

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15215 of 2015

Date of Decision: 28.7.2015

Suman Sanwalka and another

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Govind Goel, Advocate and  
Mr. Ankit Goel, 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 certiorari for quashing the communication dated 24.6.2015 (Annexure P-8) issued by respondent No.3 and all proceedings arising therefrom. Further, a writ of mandamus has been sought directing respondents No.1 to 3 to forbear from taking out any proceedings for cancellation of plot No. 903, Sector 40, Gurgaon.

2. A plot measuring 220 square meters was allotted to respondent No.4 vide allotment letter dated 26.7.1995 (Annexure P-1) on a freehold basis under the GSRQ (reserved) category. The said plot was transferred to one Shri M.L. Gulati, vide letter dated 30.1.1996 with the permission of the official respondents and re-allotment letter was issued on 7.2.1996. Further, the plot in question was allotted to Smt. Vanita Dhir vide allotment letter dated 11.10.1996 and subsequent

thereto, the said plot was allotted in favour of Shri Anil Arora vide re-allotment letter dated 29.10.1999. Said Shri Anil Arora took the actual physical possession of the plot vide possession certificate dated 2.11.1999 (Annexure P-3). On the payment of entire sale consideration of the plot, the official respondents issued a non-encumbrance certificate dated 9.11.1999 (Annexure P-4). Accordingly, the conveyance deed was executed in favour of Shri Anil Arora who further sought permission to transfer the plot in question in favour of the petitioners which was accorded by the official respondents vide letter dated 13.2.2004 (Annexure P-5). Thereafter, a registered sale deed dated 5.3.2004 was executed between Shri Anil Arora and the petitioners regarding the plot in question for a sale consideration of ₹ 13,28,750/- and re-allotment letter dated 11.5.2004 (Annexure P-6) was issued in favour of the petitioners. The petitioners raised construction of a residential house on the said plot and were granted a Full Occupation Certificate dated 21.10.2009 (Annexure P-7) by the official respondents. However, respondent No.3 issued a notice dated 24.6.2015 (Annexure P-8) to respondent No.4 to show cause as to why the plot in question be not cancelled and FIR lodged against you for availing of benefit of allotment of more than one residential plot under reserve category (GSRQ). The petitioners submitted a representation dated 17.7.2015 (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 petitioners have moved a representation dated 17.7.2015 (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 decide the representation dated 17.7.2015 (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 two months from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**July 28, 2015**  
gbs

**(REKHA MITTAL)**  
**JUDGE**