

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.10346 of 2015 (O&M)
DATE OF DECISION: 02.03.2016

M/s Osiris Consultants Pvt. Ltd.

....Petitioner

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: Ms. Bhupinder Kaur, Advocate for
Dr. Surya Parkah, Advocate for the petitioner

Mr. Rahul Dev Singh, DAG, Haryana

Mr. Deepak Balyan, Advocate and
Mr. Rajesh Gaur, Advocate for HUDA

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

The petitioner was originally allotted plot No.1689 in Sector 52, Gurgaon. Admittedly, possession of that plot was not handed over as there was a dispute in respect thereof. Accordingly, the respondents by a Memo dated 04.07.2014 informed the petitioner that at a draw held on 19.02.2014 an alternate plot bearing No.682-F in Sector 59, Gurgaon, was allotted to it. All other terms and conditions were to remain as per the letter of allotment dated 03.07.2003. The petitioner was requested to make further correspondence in respect of the alternate plot.

2. The petitioner by a letter dated 20.01.2015 informed the respondents that even the alternate plot was encroached upon and as such there was a dispute in respect thereof. The petitioner further alleged that the plot was not in a developed area. The petitioner contended that it was entitled to a plot in the adjoining sector.

3. There are policies in existence. The respondents admit the same. The respondents must decide the issue in accordance with the relevant policy. There is, for instance, a policy dated 18.02.2013. It is, of course, for the respondents to decide, in the first instance, whether the policy would be applicable to the petitioner's case or whether any other policy would be applicable to the petitioner's case. It is also for the respondents, in the first instance, to ascertain whether the petitioner's contention that the alternate plot is also encroached upon and that there are disputes in respect thereof is correct or not.

4. The petition is, therefore, disposed of by directing the respondents to take a decision in respect of the petitioner's representation dated 20.01.2015 in respect of an alternate plot. They shall do so by 30th April, 2016. The petitioner shall be at liberty to produce such evidence as it desires including the relevant policies and as to the availability of plots in the sectors as per the said policies.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

02.03.2016
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(ARUN PALLI)
JUDGE