

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

**CWP No.8376 of 2015
Date of decision: 01-05-2015**

Om Parkash Arora

.....Petitioner

Vs.

Haryana Urban Development Authority and another

.....Respondents

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

Present: Mr. Anil Shukla, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. Prayer in this petition filed under Articles 226/227 of the Constitution of India is for quashing the action of the respondents in considering the application of the petitioner in general category instead of reserve category of handicapped persons for allotment of plot measuring 8 marlas in Sector 32, Karnal. Direction has also been sought to the respondents to consider and allot a plot in the handicapped category to the petitioner for which he had applied for.

2. A few facts relevant for the decision of the controversy

involved as narrated in the petition may be noticed. Respondent No.1 Haryana Urban Development Authority, Panchkula (HUDA), floated a scheme for allotment of residential plots in Sector 32, Karnal under different categories by giving publication in different newspapers. As per brochure issued by the respondents, one 8 marla plot was kept reserved for the handicapped persons. The earnest money required to be deposited in case of handicapped/blind category was fixed at ₹ 1,28,300/- i.e. 10% of the total tentative price. The petitioner submitted his application dated 4.3.2011 alongwith demand draft of ₹1,28,300/- to the Oriental Bank of Commerce, Sector 7, Faridabad and acknowledgment slip was duly issued. Alongwith the application, domicile and handicapped certificates of the petitioner were also attached. The petitioner received registration card in the month of September 2011 in which he was shown in the general category although he had applied in the handicapped category. He immediately visited the office of respondent No.2 to enquire about the same. He came to know that the draw for allotment of plots had already been held on 30.8.2011. Having received no reply, the petitioner sought information under Right to Information Act, 2005 (in short, "the RTI Act") by moving an application dated 6.2.2012. Vide letter dated 6.3.2012, Annexure P.7, the respondent - HUDA informed the petitioner that since no document as required under the condition stipulated in the brochure was received with the application, his application had been considered in the general category. Thereafter, the petitioner served legal notice dated 2.4.2012, Annexure P.8 through registered post on the respondents. He also approached the District Consumer Disputes Redressal Forum but the complaint filed by him was

dismissed vide order dated 28.11.2014, Annexure P.9 on the ground that he is not a consumer qua the opposite parties. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. Grievance of the petitioner is that he had submitted an application in the reserve category of handicapped persons for allotment of a 8 marla plot in Sector 32, Karnal whereas the said application was considered in the general category by the respondents. It was urged that on account of wrong action of the respondents, the petitioner has been prejudiced. He has not been successful in getting the plot in the general category whereas his case should have been considered in the reserve category.

5. After hearing learned counsel for the petitioner, we do not find any merit in the contentions raised by the learned counsel for the petitioner.

6. As per information which was supplied under the RTI Act in response to the application dated 9.2.2012 submitted by the petitioner, it has been stated in the reply dated 6.3.2012 (Annexure P.7) that a public notice was issued by the office of HUDA in the newspapers on 17.8.2011 to the effect that in case the applicants had any objection, they may submit the same in the office with required documents by 23.8.2011. The said notice was also placed on HUDA web site and on the notice board in the office of HUDA. In case, the petitioner had any objection, the same could be filed with the office with requisite documents by 23.8.2011. No objections or documents were submitted by the petitioner till 29.8.2011. The draw was held on 30.8.2011 and the petitioner was considered in the general category in which he was not declared successful. Consequently, we do not find any

illegality or perversity in the impugned action of the respondents which may call for interference by this Court. Consequently, finding no merit in the writ petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 01, 2015
'gs'

(Rekha Mittal)
Judge