

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14785 of 2015

Date of Decision: 23.7.2015

Hina Sharma

....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-6) proposing to cancel the allotment of residential plot No. 2474, measuring 10 marlas situated in Sector 2, Bahadurgarh.

2. Plot No. 2474, Sector 2, Urban Estate Bahadurgarh, District

Jhajjar measuring 10 marlas was allotted to Shri Man Mohan Sharma son of Shri Hukam Chand Sharma, on free hold basis vide allotment letter dated 11.9.2001 (Annexure P-1). The allottee made the payment in installments from time to time. The conveyance deed was executed on 11.8.2010 and the possession was offered in due course. The allottee sold the plot in question to the petitioner vide registered sale deed dated 12.10.2010 for a consideration of ₹ 22,00,000/- after obtaining transfer permission dated 4.10.2010 (Annexure P-2). In pursuance thereto, the plot in question was allotted to the petitioner vide re-allotment letter dated 29.10.2010 (Annexure P-3) and the petitioner raised the construction thereon after sanction dated 1.6.2012 (Annexure P-4) was accorded. Occupation certificate dated 18.12.2013 (Annexure P-5) was issued to the petitioner. A show cause notice dated 14.5.2015 (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