IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10669 of 2015
Date of decision: 28.5.2015

Smt.Geeta and others

……Petitioners

Vs.

Haryana Urban Development Authority and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Sheenu Sura, Advocate for the petitioners.

Ajay Kumar Mittal,J.

1. Through the present petition filed under Articles 226/227 of the Constitution of India, the petitioners pray for quashing the notices dated 16.3.2010, 6.7.2011 and 16.2.2012, Annexures P.3, P.5 and P.6 respectively issued by the respondent authorities whereby additional amount has been demanded from them without any justification.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioners are the allottees/re-allottees of the residential plots allotted/re-allotted by the respondents through regular letters of allotment/re-allotment. They have constructed their residential houses on the said plots and are residing there. They are aggrieved by the impugned demand notices as mentioned above for payment of enhanced compensation in respect of several residential plots of various categories in Sector 51, Urban Estate Gurgaon II on account of

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enhancement of the acquisition cost of the land. Hence the instant writ petition.

3. We have heard learned counsel for the petitioners.

4. Learned counsel for the petitioners submitted that the additional price sought to be demanded vide impugned notices is not justified.

5. A perusal of the impugned notices shows that additional amount on account of enhancement in compensation of the acquired land has been claimed by the respondents. According to the learned counsel, the calculations as depicted in Annexures P.7 and P.8 are not correct. It was urged that the petitioners shall file detail and comprehensive representation alongwith their calculations to the authorities. A prayer was made for opportunity of hearing before any final claim is raised by the respondents.

6. In our considered view, mere stipulation in the impugned demand notices that the additional price is being demanded on account of enhancement of land compensation in view of the compensation awarded by the court does not fulfill the requirement of the principles of natural justice. The factual issues require to be dealt with by the respondents by passing a reasoned order before raising the demand of the additional liability. Consequently, the present writ petition is disposed of at this stage with the following directions:-

> (i) it shall be open to the petitioners to file detailed and comprehensive representation showing that the amount claimed by the respondents is not payable, within a month from the date of receipt of a certified copy of this order;
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> (ii) respondent No.2 shall consider the objections raised by the petitioners and dispose of the same by passing a speaking order as early as possible and preferably within

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two months from the date of receipt of the representation;

(iii) the petitioners shall be afforded an opportunity of being heard and if so required, it may be permitted to produce any material or proof in support of their claim that the demand raised by the respondents towards enhanced price is excessive;

(iv) in case, at the time of passing of final order, any amount is found to be refunded to the petitioners, the same shall be refunded within a period of next two months, in accordance with law.

(Ajay Kumar Mittal)
Judge

May 28, 2015
'gs'

(Rekha Mittal)
Judge

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