

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

CWP No. 22018 of 2015 & other connected CWPs

Shrikant Singh

Petitioner

Versus

State of Haryana & Others

Respondents

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Place: Panchkula

Dated: 30.08.2017

(Deepak Balyan)
Advocate
Counsel for respondent-HUDA

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

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Respondents

Affidavit of R.S Verma, Administrator, HQ., HUDA,
Panchkula on behalf of respondent-HUDA.

I, the above named deponent do hereby solemnly affirm
and declare as under:

1. That the present writ petition, alongwith other connected writ petitions are fixed for 30.08.2017.
2. That the present writ petitions were fixed on 25.05.2017 when this Hon'ble Court was pleased to pass the following order:

"CM-7980-2017

Application is allowed subject to all just exceptions
and Annexures P-19 to P-33 are taken on record.

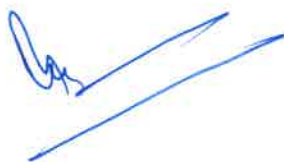
CM stands disposed of.

Main cases

Learned Advocate General, Haryana, states that he is inclined to constitute a Committee of Law Officers in association with the Government/HUDA Officers to examine all the cases on case-to-case basis to enable the Competent Authority to revisit the whole issue.

Since the State Government/HUDA is inclined to reconsider the issues raised in these writ petitions, we suggest learned counsel for the petitioners/appellants to submit their respective suggestions/view points to the Advocate General, Haryana, for consideration of the Committee.

In this view of the matter, let these cases be adjourned to 25.07.2017.



The petitioners/appellants will give their suggestions/view points within two weeks.

Let a photocopy of this order be placed on the files of other connected cases."

3. That it is respectfully submitted that the instructions dated 11.08.2016 and 04.12.2015 has been issued with a view to implement the judgment dated 25.04.2012 passed in LPA No. 2096 of 2011 titled as HUDA Vs. 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 and 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. It has been observed that there are large numbers of litigations filed by the land owners claiming the residential plots under the oustees category and the same are pending in the Hon'ble Supreme Court of India, Hon'ble High Court, Civil Courts, and Tribunals/Consumer Forums. In compliance with the aforesaid order, the matter has been discussed and deliberated in detail and suggestions of the petitioner's counsel have been considered. The suggestion of the petitioner's counsel with respect to rate on which allotments have to be made has been considered and not found feasible. A detailed explanation in regard to rate of allotment has already been submitted to the Hon'ble Court in the written statement which has been filed by the Estate Officer, HUDA, Panchkula in CWP No. 21622 of 2016 titled as Matu Ram & Others vs State of Haryana & Others. It is also submitted that rate of allotment even considered from the point of view of current price of allotment of plot by HUDA is much lower than the market/ auction price of the plot

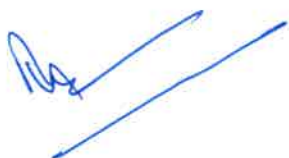


which only ensue to the benefit of the proposed allottee. This is sought to be explained by the following illustration:-

Sr. No.	Sector	Urban Estate	Current reserve price Rs. per sq.mtr.)	Actual auction price realized (Rs. per sq.mtr.)
1.	2 MDC	Panchkula	46,000	73,397 (Auction date 16.2.2017)
2.	6 MDC	Panchkula	60,000	1,04,000 (auction date 29.6.2017)
3	40	Gurugram	72,000	72,000 (Auction dated 28.5.2017)

4. That the other suggestions have also been duly considered. After due deliberation and in pursuance to the ibid order dated 25.05.2017 in the writ petitions and with a view to dispose off large number of litigations by the oustees, it has been decided to settle the claims of oustees as one time measure on terms and conditions stipulated on terms and conditions stipulated therein. The major modifications in policy are detailed as under:

- a. That 50 % of the total plots available as on date of advertisement will be offered for allotment to the oustees. As one time Scheme, the reservation quota fixed by HUDA as per instructions dated 04.12.2015 i.e. 8 % and 10 % the same has now been increased to 50 % for one time settlement to claims of all the oustees.
- b. That these 50 % plot will include all un-allotted plots available in the sectors floated/developed in last 5 years from the date of advertisement to be issued for oustees alone.
- c. Such allotment shall be made through draw of lots.
- d. Each oustee shall have to apply afresh under this one time scheme as per the advertisement.



- e. The application under the new advertisement shall not be sector specific and allotment would be made in any of the sectors advertised by draw of lots within the same urban estate.
- f. The allotment of plots to oustees shall be made at current reserve price of the concerned sector where the oustees is declared successful in draw of lots. In order to clarify, the current reserve price means the price fixed at the time of advertisement by the HUDA.
- g. The oustees including the litigants whose litigation is pending before any court of law/ forum including any appeal pending before the authorities of HUDA under Act, 1977 shall be eligible for consideration for allotment under oustees category if he has not availed the benefit of allotment of plot of any Urban Estate from HUDA and his land has been acquired for the same Urban Estate irrespective of the sector, provided he satisfies the other eligibility conditions of the policy guidelines and apply along with application fee in pursuance to advertisement to be issued for oustees.
- h. The oustees who fail to apply under this one time scheme, shall forfeit their right under oustees claim for allotment of plot in future.
- i. The plots allotted shall not be allowed to be sold/transferred for a period of 5 years from the date of issue of allotment letter.

It has also been decided in the proposed policy that other terms and conditions stipulated in the terms and conditions for settlement of oustees claims issued on 11.08.2016 shall apply *mutatis mutandis* to the present scheme also in so far as same are not in contradiction to terms and conditions of this scheme.

5. That a copy of the proposed policy has been uploaded on website of HUDA and is also enclosed herewith as **Annexure R-1** for kind consideration and approval of the Hon'ble Court.

In view of the above, it is respectfully prayed that the present writ petitions may kindly be dismissed, in the interest of justice.


Deponent

Place: Panchkula

Dated: 30.08.2017

Verification

Verified that the contents of para 1 to 5 of my above affidavit are true and correct to my knowledge and true as per official record and nothing material is concealed therein and no part of it is false.


Deponent

Place: Panchkula

Dated: 30.08.2017



हरियाणा शहरी विकास प्राधिकरण
HARYANA URBAN
DEVELOPMENT AUTHORITY

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Address:- C-3 HUDA HQ, Sector-6,
Panchkula

To

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

Memo No. A-4-UB-2017/ 160690

Dated: 29/08/2017

Subject: - One time scheme for settlement of HUDA oustees Claims.

Please refer on the subject cited above.

1. As a welfare State, Haryana Urban Development Authority recognizes that Acquisition of Land under the statute and the alienation of the land owners from their source of livelihood could be a painful process, notwithstanding the payment of compensation for the same as per law. There are large numbers of litigations filed by the land owners claiming the residential plots under the oustees category and the same are pending in the Hon'ble Supreme Court of India, Hon'ble High Court, Civil Courts, and Tribunals/Consumer Forums. The instructions dated 11.08.2016 and 04.12.2015 has been issued with a view to implement the judgment dated 25.04.2012 passed in LPA No. 2096 of 2011 titled as HUDA Vs. 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 and 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. A large number of petitions have been filed in the Hon'ble High Court praying for allotment of plot as oustees. These petitions with main writ petition No. 22018 of 2015 titled as Shrikant Singh Vs. State of Haryana & Ors. were heard on 25.05.2017 by the Hon'ble High Court and an interim order was passed to examine all the cases to enable the competent authority to revisit the whole issue by constituting a committee. Therefore, in order to minimize the litigation, and to minimize the pain of the effected person, the Haryana Urban Development Authority has now framed a "Onetime Settlement Scheme" to decide all claims pending in different Courts and Fourm.

In pursuance to the ibid judgments and orders and with a view to dispose off large number of litigations by the oustees it has been decided to

settle the claims of oustees as one time measure on terms and conditions stipulated hereinafter below: -

- a) That 50% of the total plots available as on date of advertisement will be offered for allotment to the oustees. As one time Scheme, the reservation quota fixed by HUDA as per instructions dated 04.12.2015 i.e. 8% and 10% the same has now been increased to 50% for one time settlement to claims of all the oustees.
- b) That these 50% plot will include all un allotted plots available in the sectors floated/developed in last 5 years from the date of advertisement to be issued for oustees alone.
- c) Such allotment shall be made through draw of lots.
- d) Each oustee shall have to apply afresh under this one time scheme as per the advertisement.
- e) The application under the new advertisement shall not be sector specific and allotment would be made in any of the sectors advertised by draw of lots within the same urban estate.
- f) The allotment of plots to oustees shall be made at current reserve price of the concerned sector where the oustees is declared successful in draw of lots. In order to clarify, the current reserve price means the price fixed at the time of advertisement by the HUDA.
- g) The oustees including the litigants whose litigation is pending before any court of law/forum including any appeal pending before the authorities of HUDA under Act, 1977 shall be eligible for consideration for allotment under oustees category if he has not availed the benefit of allotment of plot of any Urban Estate from HUDA and his land has been acquired for the same Urban Estate irrespective of the sector, provided he satisfies the other eligibility conditions of the policy guidelines and apply along with application fee in pursuance to advertisement to be issued for oustees.
- h) The oustees who fail to apply under this one time scheme, shall forfeit their right under oustees claim for allotment of plot in future.
- i) The plots allotted shall not be allowed to be sold/transferred for a period of 5 years from the date of issue of allotment letter.

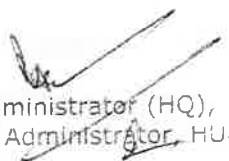


हरियाणा शहरी विकास प्राधिकरण
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Other terms and conditions stipulated in the terms and conditions for settlement of oustees claims issued on 11.08.2016 shall apply mutatis mutandis to the present scheme also in so far as same are not inconsistent to terms and conditions of this scheme.

This issues with the approval of the Hon'ble Chairman, HUDA and ex-post facto approval of the "Authority" will be obtained.


Administrator (HQ),
for Chief Administrator, HUDA

Endst. No. A-4-UB-2017/

Dated:

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

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


Administrator (HQ),
for Chief Administrator, HUDA