

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

**CWP No.17846 of 2013
Date of decision: 28.5.2015**

Urmila Devi and others

.....Petitioners

Vs.

Haryana Urban Development Authority and another

.....Respondents

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

Present: Mr.Shailendra Jain, Sr. Advocate with Ms. Mannu Chaudhary,
Advocate for the petitioners (in CWP No.17846 of 2013).

Mr. Sandeep Sharma, Advocate for the petitioners (in CWP
No.28428 of 2013).

None for the petitioners (in CWP No.12365 of 2014).

Mr. Ajay Kumar Kansal, Advocate for HUDA.

Mr. Sudeep Mahajan, Addl.A.G.Haryana.

Ajay Kumar Mittal,J.

CM No.7310 of 2015 in CWP No.17846 of 2013

1. Annexure P.20 is taken on record subject to all just exceptions.

CM stands disposed of.

CWP No.17846 of 2013

2. This order shall dispose of CWP Nos.17846, 28428 of 2013

and 12365 of 2014 as the issue involved in all these cases is identical.

However, the facts are being extracted from CWP No.17846 of 2013.

3. In CWP No.17846 of 2013, the petitioners pray for quashing the notices dated 16.3.2010, 6.7.2011 and 16.2.2012, Annexures P.3, P.5 and P.6 respectively issued by the respondent authorities whereby additional amount has been demanded from them without any justification.

4. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioners are the allottees/re-allottees of the residential plots allotted/re-allotted by the respondents through regular letters of allotment/re-allotment. They have constructed their residential houses on the said plots and are residing there. They are aggrieved by the impugned demand notices as mentioned above for payment of enhanced compensation in respect of several residential plots of various categories in Sector 51, Urban Estate Gurgaon II on account of enhancement of the acquisition cost of land. Even after submitting notice of demand dated 2.5.2013 (Annexure P.16), the objection raised therein to the claim of enhanced amount from the petitioners has not been redressed. Hence the instant writ petition.

5. We have heard learned counsel for the parties.

6. Learned counsel for the petitioners submitted that the additional price sought to be demanded vide impugned notices is not justified. Learned counsel for the respondents supported the impugned notices.

7. A perusal of the impugned notices shows that additional amount on account of enhancement in compensation of the acquired land has been claimed by the respondents. It is obligatory upon the respondents to consider the issues raised by the petitioners in its Notice of Demand and

redress its grievances by passing a speaking order. Suffice it to observe that mere stipulation in the impugned demand notices that the additional price is being demanded on account of enhancement of land compensation in view of the compensation awarded by the court does not fulfill the requirement of the principles of natural justice.

8. In our considered view, the factual issues require to be dealt with by the respondents by passing a reasoned order before raising the demand of the additional liability. Consequently, the present writ petitions are disposed of at this stage with the following directions:-

- (i) it shall be open to the petitioners to file detailed and comprehensive representation showing that the amount claimed by the respondents is not payable, within a month from the date of receipt of a certified copy of this order;
- (ii) respondent No.2 shall consider the objections raised by the petitioners and dispose of the same by passing a speaking order as early as possible and preferably within two months from the date of receipt of the representation;
- (iii) the petitioners shall be afforded an opportunity of being heard and if so required, it may be permitted to produce any material or proof in support of their claim that the demand raised by the respondents towards enhanced price is excessive;
- (iv) in case, at the time of passing of final order, any amount is found to be refunded to the petitioners, the same shall be refunded within a period of next two months, in accordance with law.

(Ajay Kumar Mittal)
Judge

May 28, 2015
'gs'

(Rekha Mittal)
Judge