

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14678 of 2015

Date of Decision: 23.7.2015

Indu Jindal

....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-7) proposing to cancel the allotment of residential plot No. 1255, measuring 6 marlas situated in Sector 2, Bahadurgarh.

2. Plot No. 1255, Sector 2, Urban Estate Bahadurgarh, District Jhajjar measuring 6 marlas was allotted to Smt. Promila wife of Shri

Jagdish Raj, on free hold basis vide allotment letter dated 3.10.2001 (Annexure P-1) for a price consideration of ₹ 2,30,570/-. The allottee made the payment in installments from time to time and sought permission to transfer the plot in question in favour of one Raj Singh Dalal son of Shri Bharat Singh which was duly granted vide letter dated 11.3.2014 subject to certain conditions. The plot in question was allotted in favour of said Raj Singh Dalal vide re-allotment letter dated 6.4.2004 (Annexure P-2). The said transferee later on applied for permission to transfer the said plot in favour of Shir Nitin Lakhanpal and Shri Niranjana Singh and after completing the formalities, the plot in question was transferred in their favour and re-allotment letter dated 10.7.2006 (Annexure P-3) was issued and further the plot in dispute was transferred and allotted in favour of Mahesh Kumar vide re-allotment letter dated 7.5.2007 (Annexure P-4). Said Mahesh Kumar sought permission to transfer the said plot in question of the petitioner which was granted vide letter dated 29.6.2007 and the plot in question was allotted in favour of the petitioner vide re-allotment letter dated 16.7.2007 (Annexure P-5). The possession of the plot was offered to the petitioner vide letter dated 4.10.2007 (Annexure P-6). A show cause notice dated 14.5.2015 (Annexure P-7) 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-8) 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-8) 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-8), 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