

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.1172 of 2015

Date of decision:05.10.2015

*Mohinder Singh*

*... Petitioner*

v.

*State of Haryana & others*

*... Respondents*

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Anirudh Kush, Advocate for the petitioner.

Mr. Rahul Dev Singh, DAG, Haryana.

Mr. Lokesh Sinhal, Advocate for HUDA.

Mr. Raman Gaur, Advocate for respondents No.4 & 5.

...

**S.J. VAZIFDAR, ACTING CHIEF JUSTICE.**

The petitioner seeks an order directing the respondents to permit him to transfer a plot that had been allotted to him. The respondents have not refused to transfer the plot. They, however, require the execution of a conveyance deed in respect of the said transfer. The petitioner has relied upon a clarification dated 10.10.2000 issued in respect of a policy dated 08.03.2000. The clarification insofar as it is relevant reads as under:

*“Taking into consideration your recommendation, it has been decided that in cases where physical possession of the plot cannot be given to the allottees due to non completion of development works etc. and wherein full payment has already been made or laid down schedule of payment of installment is over, the transfer of such plots may be allowed by charging transfer fees, of course subject to a maximum of four transfers as already allowed in the policy letter dated 08.03.2000.”*

2. The clarification does not apply to the petitioner's case. It only applies to a case where physical possession of the plot cannot be given to

the allottee due to non completion of development works etc. and wherein full payment has already been made. In the petitioner's case, the full payment has been made. What is important, however, is that possession was given on 03.10.2005 after the petitioner filed proceedings for the same. The application for transfer was made only on 22.04.2013. Therefore, the clarification does not apply to the petitioner's case.

3. Further the application is pre-mature. The plot has not even been transferred in favour of the petitioner as an allottee. There are disputes between the petitioner and the respondents. The respondents contend that certain amounts are still due and payable to the petitioner.

4. The petition is, accordingly dismissed.

**(S.J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**05.10.2015**  
*harjeet*