

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17598 of 2016

Date of Decision: 29.8.2016

Harbir Singh Rathee and another

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ramesh Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to provide physical possession of plot Nos. 378 and 380, Sector 9, Bahadurgarh owned by them vide conveyance deed dated 22.5.2012 and re-conveyance deed dated 21.8.2007 already allotted to them and the possession certificates as well as permission to raise construction was also granted by respondent No.3.

2. Petitioner No.1 was re-allotted plot No. 378, measuring 8 marlas, Sector 9, Bahadurgarh and the possession thereof was also delivered after the payment of transfer fees. Petitioner No.2 was allotted plot No. 380, Sector 9, Bahadurgarh and the physical possession thereof was given vide letter dated 30.11.2011 (Annexure P-1). Thereafter, the petitioners applied

for the approval of the map for the construction of the house which was

accorded vide letter dated 2.1.2015. When the petitioners started raising construction, some inhabitants of village Jatwara stopped the construction. The petitioner sent the letters dated 17.12.2014, 12.1.2015, 12.2.2015 and 12.3.2015 (Annexure P-2 Colly) to respondent No.3 that the construction could not be carried out due to the dispute between the inhabitants and the Haryana Urban Development Authority. Even respondent No.3 issued a permission letter to petitioner No.2 vide memo dated 2.1.2015 (Annexure P-3). Thereafter, the petitioners made a representation dated 18.3.2015 (Annexure P-4) to respondent No.2 issuance of a direction to respondent No.3 to sort out the matter, but to no effect. Vide letter dated 17.4.2015, the petitioners raised their grievance before the Additional Chief Secretary, HUDA. Respondent No.3 vide letter dated 3.8.2015 (Annexure P-5) asked petitioner No.1 to wait as the office of respondent No.3 was already looking into his grievance. Along with the letter, Annexure P-5, petitioner No.1 also received a letter dated 20.7.2015 (Annexure P-6) issued by respondent No.3 to respondent No.4 to submit a fresh and clear report qua the demarcation of khasra No. 1987 from which the plots in question were carved out by the respondents by carving the land. However, no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the letters dated 17.12.2014, 12.1.2015, 12.2.2015 and 12.3.2015 (Annexure P-2 Colly) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 letters dated 17.12.2014, 12.1.2015, 12.2.2015 and 12.3.2015 (Annexure P-2 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners 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