

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11700 of 2015

Date of Decision: 28.5.2015

Sneh Garg

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Madhu Ranjan, Advocate for
Mr. SKS Bedi, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot alternative plot in lieu of plot No. 41, Sector 12A, Gurgaon, allotted to him in the year 1981.

2. The petitioner applied for the allotment of a plot in Sector 12-A, Gurgaon in the year 1981. In pursuance thereto, in the draw of lots held in the year 1986, she was allotted residential plot No. 41, Sector 12-A, Gurgaon. The possession thereof was not delivered to the petitioner as the plot in question was under litigation. However, vide letter dated 20.3.2001, the petitioner was allotted alternative plot No. 969, Sector 12-A, Gurgaon which too was under litigation and the possession was not delivered to her. The petitioner filed a complaint

before the District Consumer Forum, against the respondents which was decided on 7.1.2002 (Annexure P-1) directing the respondents to allot an alternate plot to her either in the same sector or in the adjoining sectors or to allot one plot out of plots No. 354 and 355 in Sector 28 at the same old rate at which original plot No. 41/12-A was allotted. The respondents were further directed to pay the interest over the entire amount lying with them at the rate as per HUDA policy. The respondents challenged the said order, Annexure P-1, by way of Appeal No. 1085 of 2002 before the State Consumer Disputes Redressal Commission, Haryana which was dismissed vide order dated 13.10.2004 (Annexure P-2). The respondents challenged the said orders, Annexures P-1 and P-2, before the National Disputes Redressal Commission, New Delhi by way of Revision Petition No. 1847 of 2005 and the said revision petition was also dismissed vide order dated 9.8.2005 (Annexure P-3). Against the order dated 9.8.2005 (Annexure P-3), the respondents filed Leave to Appeal (Civil) No. 4940 of 2006 which was again dismissed for non prosecution by the Supreme Court vide order dated 17.7.2006 (Annexure P-4). The petitioner moved an application under Section 27 of the Consumer Protection Act, 1986 for compliance of the order dated 7.1.2002 passed by the District Forum but no plot has been allotted. Thereafter, the petitioner issued a notice dated 30.9.2010 (Annexure P-5) to the respondents but to no effect. The matter was referred to the Chief Minister who sought report from the respondents. Respondent No.3 vide letter dated 7.12.2010 (Annexure P-6) directed the petitioner to attend the draw of lots to be held on 9.12.2010 at 3.00 PM in the office of Administrator, HUDA, Gurgaon. Vide e-mail dated 22.11.2010 (Annexure P-7), from respondent No.2 to respondent No.1, the latter

was directed to allot alternative plot to the petitioner out of the available plot of 14, bearing No. 11094-P, Sector 15, Part II, Gurgaon and plot No. 354, Sector 28, Gurgaon by draw of lots. Thereafter, the petitioner served a legal notice dated 19.1.2015 (Annexure P-8) upon respondent No.2 for allotment of alternative plot, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 19.1.2015 (Annexure P-8) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to decide the legal notice dated 19.1.2015 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order and legal notice dated 19.1.2015 (Annexure P-8).

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
gbs

(REKHA MITTAL)
JUDGE