

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12230 of 2016

Date of Decision: 4.7.2016

Indu Arora

....Petitioner.

Versus

State of Haryana and others

...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. Vikram Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 refund the amount deposited on account of non-construction fee qua the plot allotted to her. Further, a direction has been sought to the respondents to decide the legal notice dated 27.2.2016 (Annexure P-8) within some specified time.

2. The petitioner purchased booth No. 16P, Sector 6, Urban Estate, Karnal from the original allottees in the year 2007. She moved an application dated 19.7.2007 before the respondents for transfer of the said booth in her name after depositing an amount of ₹ 50,670/- as extension fee

upto the year 2006. The original allottees filed CWP No. 13642 of 2007 when the booth in question was resumed by the respondents. This Court vide order dated 19.2.2009 (Annexure P-1) allowed the said writ petition and the allottees, namely, Kusum Sharma and Suman Sharma deposited the amount demanded by the respondents. Against the order, Annexure P-1, the respondents filed LPA No. 1682 of 2010 which was dismissed by this Court vide order dated 7.9.2011 (Annexure P-2). The respondents challenged the order, Annexure P-2, before the Supreme Court by way of Special Leave Petition (SLP) and the said SLP was also dismissed by the Apex Court. Thereafter, the respondents issued re-allotment letter to the petitioner and vide letter dated 20.5.2013 demanded ₹ 6,47,782/- as extension fee which the petitioner deposited vide draft dated 22.6.2013 (Annexure P-3). The possession of the booth was given to the petitioner vide letter dated 19.8.2013. The petitioner approached the respondents for approval of the drawing of the booth in question and the respondents asked for deposit of an amount of ₹ 10,000/- which she did on 6.11.2013. The respondents vide letter dated 11.9.2015 (Annexure P-4) issued the drawing of the booth to the petitioner. Thereafter, the respondents demanded ₹ 7,44,180/- as extension fee from December, 2013 to December, 2015 and the petitioner deposited the said amount under protest vide receipt dated 24.7.2015 (Annexure P-5). The petitioner moved an application dated 7.12.2015 (Annexure P-6) through e-mail for refund of the extension fee. Respondent No.2 directed the petitioner to submit some enclosures regarding the refund of extension fee of booth No. 16P which she submitted vide letter dated 24.2.2016 (Annexure P-7). Thereafter, the petitioner sent a legal notice dated 27.2.2016 (Annexure P-8) to respondent No.2 for refund the amount

deposited on account of non-construction fee, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 27.2.2016 (Annexure P-8) to respondent No.2, but no action has so far been taken thereon.

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 directing respondent No.2 to take a decision on the legal notice dated 27.2.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 4, 2016
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(RAMENDRA JAIN)
JUDGE