

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CWP No.25909 of 2014

Date of decision:19.08.2015

Naresh Kumar Garg & another

... Petitioners

Vs.

HUDA & others

... Respondents

CORAM: HON'BLE MR. S.J. VAZIFDAR, ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Anil Kshetarpal, Senior Advocate with
Mr. Piyush Aggarwal, Advocate for the petitioners.

Mr. Sandeep Mahajan, Advocate for HUDA.

...

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

Petitioners seek an order directing the respondents to allot an alternate shop cum office measuring 143.25 square meters instead of the SCO already allotted. Petitioner No.1 had been allotted SCO No.179-P in lieu of which an alternate premises is sought. Petitioner No.2 had been allotted plot No.86-P in the year 1991. The allotment of plot No.179-P was made in the year 2001. Petitioner No.2 has already constructed SCO upon plot No.86-P. The petitioners contend that if plot No.179-P is constructed the frontage of both the constructions would be severely effected. They infact contend that it is not even possible to have such a construction.

2. There is no dispute regarding the allotment of the plot. Nor is there any dispute as regards possession of the plots having been handed over. Further there is no dispute regarding the payment having been made as per the terms of the allotment letter. The only issue is whether the

petitioners are entitled to be allotted an alternate plot No. 179-P. The petitioners have placed strong reliance upon a letter dated 27.01.2010 addressed by the Estate Officer to the Administrator, HUDA/respondent No.1. The letter appears to support the petitioners case. The letter even suggests the alternate plot that can be allotted.

3. We do not intend expressing a final view in respect of the petitioners contention. This is in the first instance for the respondents to decide. No doubt respondent No.1 will take into consideration all the facts and circumstances including the letter dated 27.01.2010. We wish to clarify that although the letter dated 27.01.2010 supports the petitioners case, we do not express any view regarding the correctness or otherwise of what is stated therein. The letter is only one of the aspects which must be taken into consideration by the first respondent obviously giving weightage to it such as he deems fit in accordance with law. The contentions of the parties on merits are kept open.

4. The petition is disposed of directing respondent No.1 to take a decision on the petitioners' applications for alternate plot by 30.11.2015.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

19.08.2015

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