

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12789 of 2015

Date of Decision: 1.7.2015

Kusum Sharma

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Raman Gaur, 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 Mandamus directing the respondents to carry out and effect the execution of conveyance deed of SCO No.126, Mahila Asharam Complex, Karnal in the name of the allottee and to treat the litigation period as zero period and communicate thereof the amount if any, payable towards the extension fee.

2. The petitioner was allotted SCO Site No. 127, Mahela Asharam Complex, Karnal by respondent No.3 vide allotment letter dated 21.10.1991 (Annexure P-1). She could not pay certain outstanding amount and respondent No.3 passed the resumption order which the petitioner challenged in CWP No. 13642 of 2007 before this Court. This Court vide order dated 19.2.2009 (Annexure P-2) set aside the resumption order passed by respondent No.3 and restored the site in question to the petitioner. Respondents No.2 and 3 filed LPA No. 1682 of 2010 against the order, Annexure P-2. The said LPA was dismissed by this Court vide order dated 7.9.2011 against which the respondents filed SLP (C) No. 11717 of 2012 and the Supreme Court vide order

dated 20.7.2012 (Annexure P-3) dismissed the appeal. After the dismissal of the SLP, respondent No.3 vide letter dated 30.5.2013 (Annexure P-4) directed the petitioner to deposit a sum of ₹ 17,49,678/- within 30 days in compliance with the order, Annexure P-2 passed by this Court. In pursuance thereto, the petitioner paid amount of ₹ 2,32,500/- as installments and ₹ 4,65,000/- as extension fee vide receipts dated 27.12.2013 (Annexure P-5) and dated 8.2.2014 (Annexure P-6). The petitioner sent a letter dated 19.2.2014 (Annexure P-7) to respondent No.3 for execution of conveyance deed in respect of the site in question. Thereafter, she made a representation dated 26.5.2014 (Annexure P-8) to respondent No.3 for execution of conveyance deed of the site in question, 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 a representation dated 26.5.2014 (Annexure P-8) to respondent No.3, 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 representation dated 26.5.2014 (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 two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 1, 2015
gbs

(REKHA MITTAL)
JUDGE