

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18205 of 2016

Date of Decision: 2.9.2016

Shailesh Chauhan

....Petitioner.

Versus

Haryana Urban Development Authority, Faridabad

...Respondent.

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

PRESENT: Mr. Adarsh Jain, 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 respondent to incorporate transfer of residential plot No. 1022, Sector 31, Faridabad purchased by her after issuing 'No Due Certificate' and to forebear from alleging that the allotment made in favour of the vendor is under dispute as the alleged FIR wrongly registered had been cancelled and the respondent had framed a policy dated 11.8.2015 (Annexure P-8) to regularize and withdraw all cases regarding alleged multiple allotment of residential plots under reserved categories.

2. Plot No. 1022, Sector 31, Urban Estate, Faridabad was allotted to one Narender Kumar by the Haryana Urban Development Authority (HUDA) vide allotment letter dated 17.8.2004 (Annexure P-1). The possession thereof was given vide possession certificate dated 13.5.2005

(Annexure P-2). On receipt of entire dues, the HUDA executed registered

conveyance deed dated 15.2.2016 (Annexure P-3) in favour of said Shri Narender Kumar. The petitioner purchased the said plot from Shri Narender Kumar vide registered sale deed dated 17.2.2006 (Annexure P-4). The respondent got registered FIR No. 405 dated 13.7.2015, under Sections 181/203/406/420 of Indian Penal Code, at Police Station Faridabad Central (Annexure P-5) against vendor Shri Narender Kumar on the ground that it was a case of double allotment. On investigation, finding that no offence was made out, the police filed cancellation report dated 25.10.2015 (Annexure P-6). Various writ petitions had been filed by the bonafide purchasers of the residential plots in urban estates in Haryana whose plots were cancelled by the HUDA including CWP No. 16222 and 6539 of 2015. This Court vide order dated 8.4.2015 (Annexure P-7) passed in CWP No. 6539 of 2015, while issuing notice of motion had stayed the cancellation of the plot. In pursuance thereto, the HUDA framed a policy dated 11.8.2015 (Annexure P-8) that bonafide purchasers shall not be punished on account of alleged multiple allotments and in cases where FIR had been lodged. On the basis of the policy, Annexure P-8, this Court vide order dated 12.8.2015 (Annexure P-9) allowed the said writ petitions. The General Power of Attorney of Shri Narender Kumar vide application dated 19.2.2016 (Annexure P-10) applied for issuance of 'No Dues Certificate' so that the transfer of the ownership of the plot in question be made in favour of the petitioner, but to no effect. Accordingly, the petitioner served a legal notice dated 23.4.2016 (Annexure P-11) upon the respondent for transfer of residential plot No. 1022, Sector 31, Faridabad, 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 23.4.2016 (Annexure P-11) to the respondent, 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 the respondent to take a decision on the legal notice dated 23.4.2016 (Annexure P-11), 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

September 2, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No