

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14405 of 2016

Date of Decision: 22.7.2016

Vipin Kumar

....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 Sector 21-C, Faridabad, or in any sector, which is fully developed and free from the purview of the Forest Act, in lieu of plot No. 148, Sector 21-C(III), Faridabad measuring 420 square meters.

2. Plot No. 148, Sector 21-C, Part III, Faridabad was initially allotted to Smt. Suman Rani vide allotment letter dated 12.8.1992. The petitioner purchased the said plot from Smt. Suman Rani and allotment letter dated 24.4.1996 (Annexure P-1) was issued in his favour. One Shri

Rakesh Kukreja had sought information under the Right to Information

Act, 2005 about the status of Sector 21-C (III). The said information was supplied vide reply dated 11.11.2014 (Annexure P-2) by the SPIO-cum-Deputy Superintendent, Estate Office, HUDA, Faridabad that the said Sector falls under the forest area. The petitioner requested the respondents to allot a alternative plot in lieu of Plot No. 148, Sector 21-C, Part III, but to no effect. Thereafter, the petitioner served a legal notice dated 4.2.2016 (Annexure P-3) upon respondents No.1 and 3 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 4.2.2016 (Annexure P-3) to respondents No.1 and 3, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-4 to P-8) 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 4.2.2016 (Annexure P-3), 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 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE