

TO BE SUBSTITUTED BEARING SAME NUMBER & DATE.

From

The Chief Administrator,
HUDA, Panchkula.

To

All the Zonal Administrators,
HUDA

Memo No.DA/HUDA/44131

Dated: 02.12.2013

Subject: Withdrawal of Oustee Policies framed by HUDA prior to 07.12.2007.

Reference on the subject cited above.

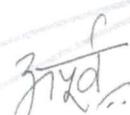
HUDA has been alive to the need of the land owners for their rehabilitation whose land is acquired by the State for the planned development to be made by HUDA. Therefore, oustee policies are implemented by inviting claims from the eligible oustees and allotting them plots by draw of lots according to their eligibility. The then Chief Administrator, HUDA made a statement in the Hon'ble High Court in CWP No. 15433 of 2006 titled as Amar Singh Vs HUDA and others decided on 29.11.2006 that all the pending claims of the oustees shall be considered within 6 months and no fresh claims shall be entertained. Therefore, Oustee Adalats were constituted at the level of Zonal Administrators to consider such claims and a right of appeal was also given to those land owners, whose claims were rejected by the Oustee Adalat before the Apex Appellate Body headed by Administrator (H.Q.), HUDA with CTP, HUDA as its Member. All pending claims were decided by the Competent Authority and the eligible land owners were allotted plots after following due process. Regarding other land owners found eligible and entitled by these screening committees constituted in 2007 consequent upon the orders of Hon'ble High Court dated 29.11.2006 are only to be considered for allotment.

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As per the procedure prescribed for the implementation of the oustee policies, those land owners who did not prefer their claims within the stipulated period along with requisite information, had no right for consideration of their claims. The Hon'ble Punjab & Haryana High Court in various judgment has observed that oustees must stake their claims within a reasonable time and they have no vested right for the allotment of plots out of the oustees category as they are adequately compensated for their land. The non submission of applications by the oustees within a reasonable period amounts to giving up their right and Authority is not expected to wait for an oustee indefinitely for making allotment to general category.

Comprehensive rehabilitation and resettlement policies had been framed by the State in the Department of Revenue and Disaster Management on 07.12.2007, which covers the land acquired vide awards announced on or after 05.03.2005 and upto 06.09.2010. R & R Policy dated 9.11.2010 is applicable w.e.f. 07.09.2010. HUDA has already invited claims under these policies and the claims are likely to be considered and decided within 6 months.

Hence, all the oustee policies framed prior to 07.12.2007 are hereby withdrawn in exercise of the powers conferred by Section 30(1) of the Haryana Urban Development Authority Act, 1977, (13 of 1977) and all other powers enabling him in this behalf, with the previous approval of the State Government. However, anything done or any action taken or any legal proceedings instituted under the said policies shall deemed to be governed by those policies.

This is for information and necessary action.


Chief Administrator
HUDA, Panchkula

Endst No. DA/HUDA/44132

Dated: 02.12.2013.

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

1. Chief Secretary to Govt. of Haryana, Haryana Civil Secretariat, Chandigarh.
2. Principal Secretary, Town and Country Planning Department, Haryana, New Mini Secretariat, Sector-17, Chandigarh
3. Financial Commissioner Revenue and Disaster Management Department, Haryana New Mini Secretariat, Sector-17, Chandigarh
4. All the branch Heads.

Chief Administrator
HUDA, Panchkula