

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 23851 of 2014

Date of Decision: 20.5.2015

Rakesh Kukhreja 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. Johan Kumar, Advocate for the petitioners.

Mr. Anupam Sharma, Advocate and
Mr. Ajay Nara, Advocate for respondents No.1 and 2.

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 the respondents to allot alternative plot to them in Sector 21-C, Faridabad, in any sector, which is fully developed and free from the purview of the Forest Act, in lieu of plot No. 50-P, Sector 21-C (III), Faridabad, measuring 420 square meters.

2. Plot No. 50-P, Sector 21-C (III), Faridabad, was allotted to one Jitender Kumar son of Sat Parkash, resident of House No. 541/3-L, Model Town, Yamuna Nagar, Haryana vide allotment letter dated 12.8.1992 (Annexure P-1). The said plot was re-allotted in favour of Sunyana Chopra wife of Sunil Chopra vide allotment letter dated 11.8.1994 (Annexure P-2). The plot in question was further re-allotted in favour of Lata Jain wife of Sudhir Jain vide allotment letter dated

29.12.2000 (Annexure P-3) which was further re-allotted in favour of Sh. Sant Lal Sharma son of Gopi Ram vide allotment letter dated 25.9.2003/9.10.2003 (Annexure P-4). The petitioners have purchased the plot in question vide registered sale deed dated 10.1.2006 (Annexure P-5). The petitioners had cleared all the dues and made all the payment to the respondents but possession of the said plot was not given to them due to pendency of dispute in the Supreme Court. They sent a legal notice dated 20.1.2014 (Annexure P-7) to respondents No.2 and 3 for the allotment of an alternate plot but no action was taken thereon by them. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 20.1.2014 (Annexure P-7) to respondents No.2 and 3, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-8 to P-11) passed by this Court.

4. After hearing learned counsel for the parties, 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.2 to take a decision on the legal notice dated 20.1.2014 (Annexure P-4), 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 certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 20, 2015
gbs

(REKHA MITTAL)
JUDGE