

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.23546 of 2011 (O&M)
DATE OF DECISION: 17.02.2016

Anand Kumar

....Petitioner

versus

Haryana Urban Development Authority and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sharad Aggarwal, Advocate for the petitioner
Mr. R.D. Bawa, Advocate for respondent Nos.1 to 3
Mr. Mahesh Dheer, Advocate for respondent No.4
Mr. Raman Gaur, Advocate for respondent No.5
..

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

The petitioner has sought the allotment of plot No.3535 in Sector 56, Faridabad. His case is that he was shown to be a successful candidate at the draw of lots held in the year 2009 and that despite the same respondents No.1 to 3 - HUDA have refused to allot the plot to him.

2. The petitioner seeks to support his case of being a successful candidate at the draw of lots on the basis of a statement allegedly furnished by HUDA to the State Bank of India (SBI), respondent No.4. The petitioner intended availing financial assistance from the SBI in relation to the said plot. The petitioner also relies upon a letter addressed by SBI to him dated

27.09.2011 stating that as per the list furnished by HUDA he was successful candidate.

3. HUDA, on the other hand, denies that the petitioner was declared a successful candidate at the draw of lots. HUDA has relied upon a list of successful candidates which does not include the petitioner. This itself is an implied denial of the list relied upon by the petitioner and the SBI. HUDA denied having issued the list to the SBI. This, in any event, would be a seriously disputed question of fact which cannot be considered in a petition under Article 226 of the Constitution of India.

4. In any event, it would not be possible to grant the petitioner the relief of a mandatory order directing HUDA to handover the plot to him. The plot was handed over to respondent No.5 being a successful candidate in the draw of lots in the year 2010 itself.

5. It is of vital importance to note that the plot which the petitioner alleges was allotted to him admeasures 10 marlas, whereas, the petitioner had applied for 8-marla plot. Lots are drawn separately for each category of plots. In other words, there is a separate draw of lots for 8-marla plots and 10-marla plots. Thus, the petitioner's application could never have been considered in the category of 10-marla plots. Even if, through inadvertence, the petitioner's application was considered in the 10-marla plots, it would be incorrect. There is, therefore, no question of directing HUDA to handover the said plot to the petitioner.

6. It is important to note that the result of the draw of lots is announced on the same day and a list is put up on the

website. This was done in the year 2009. The first letter addressed by the petitioner to HUDA was only on 13.01.2011.

7. In the circumstances, the petition is dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

17.02.2016
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(ARUN PALLI)
JUDGE