

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 24683 of 2014 (O&M)

Date of Decision: 03.09.2015

Sanjeev Dhawan & others

--Petitioners

Versus

Chief Administrator & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Ms. Rita Kohli, Sr. Advocate with
Ms. Guneet Kaur, Advocate for the petitioners.

Mr. Deepak Balyan, Addl. A.G., Haryana.

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

The petitioners seek a Writ of Certiorari to quash the demand of extension fee of Rs.5,41,660/- raised vide letter dated 15.10.2013; a direction to the respondents to issue the final transfer letter/occupation letter in respect of the premises which are subject matter of the petition and for a further direction to respondent-HUDA to refund the amount of Rs.2,10,000/- paid by the petitioners towards the extension fee.

The petitioners have purchased the booth from the original allottee. Despite repeated requests and orders of this court the respondents have not established the basis for raising the impugned demand of about Rs.5.41 lacs. The matter has been adjourned from time to time to enable the respondents to file a reply. The order dated 14.7.2015 recorded that learned counsel appearing for HUDA had no instructions in the matter and the new Advocate sought time to seek instructions. By a further order dated 11.8.2015 the matter was adjourned yet again to enable the respondents to file the reply. Even today, no affidavit in reply has been filed.

Considering the above facts and circumstances, we see no justification in the respondents withholding the occupation letter/transfer letter in respect of the booth in question. However, out of abundant caution and to leave no room for grievance, we intend protecting the rights of the respondents, if any. It is also important to note that the petitioners have alleged that with a view to buying peace, they paid a demand of Rs.2,10,000/- on 10.4.2013. We intend protecting the rights of the petitioners to claim a refund of this amount also.

Counsel appearing on behalf of petitioners agrees and undertakes on behalf of petitioners no.2 and 3 not to dispose of, alienate, encumber or create any third party rights in respect of the booth in question, without the written permission of HUDA under any circumstances. This would safeguard the claim if any of the respondents.

The writ petition is, therefore, disposed of by the following order:-

- (i) The respondents are directed to issue the final transfer letter/occupation letter in respect of Booth No.32 P, Sector 19, Part-II, Faridabad in favour of petitioner nos.2 and 3.
- (ii) Annexure P-8 i.e. Letter dated 15.10.2013 is quashed and set aside.
- (iii) The undertaking on behalf of petitioner nos.2 and 3 not to dispose of, alienate, encumber or create any third party rights in respect of the booth in question, without the written permission of HUDA under any circumstances, is accepted and it so ordered.
- (iv) The respondents are at liberty to raise a demand after giving detailed particulars by way of extension fee. The demand, however, shall

not be enforced till after the expiry of a period of 8 weeks. The demand shall also contain the basis upon which the demand of Rs.2,10,000/- was made earlier and paid by the petitioners. In the event of the same not being done within a period of eight weeks from today, the said amount of Rs.2,10,000/- shall also be repaid.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

03.09.2015
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