

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19639 of 2016

Date of Decision: 22.9.2016

Guramil Singh Kahlon

....Petitioner.

Versus

Punjab Urban Planning and Development Authority (PUDA), Mohali and others

...Respondents.

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

PRESENT: Mr. M.S. Bedi, 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 of the same dimensions as mentioned in the allotment letter or to allow him to construct the house as per the sanctioned map by giving exemption from leaving full 14 feet area at the back as there is deficiency of 8 square feet area.

2. The petitioner purchased Plot No. 23, Piggery Farm, PUDA Enclave, Gurdaspur from one Shri Kanal Mahajan who purchased the same from the original allottee Smt. Nirmala Devi. Originally, the plot was allotted to Smt. Nirmala Devi vide allotment letter dated 11.3.2014 (Annexure P-1) who deposited 25% of the total amount. The petitioner

moved an application along with the requisite fee for transfer of Plot No.23,

PUDA Enclave, Gurdaspur in his favour. Respondent No.2 issued re-allotment letter dated 16.7.2015 (Annexure P-2) in favour of the petitioner. The petitioner paid an amount of ₹ 15 lacs on 4.1.2016 and the rest of the amount was bifurcated into installments. As per the lay out plan, Annexure P-3, the dimensions of the plot were 33' x 70'. The petitioner got prepared his map for construction of the house and submitted for approval with respondent No.3 who vide letter dated 12.1.2016 (Annexure P-4) approved the map and sanctioned the map (Annexure P-5) with the direction that the demarcation be got done from the Junior Engineer and certificate be obtained regarding the same. The Junior Engineer (B&E), PUDA, Amritsar demarcated the plot and issued the letter of possession dated 5.8.2016 (Annexure P-6) mentioning the dimension of the plot at the spot as 33' x 62'-6". Accordingly, the petitioner moved a representation dated 30.8.2016 (Annexure P-7) to respondent No.2 for permission to construct the building over the said plot as per the sanctioned map and to exempt from leaving 14 feet area at the back of the house, 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 representation dated 30.8.2016 (Annexure P-7) to respondent No.2, 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.2 to take a decision on the representation dated 30.8.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No