

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13019 of 2016

Date of Decision: 8.7.2016

Anil Ahuja

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula 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. Johan Kumar, 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 allot alternative plot to him in Faridabad, in any sector, which is fully developed and free from the purview of the Forest Act, in lieu of plot No. 499, Sector 45, Faridabad, measuring 45 square meters.

2. Plot No. 499, Sector 45, measuring 45 square meters, Faridabad was initially allotted to Shri Sant Ram in draw of lots vide allotment letter dated 30.5.1994. Said Shri Sant Ram sold the plot in question to one Janak Raj Batra and allotment letter dated 6.7.2005 (Annexure P-1) in his favour

was issued. The petitioner purchased the said plot from Shri Janak Raj Batra vide registered sale deed dated 17.11.2015 (Annexure P-2). The petitioner requested the respondents to handover the possession of the plot in question, but to no effect. The respondents vide letter dated 4.7.2014 (Annexure P-3) declared that the plot in question comes under the forest area and, therefore, the possession of the same could not be given to the petitioner. The petitioner moved a legal notice dated 20.1.2016 (Annexure P-4) to the respondents for the allotment of an alternate plot 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 20.1.2016 (Annexure P-4) to the respondents, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-5 to P-9) passed by this Court.

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.1 to take a decision on the legal notice dated 20.1.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 8, 2016
gbs

(RAMENDRA JAIN)
JUDGE