

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14674 of 2015

Date of Decision: 23.7.2015

Jogender Kumar

....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 15.5.2015 (Annexure P-6) proposing to cancel the allotment of residential plot No. 544, measuring 8 marlas situated in Sector 13, Bahadurgarh.

2. Plot No. 544, Sector 13, Urban Estate Bahadurgarh, District Jhajjar measuring 8 marlas was allotted to Smt. Raj Dulari wife of Shri

Sat Kumar, on free hold basis vide allotment letter dated 16.10.2008 (Annexure P-1) for a price consideration of ₹ 9,09,000/-. The allottee after making the requisite amount of 15% of the price consideration and first installment, sought permission to transfer the plot in question in favour of one Sanjay Dhawan son of Shri Sushil Dhawan which was duly granted vide letter dated 27.4.2005 and the plot in question was allotted in favour of said Sanjay Dhawan vide re-allotment letter dated 12.5.2010 (Annexure P-3) who further sought permission to transfer the plot in favour of Shri Rajiv Gupta son of Late Shri B.M. Gupta which was granted vide letter dated 10.1.2011 and the plot was allotted in his favour vide re-allotment letter dated 11.3.2011 (Annexure P-3). Said Rajiv Gupta further sought permission to transfer the plot in question in favour of the petitioner which was granted vide letter dated 28.3.2011 and the plot in question was allotted in favour of the petitioner vide re-allotment letter dated 3.5.2011 (Annexure P-4). The possession was offered vide letter dated 10.6.2011 (Annexure P-5) to the petitioner. A show cause notice dated 15.5.2015 (Annexure P-6) addressed to the original allottee for cancellation of the plot in question was received by the petitioner. The petitioner filed a reply/representation dated 29.5.2015 (Annexure P-7) 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-7) 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-7), 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