

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

CWP No.18546 of 2002

Date of decision : 2.3.2016.

Mahabir Parshad and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Fateh Saini, Advocate for
Mr. Vikram Jain, Advocate for the petitioners.
Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.
Mr. Pawan Girdhar, Advocate for respondents No.2 and 3.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioners have challenged the order dated 10.09.2002, demanding refund of the earnest money deposited by them and have sought an order directing the respondents to allot an alternative site in lieu of the booths allotted to them.

2. It appears that the site that was allotted to the petitioners has been encroached upon, as a result whereof, possession could not be handed over to the petitioners. In the course of correspondence between the parties certain alternative sites were suggested. Vide letter dated 23.07.1998, the petitioners were called upon to inform the respondents whether they were interested in taking a plot either in cinema or general market near the shopping centre-cum-residential area. By a further letter dated 5.11.1998, once again the petitioners were called upon to opt for an alternate plot in Sector RCC near Shopping Centre Cinema (Dharamshala). It was clarified

that if the alternate plot would be allotted in the same sector then the rates would be the same as mentioned in the allotment letter and in case the alternate plot was allotted in another sector then the prevailing rates of that sector would be charged. The petitioners were also given the option to wait for a plot in the same sector. The petitioners by a letter dated 19.11.1998, contended that no alternate plot had been allotted and once again requested the respondents to allot an alternative plot.

3. Ultimately, the impugned communication dated 10.09.2002, was issued for refunding the amount deposited by the petitioners. By an interim order dated 17.12.2013, a Division Bench recorded the statement on behalf of respondents No.2 and 3, that the Estate Officer, Hisar has sent the matter for consideration to the Chief Administrator, Haryana Urban Development Authority, Sector-5, Panchkula and the decision in this regard is likely to be taken within a short time. That was over two years ago, now it is informed that the matter is pending before the Administrator, HUDA, Panchkula. The respondents are, therefore, directed either to handover the vacant and peaceful possession of the original plot or to handover an alternative plot in accordance with the relevant policy, rules and regulations provided of course that the petitioners are entitled to the same. The respondents shall comply with this order by 31.05.2016.

4. Disposed of.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

2.3.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE