

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18417 of 2016

Date of Decision: 5.9.2016

The Lord Budha Cooperative Group Housing Society Limited, GH-26,
Sector 21-C, Part III, Faridabad

....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 implement the decision dated 31.5.2016 (Annexure P-8) passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning and Urban Estate Department, Chandigarh and to calculate the dues and to pay the same to the petitioner along with interest. Further, a prayer has been made directing the respondents to decide the application dated 28.6.2016 (Annexure P-9) of the petitioner in view of the decision, Annexure P-8, within the time bound manner.

2. Plot No. 26, Sector 21-C, Part III, Faridabad was allotted to the petitioner for development and construction of group housing society for weaker sections vide allotment letter dated 22.6.2000 (Annexure P-1). The

said plot was resumed vide order dated 2.1.2008 due to non-payment of installments. The petitioner filed appeal against the order dated 2.1.2008, which was dismissed by respondent No.2 vide order dated 12.5.2008 and the revision thereof filed by the petitioner was disposed of by the Financial Commissioner and Principal Secretary to Government of Haryana, Chandigarh vide order dated 22.9.2009 with a direction to respondent No.1 to consider the issue of group housing societies in Sectors 21-C and 21-D, Faridabad in its entirety and get a policy on the subject approved from the competent authority. The petitioner was informed vide letter dated 6.6.2011 for completion of construction on group housing societies in view of revisional order dated 19.5.2010 and the petitioner was asked to file an appeal before the appellate authority keeping in view the said policy. The petitioner filed an appeal before respondent No.1 and the said appeal was allowed vide order dated 14.2.2012 (Annexure P-2) with a direction to the petitioner to deposit all the dues along with an additional penalty of ₹ 3 lacs. Accordingly, the resumption order was set aside. Thereafter, the review filed on the ground that basic facilities for development had been not provided as the site in question falls under forest area. The said review application was allowed vide order dated 11.5.2012 (Annexure P-3) by respondent No.2 and the interest, penalty and extension fee were waived off. The said order was passed by respondent No.1 considering that the development facilities had not been provided by the department and it was also mentioned that the department was at fault as the basic amenities were not provided, in the replies dated 16.3.2009 (Annexure P-4), dated 13.7.2012 (Annexure P-5) and dated 12.7.2016 (Annexure P-6) given to the applications under the Right to Information Act, 2005. The respondents

filed revision petition on 21.6.2012 (Annexure P-7) challenging the orders dated 29.2.2012 and 11.5.2012 before the Financial Commissioner, Country and Town Planning Department, Chandigarh which has been decided vide order dated 31.5.2016 (Annexure P-8) directing the HUDA to calculate the dues and if something has to be paid to the petitioner, the same be paid within 15 days from the date of receipt of the copy of the order. Thereafter, the petitioner moved an application dated 28.6.2016 (Annexure P-9) before respondent No.3 for implementing the order, Annexure P-8, and to pay the dues along with 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 an application dated 28.6.2016 (Annexure P-9) 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 28.6.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 5, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No