

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20086 of 2016

Date of Decision: 26.9.2016

Randhir Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Kanwardeep 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 issue conveyance deed in his favour after depositing the outstanding amount with simple interest in view of direction of the Apex Court vide judgment dated 27.8.2013 in SLP No. 18595 of 2008; to set aside the order dated 29.7.2016 (Annexure P-2) directed the petitioner to deposit a sum of ₹ 34,620/- after charging compound interest @ 18% and adding the cost of third, fourth and fifth enhancement; to refund the amount paid in excess and to decide the representation dated 26.10.2015 (Annexure P-3) requesting for charging of simple interest on the amount of ₹ 29,772/-.

2. Plot No. 334-P, Sector 6, Urban Estate, Karnal measuring 4 marlas was allotted to the petitioner vide allotment letter dated 15.12.1982

(Annexure P-1) against the tentative price of ₹ 15307.60 including preferential charges. The petitioner paid 25% of the total price including the earnest money on 20.12.1982. The remaining 75% amount was deposited by the petitioner in installments from December, 1983 to August, 1989. Further, the petitioner deposited ₹ 13,568/- on 9/10.5.2012 outstanding in his account statement. The Supreme Court vide order dated 27.8.2013 passed in SLP No. 18595 of 2008 (HUDA v. Anju Bajaj) issued guidelines to the Haryana Urban Development Authority that they can only charge simple interest on delayed payments for the allotment of plots and said guidelines were to be applied uniformly to all the applicants. The petitioner vide letter dated 24.6.2015 applied for the execution of the conveyance deed in his favour as per condition No.13 of the allotment letter. Respondent No.3 vide office order dated 29.7.2016 (Annexure P-2) demanded a sum of ₹ 34,620/-. Accordingly, the petitioner moved the representations along with various documents (Annexure P-3) for execution of conveyance deed and charging of compound interest on installment and enhancement to respondent No.3, 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 along with documents (Annexure P-3 Colly) 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 representations (Annexure P-3 Colly), 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