

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24781 of 2014

Date of Decision: 20.5.2015

Dev Parkash

....Petitioner.

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 petitioner.

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 petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot alternative plot to him in Faridabad, in any sector, which is fully developed and free from the purview of the Forest Act, in lieu of plot No. 500-A, Sector 45, Faridabad, measuring 2 Marlas.

2. The petitioner was allotted plot No. 500, Sector 45, Faridabad, in draw of lots vide allotment letter dated 30.5.1994 (Annexure P-1). Subsequently, one letter dated 14.6.1996 (Annexure P-2) was issued to the petitioner stating therein that the possession of the plot would be subject to the decision of CWP No. 4677 of 1985 'M.C. Mehta v. Union of India and others' by the Apex Court. The petitioner had

cleared all the dues and made all the payment to the respondents but possession of the said plot was not given to him. He moved a representation dated 29.12.2013 (Annexure P-3) to respondent No.3 for alternate plot but no response was received. Thereafter, he sent a legal notice dated 20.1.2014 (Annexure P-4) 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 petitioner has moved a representation dated 29.12.2013 (Annexure P-3) and thereafter sent a legal notice dated 20.1.2014 (Annexure P-4) to respondents No.2 and 3, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-5 to P-8) 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 petitioner 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