

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16478 of 2016

Date of Decision: 16.8.2016

Smt. Ram Kala

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Arun Yadav, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks a writ of certiorari for quashing the order/letter dated 29.6.2016 (Annexure P-4) passed by respondent No.4 rejecting her application for issuance of Occupancy Certificate of Plot No. 841, Sector 6, Part I, Dharuhera, measuring 10 marlas due to outstanding amount of ₹ 10,71,119/- against the said property. Further, a direction has been sought to the respondents to issue Occupancy Certificate of the said plot to the petitioner.

2. Plot No. 841, measuring 10 marla, Sector 6, Haryana Urban Development Authority, Dharuhera was allotted to one Shashi Bala Wadhwa, being original allottee vide allotment letter dated 27.1.1989. Vide re-allotment letter dated 24.2.1998 (Annexure P-1), the said plot was allotted to Shri Om Parkash and again vide re-allotment letter dated 2.11.2004 (Annexure P-2), the plot in question was allotted to Shri Parveen

Kumar. The said plot was again allotted to Shri Devender Dang vide re-allotment letter dated 25.10.2007 (Annexure P-3) and after that, the same was allotted to Smt. Anita Yadav vide re-allotment letter dated 5.11.2008 (Annexure P-4). Thereafter, the said plot was allotted to Shikha Johri and Pankaj Johri vide re-allotment letter dated 17.2.2010 (Annexure P-5) from whom the same was allotted to the petitioner vide re-allotment letter dated 24.7.2015 (Annexure P-6). Vide letter dated 31.12.2015 (Annexure P-7), the site plan/building plan of the petitioner was approved and she was given permission for erection of the building. The petitioner constructed the house as per the approved building plan and thereafter vide an application dated 31.5.2016 (Annexure P-8 Colly) sought permission to occupy submissions of complete drawings. As per the receipt dated 31.5.2016 (Annexure P-9), the occupation certificate was received by the authorities. However, the application of the petitioner was rejected by the authorities vide impugned order dated 29.6.2016 (Annexure P-10) due to outstanding amount of ₹ 10,71,119/- against the property. Accordingly, the petitioner moved a representation dated 4.7.2016 (Annexure P-11) to respondent No.4 for issuance of the Occupancy Certificate of the plot in question, 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 representation dated 4.7.2016 (Annexure P-11) to respondent No.4, 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.4 to take

a decision on the representation dated 4.7.2016 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondents No.5 and 6 within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 16, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No