

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19980 of 2016

Date of Decision: 26.9.2016

Pooja Kumari

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vikram Singh, 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 decide the application (Annexure P-10) for allotment of alternative plot in lieu of plot No. 885, Sector 52, Gurgaon allotted to her.

2. Plot No. 885, Sector 52, Gurgaon measuring 83.60 square meters was allotted to the petitioner vide allotment letter dated 22.7.2003 (Annexure P-1) for the tentative price of ₹ 3,00,960/-. The petitioner paid all the amount in installments along with interest as well as the enhanced compensation. Vide receipt dated 28.7.2010 (Annexure P-2), the petitioner requested for physical possession of the plot in question on single window counter of the Haryana Urban Development Authority (HUDA).

Respondent No.4 vide reply dated 17.9.2010 (Annexure P-3) informed the

petitioner that the physical possession of the plot cannot be delivered as the same is undeveloped and the same would be delivered only after completion of development work. The petitioner again moved applications dated 17.8.2011 (Annexure P-4), dated 28.7.2014 (Annexure P-5), dated 3.2.2015 (Annexure P-6) and dated 29.2.2016 (Annexure P-7) to respondent No.4 for possession of the plot in question, but to no effect. Thereafter, respondent No.1 issued a policy dated 16.4.2009 regarding exchange of plots to all the Administrators, HUDA and Estate Officers, HUDA for alternative plots in the same sector or in the adjacent sectors on the same rate, terms and conditions. The petitioner vide application dated 2.8.2016 (Annexure P-8) sought information under the Right to Information Act, 2005 for the development of plot Nos. 885 and 887, Sector 52, Gurgaon. Respondent No.4 vide reply dated 8.9.2016 (Annexure P-9) admitted that due to litigation on site, the development work is not completed. Thereafter, the petitioner moved an application (Annexure P-10) to respondent No.4 for possession of plot No. 885, Sector 52, Gurgaon or to allot the alternative plot, 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 (Annexure P-10) to respondent No.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.4 to take a decision on the application (Annexure P-10), 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 26, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No