

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14673 of 2015

Date of Decision: 23.7.2015

Suman Lata

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vinod S. Bhardwaj, 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 frame an appropriate policy for protection of rights of subsequent bonafide purchases who have purchased the plot after obtaining necessary approval from the respondents against the proposed cancellation of allotment on the pretext of original allotment being based upon mis-information/concealment at the instance of the original allottee. Further, a writ of certiorari has been sought for setting aside the cancellation proceedings initiated vide show cause notice dated 14.5.2015 (Annexure P-5) proposing to cancel the allotment of residential plot No. 321, measuring 2 marlas situated in Sector 2, Bahadurgarh.

2. Plot No. 321, Sector 2, Urban Estate Bahadurgarh, District Jhajjar measuring 2 marlas was allotted to Smt. Prem Devi wife of Shri

Sube Singh on free hold basis vide allotment letter dated 10.5.2002. The payment due was made by the allottee. The allottee had executed a General Power of Attorney (GPA) dated 26.8.2003 in favour of one Dharamvir son of Shri Ram Kumar. The possession of the plot was taken by the said allottee through her GPA on 5.6.2006 (Annexure P-1). Thereafter, conveyance deed was executed by the respondents in favour of the allottee on 12.9.2008 (Annexure P-2) and construction was raised on the plot in question after obtaining necessary permissions/sanction and occupation certificate dated 13.2.2009 (Annexure P-3) was obtained. The allottee sold the plot in question to the petitioner vide sale deed dated 16.7.2012 for a total consideration of ₹ 7,32,000/- after obtaining necessary permission dated 16.7.2012 from the authorities. The plot in question was allotted in favour of the petitioner vide re-allotment letter dated 16.8.2012 (Annexure P-4). A show cause notice dated 14.5.2015 (Annexure P-5) was issued to the petitioner for cancellation of the plot in question as the original allottee was not eligible for the allotment of the plot under reserve category. The petitioner filed a reply/representation dated 29.5.2015 (Annexure P-6) to respondent No.3, 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 sent reply/representation dated 29.5.2015 (Annexure P-6) 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

take a decision on the reply/representation dated 29.5.2015 (Annexure P-6), 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 23, 2015
gbs

(REKHA MITTAL)
JUDGE