

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17535 of 2016

Date of Decision: 29.8.2016

Rishi Pal Deswal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ravinder Hooda, 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 him alternative plot No. 483 measuring 10 marlas in Sector 6, Rohtak or any other plot in the same location of the same measurement as the respondents have failed to hand over the physical possession of plot No. 503, Sector 6, Rohtak purchased by him within the prescribed period. Further, a direction has been sought to the respondents to refund the delayed interest levied on the installments regarding plot No. 503, Sector 6, Rohtak and to pay 9% interest on the amount deposited by the petitioner due to no offering of plot within the prescribed period of three years from the date of allotment.

2. The respondents vide notification dated 1.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 acquired the land of village

Para, Tehsil and District Rohtak for the development and utilization of land for Sector 6, Rohtak. The respondents carved out various plots and plot No. 506, Sector 6, Rohtak was initially allotted to one Shri Yogesh Kumar vide allotment letter dated 21.5.2012 (Annexure P-1). As per condition No.7 of the allotment letter, Annexure P-1, the possession of the plot was to be given within a period of three years from the date of allotment after completion of development work in the area and on failure to do so, the Haryana Urban Development Authority (HUDA) had to pay interest @ 9% per annum on the amount deposited by the allottee after the expiry of three years till the date of offer of possession. The petitioner purchased the said plot vide transfer of property application dated 17.12.2015. The Executive Engineer, HUDA, Electrical Division, Rohtak vide letter dated 29.12.2015 (Annexure P-2) informed respondent No.4 that the electrical development works were completed in Sector 6, Rohtak and possession of plot Nos. 500 to 508 and 552 to 553 can be offered. The petitioner moved an application dated 17.12.2015 for sanctioning the permission for transfer of plot which was sanctioned on 21.1.2016. Initially, the re-allotment of plot No. 503, Sector 6, Rohtak was sanctioned in favour of the petitioner, however, the same was cancelled on 22.3.2016. The petitioner came to know through reply dated 22.3.2016 (Annexure P-3) under the Right to Information Act, 2005 that CWP No. 20329 of 2011 is pending regarding plot Nos. 500 to 503. Thereafter, the respondents have allotted the plot in question to the petitioner vide re-allotment letter dated 13.6.2016 (Annexure P-4). The petitioner moved an application for handing over the possession of the plot in question which was declined by the respondents vide letter dated 11.7.2016 (Annexure P-5). Accordingly, the petitioner made a

representation dated 11.7.2016 (Annexure P-6) to respondent No.4 for interest @ 9% per annum qua plot No. 503, Sector 6, Rohtak, but to no effect. Thereafter, the petitioner made another representation dated 22.7.2016 (Annexure P-7) to respondent No.4 for the allotment of an alternate plot and refund of delayed interest, 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 the representations dated 11.7.2016 (Annexure P-6) and dated 22.7.2016 (Annexure P-7) 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.3 to take a decision on the representations dated 11.7.2016 (Annexure P-6) and dated 22.7.2016 (Annexure P-7), 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 29, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No