

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No. 13533 of 2014  
Date of Decision:-04.02.2015**

Diverse Buildcon Pvt. Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondent

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Sanjiv Bansal, Advocate  
for the petitioner.

Mr. Lokesh Sinhal, Additional A.G., Haryana  
for respondent No.1-State.

Mr. D.V. Sharma, Senior Advocate with  
Ms. Shivani Sharma, Advocate  
For respondents No.2 and 3.

Mr. Sanjay Mittal, Advocate  
for respondent No.6.

**HEMANT GUPTA J.(Oral)**

The challenge in the present writ petition is to the allotment of institutional plots in Sectors 32 and 44, Gurgaon, of which, the petitioner is an applicant having submitted an application on 8.5.1012. The petitioner relies upon a judgment of Division Bench of this Court in CWP No.7790 of 2007 titled 'Delhi Assam Roadways Corporation Ltd. V. The Haryana Urban Development Authority and others' that the allotments are being made without laying down tangible and rational criteria. The petitioner has also prayed that the respondents be directed to issue fresh advertisement for allotment of institutional plots by laying down tangible and rational criteria.

When the writ petition came up for motion hearing before this Court on 16.7.2014, an argument was raised that without deciding the fate of the applicants who have applied in response to the advertisement of the year 2012, a fresh advertisement was issued in a clandestine manner and that allotments are being made without deciding the fate of earlier applicants.

The petitioners have produced a photocopy of the advertisement, which stipulate that the booking for the institutional plot at Faridabad and Gurgaon commences on 20.1.2014 and the booking closes on 20.2.2014. The plot measuring 3145 square meters of which petitioner is said to be an applicant is one of the plot advertised in the said advertisement.

In the written statement, respondents have pointed out that the petitioner was not found eligible for allotment of institutional plots and earnest money amounting to Rs.1,49,44,500/- was refunded vide cheque No.713004 dated 5.4.2013. It is also pointed out that the petitioner had earlier filed writ petition challenging the advertisement dated 4.4.2012 and that said writ petition was dismissed but petitioner has not disclosed such facts in the writ petition.

Learned counsel for the petitioner has vehemently argued that the petitioner was made to believe that the old applicants, who applied in pursuance of advertisement published in the year 2012 will be considered along with the applicants, who have responded to the subsequent advertisement in the year 2014 but the petitioner has not been considered for allotment of plot after the advertisement in the year 2014 was issued. It has also pointed out that this Court has granted liberty to the petitioner to challenge the decision of the Committee but no such decision of the Committee has been communicated to the petitioner, which may enable the petitioner to invoke the jurisdiction of this Court again. It may be mentioned that the Committee referred to in the order is a Standing Screening Committee constituted vide order dated 1.3.1995, reference of

which was made in the reply filed in the earlier writ petition.

The petitioner has not been found eligible for allotment of a plot advertised in the year 2012 as stated in para 6 of the reply on merits. The petitioner is not an applicant against the advertisement issued in the year 2014. Therefore, the petitioner cannot impugn the allotments made in pursuance of the advertisement issued in the year 2014 without being an applicant to the said advertisement.

There is no condition in the advertisement that the old applicants, who applied in response to earlier advertisement, shall be considered alongwith the advertisement issued in 2014. Therefore, the belief of the petitioner that the old applicants of 2012 advertisement shall be considered along with applicants of 2014 advertisement is self-serving conclusion drawn by the petitioner and does not create any right in favour of the petitioner to impugn the allotment process initiated in the year 2014.

In view of the fact that the petitioner never applied in response to an advertisement issued in the year 2014, therefore, he cannot be permitted to dispute the process of allotment. The challenge to the allotment process consequent to the advertisement in the year 2012 has remained unsuccessful. The decision of the committee has not been challenged in any proceedings so far. In fact, the petitioner has conveniently omitted mention of the fact of filing of the petition, which was dismissed in the year 2012 itself.

Consequently, the present writ petition is dismissed.

**( HEMANT GUPTA )**  
**JUDGE**

February 04, 2015  
**Vijay Asija**

**( HARI PAL VERMA )**  
**JUDGE**