

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13372 of 2015

Date of Decision: 8.7.2015

Sandeep Singh Bhatia

....Petitioner.

Versus

Haryana Urban Development Authority and another

...Respondents.

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

PRESENT: Ms. Rishu Kanwar, Advocate for
Mr. Abhimanyu Singh, 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 refund the entire amount along with interest @ 18% p.a. from the date of deposit by the petitioner especially when the respondents after issuing the allotment letter dated 14.1.2013 (Annexure P-2) fraudulently and dishonestly demolished the built-up booth/shop No.69, Sector 23-23A, Urban Estate Gurgaon without actually handing over the physical possession of the same to the petitioner.

2. In the month of January, 2013, the respondents held auction of the built-up booths/shops along with other properties of Sector 23-23A, Urban Estate, Gurgaon on free hold basis. The petitioner was declared successful bidder of two built-up booths/shops No. 69 and 70,

Sector 23-23A, Urban Estate, Gurgaon. At the time of the initial application, the petitioner deposited the earnest money of ₹ 8,72,000/- each for two built-up booths/shops. In addition to the aforesaid amount, the petitioner was directed to deposit the remaining amount of ₹ 11,88,000/- and ₹ 11,88,500/-, respectively for two built-up booths/shops to make the 25% price of the same by 22.2.2013. The petitioner deposited the said amount on 22.2.2013. A copy of the letter dated 22.2.2013 whereby the amount of ₹ 11,88,000/- was deposited in respect of booth/shop No.69, Sector 23-A, Gurgaon is Annexure P-1. Respondent No.2 issued the allotment letter dated 14.1.2013 (Annexure P-2) in respect of booth/shop No.69, Sector 23-A, Gurgaon. As per condition No.6 of the allotment letter, Annexure P-2, the possession of the property was allegedly handed over with the issuance of the allotment letter, yet the actual physical possession of the same was not handed over to the petitioner. The petitioner submitted representations dated 4.4.2013 (Annexure P-3) and dated 16.5.2013 (Annexure P-4) to the Administrator, Haryana Urban Development Authority, Gurgaon for handing over the actual physical possession of the built up booths/shops No. 69 and 70, Sectors 23-23A, Gurgaon, but to no effect. On 22.7.2013, the petitioner found that the shops were demolished and at the spot debris etc. were lying all over. Accordingly, he filed a representation dated 22.7.2013 (Annexure P-5) along with the photographs of the site, but all in vain. Thereafter, the petitioner submitted the representation dated 31.5.2015 (Annexure P-6) to the Administrator, Haryana Urban Development Authority, Gurgaon for handing over of possession of booth Nos. 69 and 70, Sector 23-A, Gurgaon, 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 the representations, Annexures P-3 to P-6 to the Administrator, Haryana Urban Development Authority, Gurgaon, 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 representations, Annexures P-3 to P-6, respectively, 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.

(AJAY KUMAR MITTAL)
JUDGE

July 8, 2015
gbs

(REKHA MITTAL)
JUDGE