

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17931 of 2016

Date of Decision: 31.8.2016

Sheel Madhur, IPS

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**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 an alternative plot to him in Sector 21-C, Faridabad or any other sector which is fully developed and free from the purview of the Forest Act, in lieu of plot No. 41-SP, Sector 21-C(III), Faridabad measuring 420 square meters.

2. Plot No. 41-SP, Sector 21-C, Part III, Faridabad was allotted to the petitioner vide allotment letter dated 12.2.1996 (Annexure P-1). One Shri Rakesh Kukreja had sought information under the Right to Information Act, 2005 (in short "the Act") about the status of Sector 21-C (III). The petitioner made representations to the respondents for the allotment of alternate plot in lieu of the said plot and in this regard a letter dated 9.8.2012 (Annexure P-2) was forwarded by respondent No.3 to respondent No.1. Subsequently, vide letter dated 20.8.2014 (Annexure P-

3), the petitioner was informed that the respondents are going to held a draw

of lots on 25.8.2014 for the alternative plots. However, the name of the petitioner was not put in the draw of lots. The information sought under the Act was supplied vide reply dated 11.11.2014 (Annexure P-4) by the SPIO-cum-Deputy Superintendent, Estate Office, HUDA, Faridabad that the said Sector falls under the forest area. The petitioner served a legal notice dated 21.1.2016 (Annexure P-5) upon respondents No.2 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 21.1.2016 (Annexure P-5) to respondents No.2 and 3, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-7 to P-11) 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.3 to take a decision on the legal notice dated 21.1.2016 (Annexure P-5), 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 31, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No