

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15663 of 2015

Date of Decision: 3.8.2015

Banwari Lal Yadav and another

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Pavan Malik, 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 respondents No.1 and 2 not to cancel the allotment of plot No. 827, Sector 52, Gurgaon or in the alternative, if the same is to be cancelled, then the same be re-allotted to him without any further payment. Further, a direction has been sought to respondents No.1 and 2 to issue the completion certificate or to decide the application dated 31.10.2014 (Annexure P-8) in accordance with law.

2. Plot No. 827, Sector 52, Gurgaon, measuring 83.60 square meters was jointly purchased by the petitioners vide allotment letter dated 28.7.2003 (Annexure P-1). The plot in question was transferred in favour of Rashmi Barhla vide re-allotment letter dated 20.1.2005 (Annexure P-2) then to Pratibha Jain vide re-allotment letter dated 25.2.2009 (Annexure P-3) and thereafter to petitioner No.1 vide re-

allotment letter dated 18.9.2013 (Annexure P-5). Respondent No.1 transferred the plot in dispute in the name of Sangeeta Jha vide registered conveyance deed who after taking transfer permission dated 21.8.2013 (Annexure P-4) transferred the same in favour of the petitioners. Respondent No.1 granted permission to petitioner No.1 to mortgage the said plot on 18.3.2014 (Annexure P-6). The petitioners submitted the plans for approval which were approved vide letter dated 11.12.2013 and DPC certificate dated 17.4.2014 (Annexure P-7) was also issued to the petitioners. After completion of the entire house, the petitioners applied for the occupation certificate vide receipt dated 31.10.2014 (Annexure P-8). On 11.11.2014, the application was sent back with certain queries to the petitioners and after removal of all the objections, the application was re-submitted on 18.12.2014. Thereafter, the authorities inspected the house of the petitioners and found that the construction was in accordance with the approved building plan. The Estate Officer, HUDA, Gurgaon issued a show cause notice dated 7.1.2015 (Annexure P-8A) to respondent No.3 for cancellation of the plot in question. Petitioner No.1 submitted a representation dated 30.4.2015 (Annexure P-11) to respondent No.2 for issuance of occupation certificate by the Estate Officer-II, HUDA, Gurgaon, but no response has been received till date. Hence, the present writ petition.

3. The original allottee, namely, Shri Gurdev Singh son of Shri Bachan Singh-respondent No.3 was required to attend the office of the Estate Officer, HUDA, Gurgaon. Petitioner No.1 has submitted a representation dated 30.4.2015 (Annexure P-11) for issuance of completion certificate to respondent No.2, 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, the present petition is disposed of with a direction to the Estate Officer, HUDA, Gurgaon to take a decision on the representation dated 30.4.2015 (Annexure P-11), 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 a certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 3, 2015
gbs

(SHEKHER DHAWAN)
JUDGE