

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15705 of 2015

Date of Decision: 3.8.2015

Rohtas

....Petitioner.

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 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 respondents No.1 and 2 not to cancel the allotment of plot No. 624, 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 writ of certiorari has been sought quashing the show cause notice dated 10.2.2015 (Annexure P-11A).

2. Plot No. 624, Sector 52, Gurgaon measuring 88.312 square meters was initially allotted to respondent No.3 vide allotment letter dated 28.7.2003 (Annexure P-1). The plot in question was allotted to Pushpa Lata vide re-allotment letter dated 24.6.2004 (Annexure P-2), Surender Yadav vide re-allotment letter dated 17.4.2006 (Annexure P-3), Pushpender Singh vide re-allotment letter dated 7.7.2006 (Annexure P-4), Sangeeta Jha vide re-allotment letter dated 23.3.2007 (Annexure P-

5) and thereafter to the petitioner after transfer permission dated 28.4.2009 (Annexure P-6) and re-allotment letter dated 28.7.2009 (Annexure P-7) was issued in the name of the petitioner. Thereafter, the petitioner submitted the plans for approval which was approved vide letter dated 13.7.2011 (Annexure P-8) and DPC certificate dated 4.10.2011 (Annexure P-9) was issued. After completion of the entire house, the petitioner had applied and got the occupation certificate dated 17.7.2012 (Annexure P-10). A notice dated 10.2.2015 (Annexure P-11A) was issued to the original allottee-respondent No.3 to show cause as to why the allotment of the plot in question be not cancelled. The petitioner filed reply dated 25.2.2015 (Annexure P-12) to the said show cause notice. However, no action has so far been taken thereon. Hence, the present writ petition.

3. We have heard learned counsel for the petitioner.

4. The original allottee, namely, Smt. Kitabo Devi wife of Late Balbir Singh-respondent No.3 was required to attend the office of the Estate Officer, HUDA, Gurgaon. The petitioner has filed reply to the show cause notice dated 10.2.2015 (Annexure P-11A). The Estate Officer, HUDA, Gurgaon is directed to pass a speaking order in the matter accordance with law after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of this order.

5. The writ petition stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

August 3, 2015
gbs

(SHEKHER DHAWAN)
JUDGE