

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18433 of 2016

Date of Decision: 6.9.2016

SRM University

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rana Mukherjee, Senior Advocate with
Ms. Daisy Hannah, Advocate and
Mr. Jaivir S. Chandail, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the demand notice dated 17.2.2014 (Annexure P-4) issued by respondent No.2 and the show cause notices dated 19.1.2015 (Annexure P-6) and dated 6.7.2016 (Annexure P-8). Further, a writ of mandamus has been sought directing respondent No.2 to issue a fresh self-speaking and reasoned demand notice providing particulars regarding the additional price sought to be claimed.

2. Respondent No.2 acquired the land measuring 2006.44 acres including the land of the petitioner measuring 47.38 acres approximately for setting up the Rajiv Gandhi Education City (RGEC) in Sonapat. In the year

2011, a letter of intent/allotment letter dated 5.7.2011 (Annexure P-1) was

issued to the petitioner in respect of plot No. 39 situated in RGEC measuring 47.38 acres under Regulation 5(i) of the HUDA (Disposal of Land and Building) Regulations, 1978 (in short "1978 Regulations") for setting up an educational institution. The tentative sale price of ₹ 75,95,05,190/- fixed by respondent No.2 was duly paid by the petitioner. The landowners of the land acquired by the HUDA filed reference under Section 18 of the Land Acquisition Act, 1894 before the District Judge, Sonapat and the Additional District Judge, Sonapat vide judgment dated 31.3.2012 (Annexure P-2) enhanced the amount of compensation. The land in question was transferred in the name of the petitioner vide deed of conveyance dated 9.1.2014 (Annexure P-3). A demand notice dated 17.2.2014 (Annexure P-4) was issued to the petitioner for payment of an additional price under Regulations 2(b) & 10 of the 1978 Regulations. Feeling aggrieved, a joint petition dated 20.5.2014 (Annexure P-5) was submitted before respondent No.2 by the plot owners of the RGEC, Sonapat. However, no action was taken thereon. Thereafter, a notice dated 19.1.2015 (Annexure P-6) was issued to the petitioner to show cause as to why an amount of ₹ 6,56,92,028/- be not imposed as penalty. The petitioner submitted reply dated 18.2.2015 (Annexure P-7) to the said show cause notice. Respondent No.1 issued another show cause notice dated 6.7.2016 (Annexure P-8) demanding a sum of ₹ 7,82,78,344/- as penalty for non-payment of the enhanced cost of the plot in question. The petitioner submitted reply dated 8.8.2016 (Annexure P-9) to the said show cause notice, Annexure P-8. However, no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief

claimed in the writ petition, the petitioner has submitted reply dated 8.8.2016 (Annexure P-9) to show cause notice dated 6.7.2016 (Annexure P-8) to the Estate Officer, HUDA, Sonapat, 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 Estate Officer, HUDA, Sonapat to take a decision on the reply dated 8.8.2016 (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 6, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No