

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-4-2015/66/2

Dated: 8/4/15

Subject: Regarding Claims of Oustees under Old HUDA Oustees Policy.

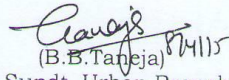
The Hon'ble High Court vide order dated 20.08.2014 passed in CWP No. 2212 of 2014 titled as Hukam Singh & Ors Vs. State of Haryana has held that the failure to apply in response to one or more advertisements does not deprive the Oustees of their rights of rehabilitation or their status as that of an Oustees at a subsequent stage as and when advertisement is again issued inviting applications for allotment of plots. The advertisement inviting applications for allotment of plots are to be issued after determining the plots available in these sector for reserve sector including that of Oustees. HUDA is expected to invite applications in respect of such plots in its Sectors. The Hon'ble High Court has directed HUDA to issue a fresh advertisement inviting applications from all land owners, whose land was acquired in the area in question.

Further the Hon'ble High Court in its judgement dated 23.04.2012 passed in LPA No. 2096 of 2011 has observed that the failure to apply in response to an advertisement will not dis-entitle an Oustees for submitting application at a subsequent stage as and when advertisement has again issued inviting applications for allotment of plots. The said judgement has been up held by the Hon'ble Apex Court vide its order dated 06.03.2014. The Senior Counsel of HUDA has also opined that the Hon'ble High Court has rightly set aside the conditions in the advertisement in Hukum Singh case in view of Q. No. 5 (of Sandeep Singh judgement) and therefore, an Oustees can apply in response to any advertisement but his case has to be considered by treating his eligibility referred in policy applicable when Section-4 notification was issued.

Therefore it has been decided in view of the above judgements/opinion that an Oustees can apply in response to any advertisement but his case has to be considered by treating his eligibility as per policy applicable when Section 4 notification was issued. It has further been decided that the letter regarding 'withdrawal of Oustees Policy framed by HUDA prior to 07.12.2007,' issued vide headquarters memo no. DA/HUDA/44131-132 dated 02.12.2013 is here by withdrawn and the claims of land owners whose land has been acquired

prior to 05.03.2005 by the State of Haryana for development of Sectors of HUDA may be invited for allotment of plots, as per availability of plots, but their claims have to be considered by treating their eligibility as per policy applicable when Section-4 notification was issued.

This has approval of Chief Administrator, HUDA.


(B.B.Taneja) 8/4/15
Dy,Supdt. Urban Branch,
for Chief Administrator, HUDA.

Endst. No UB-A-4-2015/ 6613

Dated: 8/4/15

A copy of above 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 General Manager (IT), HUDA, Panchkula with the request to host these instructions on HUDA website.
5. The District Attorney, HUDA, Panchkula.
6. All Assistants/Clerks of Urban Branch,HUDA,HQ,Panchkula.

(B.B.Taneja)
Dy,Supdt. Urban Branch,
for Chief Administrator, HUDA