

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16896 of 2016

Date of Decision: 22.8.2016

Sukanya Rampal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vikram Singh, 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 exchange his plot No. 337-T, Sector 21, Urban Estate, Gurgaon measuring 634 square yards as its dimensions are not uniform and it is not feasible to regularize having 5 angles/corners and is not constructible. Further, a direction has been sought to decide the application dated 23.6.2016 (Annexure P-6) moved by the petitioner.

2. Plot No. 337-T, Sector 21, Gurgaon measuring 630 square yards was allotted to Ms. Krishan Kamna Rampal vide allotment letter dated 4.4.2008. The possession certificate dated 20.11.2008 (Annexure P-1) was also issued to her. The plot in question was re-allotted to the petitioner vide re-allotment letter dated 13.5.2013 (Annexure P-2) on the basis of Will Transfer Permission letter dated 13.5.2013 and deed of conveyance was got registered on 30.9.2015 (Annexure P-3). The petitioner vide application

dated 2.6.2016 (Annexure P-4) requested for the physical possession of the plot and for clearance of dues, if any. The Haryana Urban Development Authority had framed a policy dated 18.2.2013 (Annexure P-5) for the exchange of plots where the dimensions of the plots were not uniform and it was not feasible to regularize. Accordingly, the petitioner moved an application dated 23.6.2016 (Annexure P-6) to respondent No.3 for the exchange of the plot in question and to allot a alternative 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 application dated 23.6.2016 (Annexure P-6) to respondent No.3, 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.3 to take a decision on the application dated 23.6.2016 (Annexure P-6), 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

August 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No