

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12209 of 2015

Date of Decision: 9.7.2015

Vijay Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vivek Goyal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the demand of ₹ 4,28,636/- raised by the respondents after full payment having been made regarding the SCO purchased by him in an open auction on “as is where is” basis for the increased area. Further a writ of mandamus has been sought directing the respondents to issue 'No Objection Certificate' to the petitioner regarding SCO No. 88 as the full and final payment has been made by him. A writ of mandamus has also been sought directing the respondents to decide the representations dated 7.5.2015 (Annexure P-4) and dated 27.5.2015 (Annexure P-7) filed by the petitioner within some reasonable time.

2. Haryana Urban Development Authority (HUDA) issued a public notice dated 31.12.2014 (Annexure P-1) in “The Tribune” for

auction of commercial site of Kurukshetra and Shahabad. The auction was held on 15.1.2015. As per site plan, Annexure P-2, the size of SCO No. 88 was 5.73 x 22.0 meters. In the terms and conditions announced at the time of auction, it was declared that the properties are being auctioned on "as is where is" basis. SCO No. 88 being a corner SCO, the petitioner gave highest bid of ₹ 102.50 lacs against the bidding of adjoining SCO at ₹ 95.30 lacs and as such he was declared successful in auction for SCO No. 88. He was allotted said SCO vide allotment letter dated 2.3.2015 (Annexure P-3) inadvertently mentioning the size as 5.50 x 22.0 meters. On receipt of the allotment letter, Annexure P-3, the petitioner found that there was some difference in the allotment letter and the site plan exhibited at the counter, he filed an application under the Right to Information Act to provide him recording of auction proceedings which was given to him on 7.5.2015. The petitioner wrote a letter dated 7.5.2015 (Annexure P-4) to respondent No.2 and also requested to stay the recovery of ₹ 4,28,636/- as shown in his accounts statement (Annexure P-5) as the enhanced amount due to increased area. After that, the petitioner received SMS (Annexure P-6) on his mobile from the HUDA to deposit the outstanding amount of ₹ 4,28,636/-. Thereafter, the petitioner made a representation dated 27.5.2015 (Annexure P-7) to respondent No.2, 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 moved representation dated 27.5.2015 (Annexure P-7) 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.2 to take a decision on the representation dated 27.5.2015 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 9, 2015
gbs

(REKHA MITTAL)
JUDGE