

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 15743 of 2014 (O&M)

Date of Decision: 09.09.2015

Mahesh Nagpal

--Petitioner

Versus

State of Haryana & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Rahul Dev Singh, D.A.G., Haryana for
respondent no.1.

Mr. Mahavir Sandhu, Advocate for
respondents no.2 to 4.

S.J. VAZIFDAR, A.C.J. (Oral)

The petitioner has challenged a demand raised by the respondents vide impugned letters dated 6.5.2014 and 16.5.2014. The demand is of an aggregate amount of Rs.5.45 lacs towards extension fee for construction of a building on plot nos.98 and 98-A which were allotted in favour of the petitioner's father on 7.10.1979. The petitioner claims to be entitled to the plots as a legal heir of his father. We express no opinion regarding the petitioner's entitlement as an heir. That is for the respondents to decide.

The construction had to be put up within a stipulated period. Admittedly, the construction was not put up within the stipulated period. The petitioner now seeks to take advantage of a policy dated 25.10.2013. However, the respondents refused to consider the application on account of the petitioner not having made payment as per the impugned notices. The petitioner desires completing the construction. He, therefore, agrees to pay

the amount as demanded vide impugned orders/letters as well as a further amount for the present year. The aggregate amount of about Rs.5.75 lacs is now due and payable towards extension fee. The petitioner agrees to pay the same. Thus, as far as this writ petition is concerned, nothing survives.

Learned counsel for the respondents on instructions from Sh. Bal Singh, Secretary, Karnal Improvement Trust, Karnal states that if the amount is paid, the respondents will consider the application of the petitioner for construction in accordance with law.

In the circumstances, the petition is disposed of by the following order:-

- (i) The petitioner agrees to pay a sum of Rs.5.75 lacs on or before 31.10.2015. The petitioner also agrees to submit the building plans together with the draft agreement of sale and the security amount by 31.10.2015.
- (ii) In the event of the petitioner making the payment as aforesaid and submitting the above documents, the respondents agree to consider and process the petitioner's application for construction.
- (iii) In the event of the plans being sanctioned, the petitioner agrees and undertakes to complete the construction within a period of six months thereafter.

The statements made by both the parties are accepted and it is so ordered.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

09.09.2015
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