

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11267 of 2015

Date of Decision: 28.5.2015

Kavita Devi and others

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and another

...Respondents.

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

PRESENT: Mr. Anurag Jain, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing condition No.1, made under the had of other notes (pertaining to payment of interest @ 5½% p.a. By HUDA on earnest money, after expiry of six months from the date of closing of scheme till the draw is held) of application form, Annexure P-1, floated by the respondents for inviting applications for the allotment of freehold residential plots in Sector 32 (Part) and Sector 33 (Part), Karnal; for quashing of public notice dated 1.1.2015 (Annexure P-3) issued by respondent No.2 holding the petitioners to be entitled to the payment of interest @ 5.5% per annum w.e.f. 1.12.2014 i.e. after expiry of six months from the date of closing of the Scheme till the draw is held. Further a writ of mandamus has been sought directing the respondents to pay interest to the petitioners at the same rate which they charged on

the delayed payments.

2. The respondents vide advertisement dated 5.3.2014 invited applications (Annexure P-1) for allotment of freehold residential plots in Sectors 32 (Part) and 33 (Part), Karnal from the public at large. In pursuance thereto, the petitioners applied for the allotment of 14-Marla plot by paying earnest money of ₹ 4,95,800/- by obtaining loan from the bank at the interest rate of 10.25% per annum. As per the application form (Annexure P-1), the respondent-HUDA has to complete the whole process of draw of lots within a period of six months from the date of closure of the scheme. However, due to stay granted by this Court vide order dated 21.11.2014 passed in CWP No. 2395 of 2014, the draw of lots could not be held within the stipulated period. A notice dated 1.1.2015 (Annexure P-3) was published that the applicants who were not willing to wait for the litigation to end/vacation of stay order, would make an application to the Estate Officer for refund of their earnest money which would be refunded along with simple interest at the rate of 5½ % per annum from the date of closing of scheme, i.e. 30.5.2014 till the actual payment. Earlier in the year 2003, the respondents could not conduct the draw of lots due to stay order passed by this Court in the same Sector, some of the applicants filed CWP No. 11588 of 2005 (Babu Ram and others v. HUDA and others) thereby directing the respondents to conduct the draw of lots and further to pay interest on the amount deposited by them. The said writ petition was disposed of by this Court vide order dated 5.8.2005 (Annexure P-4) with a direction to the respondents to pay interest to the petitioners therein at the same rate as they charge interest on account of delayed payments from the date of deposit till the draw of lots is finally conducted. The respondents

challenged the said order by filing SLP No. 3007 of 2006 (HUDA and another v. Babu and others) and the said LSLP was dismissed by the Supreme Court vide order dated 30.1.2006 (Annexure P-5). The petitioners moved various representations including the representation dated 15.5.2015 (Annexure P-6) to respondent No.2 for grant of interest in terms of directions issued by this Court vide order dated 5.8.2005 (Annexure P-4), but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 15.5.2015 (Annexure P-6) to respondent No.2, but no action has so far been taken thereon. It was further submitted that for the relief claimed in this petition, the petitioners shall also file additional representation before respondent No.2 and a direction be issued to respondent No.2 to decide the same.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent No.2 to take a decision on the representation dated 15.5.2015 (Annexure P-6) as well as on the additional representation to be filed by the petitioners, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
gbs

(REKHA MITTAL)
JUDGE