

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12185 of 2016

Date of Decision: 4.7.2016

Vishal Garg and others

....Petitioners.

Versus

Haryana State Agricultural Marketing Board, Panchkula and another

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Gourav Goel, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondents to allow them to make the construction on the allotted plot without basement and to withdraw the letter dated 6.5.2016 (Annexure P-6).

2. The respondents conducted an open auction on 28.7.2015 and 4.11.2015 for the sale of commercial plots at Extension New Grain Market, Naraingarh, District Ambala. The petitioners participated in the said auction and were allotted plot No.15 in Extension New Grain Market,

Naraingarh vide allotment letter dated 14.10.2015 (Annexure P-1) after

accepting their bid of ₹ 58,20,000/-. The petitioners deposited 25%, i.e. ₹ 14,55,000/- of the allotment price and agreed to deposit the remaining amount in six half yearly installments. Offer of possession was issued to the petitioners vide letter dated 28.10.2015 (Annexure P-2). After getting the letter of possession of the plot in question, the petitioners wanted to construct the shop and when they went to the office of respondent No.2 for taking necessary permission, the condition for construction of basement was imposed. However, in the advertisement, nowhere it was stated that the construction of basement was mandatory in the plots. Accordingly, the petitioners sent a legal notice dated 15.3.2016 (Annexure P-3) to the respondents to withdraw the condition of construction of basement and permit them to make construction on the plot without basement or to refund the entire amount deposited by the petitioners along with interest and damages, but to no effect. The State of Haryana vide notification dated 17.4.2009 (Annexure P-5) notified that the allottees of shop/booths who intended to construct the basement have to pay an additional amount equal to 10% of the allotment price of the plot. Respondent No.1 vide letter dated 6.5.2016 (Annexure P-6) directed the petitioners to deposit 10% of the allotment price and to make construction with basement. The petitioners moved a representation dated 7.4.2016 (Annexure P-7) to respondent No.1 for resolving the issue with regard to construction of basement in the plot in question, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 15.3.2016 (Annexure P-3) followed by a representation dated 7.4.2016

(Annexure P-7) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.1 to take a decision on the legal notice dated 15.3.2016 (Annexure P-3) followed by a representation dated 7.4.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 4, 2016
gbs

(RAMENDRA JAIN)
JUDGE