

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

C.W.P. No.11777 of 2014 (O&M)
Date of decision: 10.02.2015

Sunder Lal

-----**Petitioner (s)**

V/s

Haryana Urban Development Authority & another

-----**Respondent(s)**

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. Sharmila Sharma, Advocate
for the petitioner(s).

None for the respondents.

HARI PAL VERMA, J.

Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India seeking direction to the respondents to execute the deed of conveyance in his favour regarding plot No.783, EWS, Sector 18, HUDA, Panipat and further to hand over the possession of the plot in question to him.

Briefly stated, the facts of the case are that the petitioner was allotted plot No.783 measuring 55 square meters in Sector 18, HUDA, Panipat vide allotment letter dated 15.5.2000 (Annexure P1). Petitioner deposited all the instalments well within time and only Rs.781/- was required to be deposited, but the conveyance deed of the plot in question was not executed in his favour. When the petitioner contacted the officials of the respondent-HUDA to know the process of execution of the deed of conveyance, he was instructed to submit the requisite papers i.e. application for conveyance deed along with duly typed performa etc. and the petitioner submitted his application along with relevant documents on 11.9.2012 after completing all the necessary formalities.

It is the case of the petitioner that despite completing all the requirements for execution of the deed of conveyance, the respondents have failed to execute the conveyance deed.

The petitioner has submitted a Legal Notice dated 19.12.2011 (Annexure P5) upon the respondents to make the relevant entries in their records and further not to execute any sale deed or other legal document, by or on behalf of one Vikram son of Sumer Singh, resident of House No.50, New Ramesh Nagar, East Karnal, who is stated to have forged the power of attorney of the petitioner.

Since the deed of conveyance was not executed in favour of the petitioner, he sought information under the Right to Information Act, 2005 through an application dated 28.3.2014 (Annexure P6) with regard to status of his application for execution of the deed of conveyance. In response thereto, vide letter dated 7.5.2014 (Annexure P7), the respondents informed the petitioner that though the petitioner has submitted his papers pertaining to the deed of conveyance on 11.9.2012, but the same are not available on record and the concerned official has been transferred from the office and his explanation has been called for. It has been further informed that as soon as the file will be received/traced in the office of the respondents, the petitioner shall be informed accordingly.

On notice having been issued, no one has put in appearance on behalf of respondent no.2 despite service.

We have heard learned counsel for the petitioner and found that *prima facie* the deed of conveyance in respect of plot No.783, EWS, Sector 18, HUDA, Panipat deserves to be executed in favour of the petitioner. As per the information supplied to the petitioner under RTI, vide letter dated 7.5.2014 (Annexure P7), the respondents have themselves admitted that the petitioner has already submitted all the relevant papers relating to deed of conveyance in the HUDA office on 11.9.2012, but the said

documents are not available in their records and for this lapse, the concerned employee has been transferred and his explanation has also been called. Thus, the respondents have tried to justify delay on their part.

Considering the fact that the petitioner is not at fault and it is incumbent upon the respondents to execute the conveyance deed, on submission of all relevant papers and completion of paper formalities, this petition deserves to be accepted.

Accordingly, the writ petition is disposed of with a direction to the respondents to re-construct the relevant record and to execute the conveyance deed within a period of three months from the date of receipt of a copy of this order.

(HEMANT GUPTA)
JUDGE

(HARI PAL VERMA)
JUDGE

February 10, 2015
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