

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14700 of 2015

Date of Decision: 23.7.2015

Raj Kumar and another

....Petitioners.

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 petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have 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-7) proposing to cancel the allotment of residential plot No. 3536, measuring 6 marlas situated in Sector 9, Bahadurgarh.

2. Plot No. 3536, Sector 9, Urban Estate Bahadurgarh, District Jhajjar measuring 6 marlas was allotted to Shri Mata Din son of Sh.

Bhawani Sahay, on free hold basis vide allotment letter dated 20.3.2001 (Annexure P-1) for a price consideration of ₹ 2,61,164/-. The allottee made the payment in installments from time to time and possession was offered vide letter dated 2.6.2004 (Annexure P-2). The original allottee sought permission to transfer the plot in question in favour of one Shri Basant Ram Kakkar son of Shri M.C. Kakkar which was duly granted vide letter dated 30.6.2005 and the plot in question was allotted in favour of said Basant Ram Kakkar vide re-allotment letter dated 5.8.2005 (Annexure P-3). The remaining installments were paid by the said allottee and the conveyance deed was executed in his favour on 16.8.2012 (Annexure P-4). The said re-allottee sold the plot in question to the petitioners vide registered sale deed dated 10.9.2012 for a total sale consideration of ₹ 22,60,000/- after obtaining permission vide letter dated 3.9.2012 (Annexure P-5). The plot in question was allotted to the petitioners vide re-allotment letter dated 4.10.2012 (Annexure P-6). A show cause notice dated 15.5.2015 (Annexure P-7) addressed to the original allottee for cancellation of the plot in question was received by the petitioners. The petitioners filed reply dated 25.5.2015 (Annexure P-8) and the representation dated 29.5.2015 (Annexure P-9) to respondent No.3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioner has submitted reply dated 25.5.2015 (Annexure P-8) and the representation dated 29.5.2015 (Annexure P-9) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 dated 25.5.2015 (Annexure P-8) and the representation dated 29.5.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners 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