

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19899 of 2016

Date of Decision: 24.9.2016

Ram Tirath

....Petitioner.

Versus

Haryana Urban Development Authority and others

...Respondents.

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

PRESENT: Mr. Aman Pal, 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 a plot of the same size and location in lieu of the plot already allotted to him in the draw of lots in Sector 46-II, Faridabad.

2. In the year 1991, respondent No.1 had offered plots. In response thereto, the petitioner applied for the plot. The petitioner was successful in the draw of lots and was allotted plot No. 920, Sector 46-II, Faridabad, measuring 10 Marlas vide allotment letter dated 15.1.1991 (Annexure P-1). The petitioner made full and final payment to respondent No.1 as per the demand notices and receipts (Annexure P-2 Colly). Respondent No.1 vide letter dated 27.4.2000 (Annexure P-3) informed the petitioner that the possession of plot No. 920, Sector 46-II, Faridabd could not be delivered due to some dispute raised by the original owner of the land and offered an alternative plot bearing No. 663, Sector 45, Faridabad.

The petitioner rejected the proposal of respondent No.1 of alternative plot on 11.6.2011 as the same was completely undeveloped and disconnected from the developed. Thereafter, the petitioner made the representations dated 21.1.2011 (Annexure P-5), dated 13.3.2013 (Annexure P-6), dated 10.1.2014 (Annexure P-7) and dated 4.5.2015 (Annexure P-8) to respondents No.3 and 4 for the allotment of a plot in lieu of the plot already allotted, 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 the representations dated 21.1.2011 (Annexure P-5), dated 13.3.2013 (Annexure P-6), dated 10.1.2014 (Annexure P-7) and dated 4.5.2015 (Annexure P-8) to respondents No.3 and 4, 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 representations (Annexures P-5 to P-8, respectively), 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 24, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No