

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3693 of 2015

Date of Decision: 10.3.2015

Smt. Sangeeta Saini

....Petitioner.

Versus

Haryana Urban Development Authority and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Arvind Singh, 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 the respondents to issue re-allotment letter in her favour qua the plot in dispute on the basis of sale deed dated 22.10.2012 (Annexure P-2) and the policy instructions dated 3.6.2013 (Annexure P-4).

2. Satvinder Kaur wife of Shri Narinderjit Singh was owner of plot No. 477, Sector 30, Urban Estate, Kurukshetra measuring 176 square meter (8 marla) by way of re-allotment letter dated 12.11.2007 (Annexure P-1). The petitioner purchased the aforesaid plot for a sum of ₹ 9,74,000/- vide registered sale deed dated 22.10.2012 (Annexure P-2). 'No objection certificate' (Annexure P-3) regarding the aforesaid plot for execution of conveyance/sale deed in favour of the petitioner was obtained by seller Satvinder Kaur and the said NOC was submitted

before the Sub Registrar, Thanesar at the time of execution of the sale deed. Respondent No.1 vide memo dated 3.6.2013 issued a policy dated 30.6.2013 (Annexure P-4) regarding the mode of transfer of immovable property. As per clause 5 of the policy, if the sale deed has been executed after obtaining 'no objection certificate' from HUDA, the allottee shall have a right to get re-allotment of the transfer of the immovable property from HUDA as per clauses 2 and 3 of the policy. Smt. Satvinder Kaur submitted application dated 20.10.2012 (Annexure P-5) along with requisite documents to respondent No.2 for the re-allotment of the plot in question in favour of the petitioner. Thereafter, the petitioner also submitted application dated 31.10.2013 (Annexure P-6) to respondent No.2 along with a copy of sale deed dated 22.10.2012 for re-allotment letter for transfer of the plot in question. When no action was taken on the said application (Annexure P-6), the petitioner made a representation dated 16.10.2014 to respondent No.1 but to no avail. 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 an application dated 31.10.2013 (Annexure P-6) and thereafter representation dated 16.10.2014 (Annexure P-7) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 application dated 31.10.2013 (Annexure P-6) and the representation dated 16.10.2014 (Annexure P-7), respectively, 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**

March 10, 2015
gbs

**(REKHA MITTAL)
JUDGE**