisite parameters will be required to deposit the balance amount after adjusting (Rs. 50,000/- already deposited with the application) so as to make 25% of the cost of the plot within 30 days of the date of issuance of the allotment letter. Allotment shall be made on the current reserve price and in case finalization of allotment takes time, for any reason in that eventuality bank rate of interest be charged till the date of allotment on the rate mentioned in the advertisement.

2. Thereafter, remaining 75% amount of the cost of the plot shall be paid within 180 days from the date of allotment, failing which the allotment shall stand cancelled without any notice and money deposited by successful oustees (equal

to 25% of the cost) shall stand forfeited and an oustees shall have no claim for the damages.

3. The payment shall be made either through online payment on HSVP website or offline mode through authorized Banks by gathering general purpose challan from the HSVP website.

4. Other terms & conditions regarding, possession, construction, resumption, surrender of plots etc. are available on the HSVP website.

Sector-wise breakup of plots is as under:

Sr. No.	Urban Estate/ Sector	Category	Total No. of plots available	Current Reserve Price as on today per Sq. Mtr.
1	50	8 Marla	4	2,45,430/-
		10 Marla	10	1,73,783/-
2	52	8 Marla	6	1,67,528/-
		10 Marla	10	1,67,528/-

Dharambir Singh, Asstt.
O/o Estate Officer-II,
HSVP, Gurugram

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HARYANA SHEHRI VIKAS PRADHIKARAN

Tel: 0172-2564048
Website: www.hsvphry.org.in
Toll Free No. 1800-180-3030
E-mail id: adohsvp02@gmail.com
Address: C-3 HSVP HQ Sector-6, Panchkula

To

The Director General,
Information, Public Relations and Languages Deptt,
Haryana, Chandigarh.

Memo No. A-1-UB-2025/ 108085 Dated: 04/04/25

Subject: Advertisement/Public Notice for inviting online claims in respect of land acquired after 10.09.1987.

Reference on the subject cited above.

Please find enclosed herewith a copy of Public Notice/Advertisement for inviting online claims in respect of land acquired after 10.09.1987.

It is requested to publish the public notice in the following newspaper on the date mentioned below:-

Sr. No.	Name of Newspapers	Date of Publishing
1	Dainik Jagran (Hindi)	05.04.2025
2	Amar Ujala (Hindi)	05.04.2025
3	The Tribune (English)	05.04.2025

DA/as above.

Superintendent,U.B.,
o/c for Chief Administrator,
HSVP, Panchkula.

Endst. No. A-1-UB-2025/ 108094 Dated: 04/04/25

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

1. All the Zonal Administrator, HSVP.
2. All the Estate Officers, HSVP.
3. The Legal Remembrancer, HSVP, Panchkula.
4. The Chief Engineer, HSVP, Panchkula.
5. The Chief Town Planner HSVP, Panchkula.
6. The Chief Controller of Finance, HSVP, Panchkula.
7. The Chief Architect, HSVP, Panchkula.
8. The CITO, HSVP, Panchkula for hosting on HSVP website.

Superintendent,U.B.,
o/c for Chief Administrator,
HSVP, Panchkula.

HARYANA SHEHRI VIKAS PRADHIKARAN

PUBLIC NOTICE

Advt. No. 01/2025/HSVP/HQ/Oustees

As per the decision of the Full Bench of Hon'ble High Court of Punjab and Haryana in CWP No. 22252 of 2016 titled as Rajiv Manchanda Vs. State of Haryana and others, reservation policy dated 04.12.2015 upheld by the Hon'ble High Court in CWP No. 22252 of 2016 titled as Rajiv Manchanda Vs. State of Haryana and others and affidavit filed by the Chief Administrator HSVP, Panchkula in the Hon'ble High Court in CWP No. 22136 of 2015 titled as Adesh Aggarwal & CWP No. 14164 of 2017 Dalip Singh Vs. State of Haryana, Estate Officer Haryana Shehri Vikas Pradhikaran concerned has already invited oustee online applications from landowners whose land was acquired for the development of sectors post 10.09.1987 in Urban Estates EO-Gurugram-1,Guurgram-II, Panchkula, Ambala, Kurukshetra, Jagadhari, Karnal, Panipat, Sonipat, Faridabad, Rewari, Rohtak, Bahadurgarh, Sirsa, Kaithal, Bhiwani, Hisar, Jind.

In view of the mandate of the Hon'ble High Court in Rajiv Manchanda's case (supra), a detailed exercise was carried out in all the sectors with respect to the plots available to be offered to oustees in terms of the reservation policy dated 04.12.2015, which had been upheld by the Hon'ble Court in Rajiv Manchanda's case (supra). The entire details as regards the availability of plots in respective sectors and the plots reserved for the oustees (subject to their availability in sectors) in terms of policy dated 04.12.2015 was also placed before the Hon'ble Court in the affidavit filed in CWP No. 22136 of 2015 titled as Adesh Aggarwal&CWP No. 14164 of 2017 Dalip Singh Vs. State of Haryana. In view thereof, the last and final advertisement for settling the claims of oustees is being issued in respect of the plots available in respective sectors in terms of policy dated 14.12.2015, 11.08.2016 and 08.05.2018. No further advertisement shall be issued.

The oustees are requested to apply along with application money Rs.50,000/-. The claims of oustees shall be decided in terms of policy dated 04.12.2015, 11.08.2016 and 08.05.2018 and thus, the oustees shall duly read the terms and conditions therein before applying against the advertisement.

For detailed terms and conditions, terms of payment, policy guidelines and Sector wise & category wise details of the plots are available on the HSVP website i.e. (www.hsvphry.org.in).

Urban Estates wise starting and closing date of the scheme is as under:

Sr. No.	Urban Estate	Sectors	Start Date	End date
1.	EO-1,Gurugram	9,9A,10 and Palam Vihar	21.01.2025	31.05.2025
		Sector-1, Pataudi	04.02.2025	31.05.2025
2.	EO-II,Guurgram	50,52	25.01.2025	31.05.2025
3.	EO,Panchkula	2MDC, 6MDC	10.02.2025	31.05.2025
4.	EO,Ambala	8, 9, 10, 26, 27, 34-cant	16.03.2025	31.05.2025
5.	EO,Kurukshetra	Sector-3,4,8 Kurukshetra and Sector-1,Pehowa	29.03.2025	31.05.2025
6.	EO,Jagadhari	Sector-15,18Part-I,18-Part-II and Sector-17 Part-II	01.02.2025	31.05.2025
7.	EO,Karnal	4, 12, 16, 33 Sector- 1 Taraori	16.03.2025	31.05.2025
8.	EO,Panipat	6, 7, 8, 13-17, 18, 24, 40, 29, 29P-I, 29P-II	01.04.2025	31.05.2025
9.	EO,Sonipat	23, 12, 7 Sector-7 Gohana	27.03.2025	31.05.2025
10	EO,Faridabad	02,31,48,62,64,65,78,56-56 A. Sector-02 Palwal.	21.03.2025	31.05.2025
11.	EO,Rewari	Sector-4,7,18 Def, 19 & MTS Kosli, Sector-4A &6 Dharuhera Sector—1,Part-1 and 2,Narnual, Sector-9A,10 & 11P Mahendegarh.	29.01.2025	31.05.2025
12	EO,Rohtak	Sector-21P,21A,25 and Sector-27-28-26P I,II,III	22.01.2025	31.05.2025
13	EO,Bahadurgarh	Sector-2,9/9A,10,11,13 Bhadurgarh and Sector-Sector-jh6 ,9(Part A & B) Jhajjar	25.01.2025	31.05.2025
14.	EO,Sirsa	Sector- 19 Part-1, Sector-20 Part-III	27.03.2025	31.05.2025
15.	EO,Kaithal	18, 19, 21	13.03.2025	31.05.2025
16.	EO,Bhiwani	13, 23 Bhiwani 8, 9 Dadri	31.01.2025	31.05.2025
17.	EO,Hisar	3,5 Sector-6PART-II Hansi and all residential sector of Fatehabad	20.01.2025	31.05.2025
18.	EO,Jind	6, 7, 8, 9, 11EXTN Sector-7, 8 Safidon	21.03.2025	31.05.2025

हरियाणा शहरी विकास प्राधिकरण
सार्वजनिक सूचना

Advt. No. 01/2025/HSVP/HQ/Oustees

सीडब्ल्यूपी संख्या 22252 ऑफ 2016 में राजीव मनचंदा बनाम हरियाणा राज्य और अन्य शीर्षक से माननीय उच्च न्यायालय की पूर्ण पीठ के निर्णय के अनुसार, सीडब्ल्यूपी संख्या 22252 ऑफ 2016 में राजीव मनचंदा बनाम हरियाणा राज्य और अन्य शीर्षक से माननीय उच्च न्यायालय द्वारा दिनांक 04.12.2015 की आरक्षण नीति को बरकरार रखा गया और सीडब्ल्यूपी संख्या 22136 ऑफ 2015 में मुख्य प्रशासक एचएसवीपी, पंचकूला द्वारा माननीय उच्च न्यायालय में दायर हलफनामे को आदेश अग्रवाल, सीडब्ल्यूपी संख्या 19195 ऑफ 2020 रोशनी देवी बनाम हरियाणा राज्य और अन्य और सीडब्ल्यूपी संख्या 14164 ऑफ 2017 दलीप सिंह बनाम के रूप में शीर्षक से बरकरार रखा गया। हरियाणा राज्य, संबंधित संपदा अधिकारी हरियाणा शहरी विकास प्राधिकरण ने शहरी संपदा गुरुग्राम-1, गुरुग्राम-2, पंचकूला, अंबाला, कुरुक्षेत्र जगाधरी, करनाल, पानीपत सोनीपत, फरीदाबाद, रेवाड़ी, रोहतक बहादूरगड सिरसा कैथल, भिवानी, हिसार, जींद में 10.09.1987 के बाद सेक्टरों के विकास के लिए अधिग्रहित की गई भूमि मालिकों से विस्थापितों के लिए ऑनलाइन आवेदन आमंत्रित किए हैं।

विस्थापितों से अनुरोध है कि वे आवेदन राशि 50,000 रुपये के साथ आवेदन करें। विस्थापितों के दावों का निर्णय दिनांक 04.12.2015, 11.08.2016 और 08.05.2018 की नीति के अनुसार किया जाएगा। विस्तृत नियम और शर्तें, भुगतान की शर्तें, नीति दिशानिर्देश और भूखंडों का क्षेत्रवार और श्रेणीवार विवरण एचएसवीपी वेबसाइट यानी (www.hsvphry.org.in) पर उपलब्ध है। 10.09.1987 के बाद पारित अवार्ड के संबंध में उस सेक्टर में प्लॉट आवंटित किया जा सकता है जिसके लिए भूमि अधिग्रहित की गई है और यदि कोई प्लॉट उपलब्ध नहीं है तो आवंटन करने की आवश्यकता नहीं है। 10.09.1987 के बाद पारित अवार्ड के लिए यह अंतिम और अंतिम विज्ञापन है और आगे कोई विज्ञापन जारी नहीं किया जाएगा। शहरी संपदा के अनुसार योजना की आरंभ और समाप्ति तिथि निम्नानुसार है:

Sr. No.	Urban Estate	Sectors	Start Date	End date
1.	EO-1,Gurugram	9,9A,10 and Palam Vihar	21.01.2025	31.05.2025
		Sector-1, Pataudi	04.02.2025	31.05.2025
2.	EO-II,Guurgram	50,52	25.01.2025	31.05.2025
3.	EO,Panchkula	2MDC, 6MDC	10.02.2025	31.05.2025
4.	EO,Ambala	8, 9, 10, 26, 27, 34-cant	16.03.2025	31.05.2025
5.	EO,Kurukshetra	Sector-3,4,8 Kurukshetra and Sector-1,Pehowa	29.03.2025	31.05.2025
6.	EO,Jagadhari	Sector-15,18Part-I,18-Part-II and Sector-17 Part-II	01.02.2025	31.05.2025
7.	EO,Karnal	4, 12, 16, 33 Sector- 1 Taraori	16.03.2025	31.05.2025
8.	EO,Panipat	6, 7, 8, 13-17, 18, 24, 40, 29, 29P-I, 29P-II	01.04.2025	31.05.2025
9.	EO,Sonipat	23, 12, 7 Sector-7 Gohana	27.03.2025	31.05.2025
10	EO,Faridabad	02,31,48,62,64,65,78,56-56 A. Sector-02 Palwal.	21.03.2025	31.05.2025
11.	EO,Rewari	Sector-4,7,18 Def, 19 & MTS Kosli, Sector-4A &6 Dharuhera Sector—1,Part-1 and 2,Narnual, Sector-9A,10 & 11P Mahendegarh.	29.01.2025	31.05.2025
12	EO,Rohtak	Sector-21P,21A,25 and Sector-27-28-26P I,II,III	22.01.2025	31.05.2025
13	EO,Bahadurgarh	Sector-2,9/9A,10,11,13 Bhadurgarh and Sector-Sector-jh6 ,9(Part A & B) Jhajjar	25.01.2025	31.05.2025
14.	EO,Sirsa	Sector- 19 Part-1, Sector-20 Part-III	27.03.2025	31.05.2025
15.	EO,Kaithal	18, 19, 21	13.03.2025	31.05.2025
16.	EO,Bhiwani	13, 23 Bhiwani 8, 9 Dadri	31.01.2025	31.05.2025
17.	EO,Hisar	3,5 Sector-6PART-II Hansi and all residential sector of Fatehabad	20.01.2025	31.05.2025
18.	EO,Jind	6, 7, 8, 9, 11EXTN Sector-7, 8 Safidon	21.03.2025	31.05.2025

किसी अन्य जानकारी के लिए आवेदक संपदा अधिकारी से संपर्क कर सकता है।

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