

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8942 of 2015

Date of Decision: 7.5.2015

Yogesh Chand Gaur

....Petitioner.

Versus

Haryana Urban Development Authority, Faridabad and another

...Respondents.

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

PRESENT: Mr. Adarsh Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this 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 convert the allotment of booth No. 188, Sector 7, Faridabad to an allotment of ownership from lease, made vide allotment letter dated 18.8.1994 by accepting his application allowing him to purchase the property as per policy dated 30.5.1988 (Annexure P-9), the judgments dated 27.8.2009 (Annexure P-10) and dated 2.6.2011 (Annexure P-11) passed by this Court interpreting the said policy. Further, a direction has been sought to transfer the booth in question in favour of the petitioner against the reserve price to be fixed by taking note of first auction conducting after 18.8.1994.

2. The petitioner submitted an application dated 11.8.1994 to the Administration/Estate Officer, Haryana Urban Development Authority (HUDA), Faridabad. In pursuance thereto and the order dated

16.8.1994 passed by the Administrator, HUDA, Faridabad, the petitioner was allotted booth No. 188, Sector 7, Faridabad for commercial purposes on payment of ₹ 1100/- per month vide allotment letter dated 18.8.1994 (Annexure P-1). The petitioner obtained distributorship of LPG from Hindustan Petroleum Corporation Limited and started his agency from the said booth. Initially the lease was for 11 months but was renewed in October 1995 and further application for renewal was submitted in June, 1996. Instead of renewing the lease, the respondents sought forcibly eviction of the petitioner upon which the petitioner filed civil suit in which status quo was granted in December, 1996. The petitioner vide letter dated 30.12.1996 (Annexure P-2) sought approval of the respondents to purchase the said booth at the reserve price of 1994. The petitioner also requested the respondents to get deposited the monthly rent and in the alternate to approve sale of booth. The respondents issued notice dated 11.7.1997 and the petitioner vide his letter dated 22.7.1997 (Annexure P-3) asked the respondents for acceptance of his offer for allotment of booth on the reserve price prevailing at the time of allotment. The petitioner sent a pay order amounting to ₹ 16,500/- as arrears of rent but the same was not accepted by the respondent. Thereafter, another letter dated 10.3.1999 (Annexure P-4) was sent to the respondents for sale of booth on reserve price. On the similar lines, letter dated 12.5.2007 (Annexure P-5) was also sent to the respondents. Thereafter, same request was made vide letters dated 27.3.2012, 12.5.2013 and 13.1.2015 (Annexure P-6 Colly). The respondents framed a policy dated 30.5.1988 (Annexure P-9) and as per the said policy, after a period of five years from the date of original lease, the lessee would be given an option to purchase the booth at the

reserve price fixed after the first auction of such lease. In pursuance thereto, the petitioner submitted letters for purchase of the booth in question. However, no option was given to the petitioner to purchase the booth in question. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that since no demand notice claiming the relief as raised in this petition has been filed with the respondents, liberty be granted to the petitioner to file a detailed and comprehensive representation before respondent No.2 by incorporating the grievance as raised in the present writ petition, however, direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before respondent No.2. It is directed that in the event of a representation being filed by the petitioner, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within a period of three months from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before respondent No.2.

(AJAY KUMAR MITTAL)
JUDGE

May 7, 2015
gbs

(REKHA MITTAL)
JUDGE