

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13063 of 2016

Date of Decision: 24.8.2016

Vinod Kumar

....Petitioner.

Versus

Haryana Urban Development Authority and another

...Respondents.

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

PRESENT: Mr. Vivek Khatri, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 11.3.2016 (Annexure P-14) passed by respondent No.2 rejecting his claim of interest @ 9% per annum on the amount deposited by him. Further, a writ of mandamus has been sought directing the respondents to pay interest @ 9% per annum on the entire amount to the petitioner as the possession of the plot in question was not delivered within the specified time.

2. The respondents invited applications for the allotment of residential plots in various sectors including Sector 51, Gurgaon. In response thereto, the petitioner applied for a 10-Marla plot in Sector 51, Gurgaon and deposited the earnest money vide acknowledgment slip dated 28.6.2003 (Annexure P-1). The draw of lots was held and the petitioner

being declared successful was allotted plot No. 412 measuring 10-Marla vide allotment letter dated 9.2.2004 (Annexure P-2). The possession was offered to the petitioner by respondent No.2 vide letter dated 9.6.2006 (Annexure P-3). Respondent No.2 vide letter dated 4.11.2009 (Annexure P-4) informed the petitioner that the possession of the plot in question cannot be delivered as the same comes under the land possessed by Sheetal Enterprises. The petitioner requested respondent No.2 for the allotment of an alternative plot, but to no effect. Accordingly, the petitioner filed CWP No. 531 of 2010 and this Court vide order dated 14.1.2010 disposed of the said writ petition by directing respondent No.2 to decide his representation for the allotment of alternative plot. However, no action was taken thereon and the petitioner moved a representation dated 17.6.2010 (Annexure P-5) before respondent No.1 for compliance of the order dated 14.1.2010 passed by this Court. In pursuance thereto, respondent No.1 vide letter dated 25.6.2010 (Annexure P-6) directed respondent No.2 to comply with the order dated 14.1.2010. Respondent No.2 vide allotment letter dated 10.8.2010 (Annexure P-7) allotted plot No.895, Sector 51, Gurgaon to the petitioner in the exchange scheme and offered the possession thereof. As per the instructions/policies (Annexures P-8 to P-11, respectively), if the possession of the plot is not delivered to the allottee within a period of three years from the date of allotment, the original allottee have to be paid simple interest @ 9% per annum on the entire amount deposited by him after the expiry of three years of the allotment. Accordingly, the petitioner moved a representation dated 3.8.2015 (Annexure P-12) to respondent No.2 for interest on the entire amount deposited by him, but no response has been received till date. Thereafter, the petitioner filed a complaint dated

25.1.2016 (Annexure P-13) before the Chief Minister, Haryana. Respondent No.2 vide order dated 11.3.2016 (Annexure P-14) rejected the claim of the petitioner. 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 representation dated 3.8.2015 (Annexure P-12) 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 a representation dated 3.8.2015 (Annexure P-12), 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

August 24, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No