

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.16222 of 2014

Date of decision:12.08.2015

Parminder Singh & another

... Petitioners

Vs.

The Haryana Urban Development Authority & another

... Respondents

CORAM: HON'BLE MR. S.J. VAZIFDAR, ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sumeet Mahajan, Senior Advocate with
Mr. Hitesh Ghai, Advocate for the petitioners.

Mr. Vishal Garg, Advocate for HUDA.

Mr. Sharmila, Sharma, Advocate for respondent No.3.

...

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

The CWP No.16222 of 2014 and other connected petitions essentially seek the same relief and are therefore disposed off by this common order and judgment.

2. HUDA had cancelled certain allotments *inter alia* on the ground that the original allottees have obtained allotments of plots on representations by suppressing the fact that they have been allotted plots earlier. The petitioners claim to be the bonafide subsequent purchasers from the original allottees. They have challenged the cancellation of the allotments as their rights would be affected thereby.

HUDA has today filed a document addressed to all the Administrators, HUDA by Chief Administrator, HUDA, dated 11.08.2015, a

copy whereof is taken on record as mark 'X'. It contains a policy regarding the allotment of residential plots under the reserved category and cancellation thereof due to multiple allotments. The policy reads as under:

“From

*The Chief Administrator,
Haryana Urban Development Authority,
Sector-6, Panchkula.*

To

*1) All the Administrators, HUDA,
2) All the Estate Officers, HUDA
Memo No.UB-A-6-2015/15140 Dated:11/08/2015*

Subject: Policy regarding allotment of residential plots under reserved category and cancellation thereof due to multiple allotment.

The scrutiny of the allottees regarding double/multiple allotment under reserve category is being done in view of directions of Hon'ble High Court in CRM No.26292 of 2013 titled as Dharam Singh Yadav Vs. State of Haryana. There are number of such cases where original allottees who have obtained double/multiple allotment by submitting false affidavit have alienated the plots after receiving consideration. The subsequent buyer who have purchased such plots after obtaining transfer permission from HUDA itself are now being affected by action of HUDA regarding cancellation of plots and some of the aggrieved allottees knocked the door of Hon'ble Court by way of filing CWP No.16222 of 2014 (and connected cases). The matter has been considered and examined and it has been decided that cancellation of subsequent allotments have huge impact on the interest of public at large. After deliberation, following decisions have been taken:-

- 1. The bonafide/subsequent purchasers who have got the plots re-allotted in their name(s) after due permission from HUDA should not be punished as they had taken due precaution by way of obtaining transfer permission from HUDA regarding the genuineness of the allotment before*

getting the allotment in their name. They had followed the procedure laid by HUDA. These bonafide/subsequent purchasers cannot be penalized as they were not at fault at any point of time.

2. The action taken against the subsequent by HUDA is to be withdrawn and henceforth no affidavit is required to be taken from the buyers and sellers of such plots as conveyed by this office vide memo no.A-6-UB-2014/2145-67 dated 21.01.2014.

3. If the original allottee has transferred second/subsequent allotments within the family, the above decision shall not be applicable in such cases.

You are requested to take further action accordingly and action taken report may be sent to this office immediately.

*(B.B. Taneja)
Deputy Superintendent (U.B.),
for Chief Administrator HUDA”*

It was clarified before us that the stroke between the word “bonafide” and “subsequent” is to be deleted wherever it occurs in the policy. In other words, it was clarified before us that the policy would apply only in respect of the bonafide/subsequent purchasers.

3. An application for intervention was made vide CM No.9046 of 2015 on the ground that it is intervener, who had exposed the illegal allotments. We have not considered it necessary to even issue notice in the CM as by this order we have only taken on record the above policy without making any observations on the merit thereof.

4. In view of the above policy, the petitioners state that their grievances stand redressed. They claim to be the bonafide subsequent purchasers. Needless to add that in this order we do not express any view on the merits of the case.

5. It is open to the parties to adopt appropriate proceedings and to

take necessary action in respect of each individual case. The statement is recorded on behalf of the HUDA that it will process each of the cases individually on its own merits in accordance with law and as expeditiously as possible. The intervener is at liberty to make any representation to HUDA as regards each individual case.

The writ petitions are accordingly disposed of as infructuous.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

12.08.2015

harjeet

NOTE: Whether to be referred to the Reporters? Yes/No