



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(109)

RSA No.5418 of 2016 (O&M)  
Date of Decision: 20.08.2025

HUDA and others

...Petitioners

Versus

Shiv Kumar (deceased) through LRs and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Deepak Sabherwal, Advocate &  
Ms. Ruchika Sabherwal, Advocate  
for the appellants.

Mr. Aditya Grover, Advocate  
for respondent No.1.

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**VIKRAM AGGARWAL, J (ORAL)**

**CM-2751-C-2022**

Prayer in the present application preferred under Order 22 Rule 4 read with Section 151 CPC is for impleading the legal representatives of respondent No.1-Shiv Kumar, who is stated to have expired on 07.10.2020. The death certificate is annexed as Annexure A-1. The legal representatives are mentioned in Para-3 of the application. It has been averred that apart from the legal representatives mentioned in Para-3, there are no other legal representatives of respondent No.1-Shiv Kumar

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. The legal representatives of respondent No.1-Shiv Kumar mentioned in Para-3 of the application are ordered to be brought on record.

Amended memo of parties is taken on record.

The Registry is directed to tag the same at an appropriate place in the case file.

**RSA-5418-2016**

Defendants (Haryana Urban Development Authority (HUDA) now Haryana Shehri Vikas Pradhikaran) are in appeal against the judgment and decree dated 09.11.2015 passed by the Court of Additional District Judge, Karnal, dismissing the appeal filed against the judgment and decree dated 30.04.2012 passed by the Court of Civil Judge (Jr. Division), Karnal, vide which the suit for mandatory injunction filed by the respondent-plaintiff (Shiv Kumar) was decreed and the appellants-defendants were directed to consider the claim of the respondent-plaintiff for allotment of a plot under the oustees quota policy of HUDA either in Sector-7 or Sector-8, Urban Estate, Karnal or adjacent sectors whenever the plots would be floated in Urban Estate, Karnal.

2. Mr. Deepak Sabherwal, Advocate, learned counsel for the appellants, while relying upon the judgment of the Supreme Court of India in the case of ***Estate Officer, Haryana Urban Development Authority and others Vs. Nirmala Devi (Civil Appeal No.7707 of 2025) (decided on 14.07.2025)*** submits that it has been held by the Supreme Court of India that no direction can be issued by any Court as regards the allotment of a plot under the oustees quota. He submits that the petitioner would otherwise be entitled to apply under the policy dated 11.08.2016 as amended on 08.05.2018 for the allotment of a plot under the oustees quota as and when an advertisement is issued.

3. Still further, Mr. Deepak Sabherwal, Advocate on instructions, submits that 19 plots are available in Sector-7, Sector-8 and 8 Part-II, Urban Estate, Karnal (e-mail dated 20.08.2025 received by learned counsel from the department concerned has been produced in Court today which is taken

on record as Mark 'X') which can be offered for allotment under the oustees quota but on account of a stay order having been passed by a Division Bench on 31.01.2023 in CWP No.1891 of 2023 and other connected matters, the same cannot be offered for allotment by way of auction as of now. He submits that as and when the said plots are put-up for auction, the appellants would be entitled, in terms of the policy referred to above, to apply for the same.

4. Learned counsel for respondent No.1 submits that in terms of the statement given by learned counsel for the appellants, the respondent-plaintiff shall apply for the allotment of a plot under the oustees quota as and when they are advertised.

5. Learned counsel for the parties are *ad idem* that the present appeal be disposed of in terms of the aforesaid statements given by learned counsel for the parties and a decree-sheet be drawn accordingly.

6. The instant Regular Second Appeal is therefore disposed of in terms of the statements given by learned counsel for the parties.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)  
JUDGE

**August 20, 2025**  
Rekha

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